



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 6
(2007, chapter 10)

An Act to amend various legislative provisions respecting municipal affairs

Introduced 15 May 2007
Passed in principle 31 May 2007
Passed 25 October 2007
Assented to 25 October 2007

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EXPLANATORY NOTES

This bill introduces changes in the urban agglomeration powers exercised by the urban agglomeration of Longueuil in order to exclude jurisdiction over industrial parks, thoroughfares making up the arterial road system of the urban agglomeration and certain components of the water supply and water purification systems. Industrial parks, thoroughfares, and water and sewer mains located in industrial parks are also excluded from the urban agglomeration powers exercised by the urban agglomeration of Québec. These powers are to be exercised by the related municipalities.

The bill increases the number of members of the board of directors of the Société de transport de Longueuil to 12, comprising six representatives from the regular council of Ville de Longueuil, one from the council of each of the reconstituted municipalities of the urban agglomeration and two from among users of public transit services.

The bill provides for the creation of a board of arbitration to revise the list of equipment, infrastructures and activities of collective interest, as well as the plans for the arterial road system and water supply and water purification systems over which the urban agglomeration council of Ville de Québec has jurisdiction. It sets in place a mechanism to limit the changes made to the list and the plans by the board of arbitration.

Under the bill, from the fiscal year 2008, any urban agglomeration expenditure of the urban agglomeration of Québec or the urban agglomeration of Longueuil is to be financed by the aliquot shares paid by the related municipalities in the proportions determined by the urban agglomeration council.

The bill amends the Act respecting municipal taxation to provide that a body may no longer apply to the Commission municipale du Québec for recognition giving rise to a business tax exemption if, at the time of the application, there is no business tax imposed by the municipality concerned. Provision is also made for the lapsing by operation of law of recognition previously granted by the Commission municipale du Québec if the municipality ceases to impose the business tax. Lastly, it provides that, for the purposes of the fiscal year 2007, Ville de Montréal is deemed to have imposed a business

tax for the application of the provisions relating to exemptions resulting from recognition granted by the Commission.

The bill simplifies the process for claiming compensations in lieu of taxes for immovables in the education and the health and social services sectors by providing that the extracts from the roll that contain the entries used to calculate the amounts due and are sent to the Minister of Municipal Affairs and Regions by the municipalities stand in lieu of a request for payment.

Under the bill, in accordance with the agreement in principle concerning subway cost sharing, the municipalities forming part of the territory of the Agence métropolitaine de transport and situated outside the urban agglomeration of Montréal are bound to contribute to the financing of the subway for the years 2007 to 2011. In addition, the Communauté métropolitaine de Montréal will be required to approve the part of the capital expenditures program of the Société de transport de Montréal specific to the capital expenditures related to the subway network, as well as any loan with a term of more than five years ordered by the Société for the network.

The bill authorizes a municipality to pass a resolution ordering construction or improvement work when the cost of the work is financed by sums appropriated from its working fund or obtained by means of a loan ordered by a by-law that sets out the purpose of the loan in general terms. The bill also grants local municipalities the power to maintain a private waste water treatment system at the owner's expense.

Lastly, the bill contains various other provisions relating to certain specific situations.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Municipal Powers Act (R.S.Q., chapter C-47.1);

- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Civil Protection Act (R.S.Q., chapter S-2.3);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Municipal Works Act (R.S.Q., chapter T-14);
- Act to amend the Act respecting municipal courts, the Courts of Justice Act and other legislative provisions (2002, chapter 21).

Bill 6

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE AGENCE MÉTROPOLITAINE
DE TRANSPORT

1. Section 48 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is replaced by the following section:

“**48.** The municipalities in the area of jurisdiction of the Agency that are situated outside the territory of the urban agglomeration of the island of Montréal are bound to contribute to the financing of the subway for the years 2007 to 2011. The annual amount of the contribution of each municipality is determined in accordance with the agreement in principle concerning the rules for apportioning the subway deficit approved by resolution CC07-009 adopted by the council of the Communauté métropolitaine de Montréal on 22 February 2007 and attached to the resolution.”

2. Section 50 of the Act is replaced by the following section:

“**50.** The Agency may make an agreement with the Communauté métropolitaine de Montréal with respect to collecting the contributions referred to in section 48 and, in particular, the manner of collecting them.”

CHARTER OF VILLE DE MONTRÉAL

3. Division VII of Chapter II of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), comprising sections 58 to 71, is repealed.

4. Schedule C to the Charter is amended by inserting the following chapter after section 231.1:

“CHAPTER V.1

“CONSEIL DES ARTS DE MONTRÉAL

“**231.2.** An arts council is established under the name “Conseil des arts de Montréal”.

The arts council is a legal person established in the public interest.

“231.3. The arts council has the following functions:

(1) to draw up and keep a permanent list of the associations, societies, organizations, groups or persons engaged in artistic and cultural activities in the urban agglomeration of Montréal;

(2) to combine, co-ordinate and promote artistic or cultural initiatives in the urban agglomeration of Montréal; and

(3) within the limits of the revenues available for that purpose and in conformity with the programs referred to in section 231.14, to designate the associations, societies, organizations, groups or persons and the artistic or cultural events to which or in respect of which grants, prizes or other forms of financial assistance are to be paid.

The urban agglomeration council may, by by-law, confer any other power on the arts council or impose on it any other duty it considers advisable to better enable it to attain its objects.

“231.4. The arts council shall determine, by a by-law submitted to the urban agglomeration council for approval, the number of members composing the arts council, the qualifications they must have, the duration of their terms and the time and method of their appointment and replacement.

It shall also determine, in the same manner, the rules of internal management and operation of the arts council, and the rules of procedure for its meetings.

“231.5. The members of the arts council must be Canadian citizens and be domiciled in the urban agglomeration of Montréal.

“231.6. After consulting bodies it considers representative of the arts community, the urban agglomeration council shall appoint the members of the arts council and designate a president and two vice-presidents from among the members, by a decision made by a two-thirds majority of the votes cast.

“231.7. The members of the arts council are not remunerated. However, they are entitled to reimbursement by the arts council for all expenses authorized by the arts council and incurred by the members in the exercise of their functions.

“231.8. The treasurer of the city or such assistant as the treasurer may designate is by virtue of office the treasurer of the arts council.

“231.9. The urban agglomeration council shall determine the guiding principles of the arts council.

“231.10. On or before 31 October, the arts council shall send the urban agglomeration council its action plan and budget for the following fiscal year, for approval.

“231.11. The fiscal year of the arts council coincides with that of Ville de Montréal.

The city’s auditor shall audit the financial statements of the arts council and, within 120 days following the end of the fiscal year, make a report of that audit to the urban agglomeration council.

“231.12. Within 120 days following the end of the fiscal year, the arts council shall send the urban agglomeration council a copy of its financial statements and a report on its activities for the fiscal year.

“231.13. The following revenues are available to the arts council:

(1) the sums voted annually for that purpose out of the part of the city’s budget under the responsibility of the urban agglomeration council;

(2) the sums mentioned in subparagraph 1 that have not been used before the end of the fiscal year;

(3) the gifts, legacies and grants made to the arts council; and

(4) any other revenue, in particular the interest produced by the revenues mentioned in subparagraphs 1 to 3.

The urban agglomeration council may, by by-law, prescribe the minimum amount that must be allocated annually for the purposes of subparagraph 1 of the first paragraph. As long as the by-law is in force, the treasurer of the city must include the amount prescribed in the certificate the treasurer prepares in accordance with section 474 of the Cities and Towns Act (chapter C-19).

Out of the amounts other than those mentioned in subparagraphs 1 and 2 of the first paragraph, the arts council, with the approval of the urban agglomeration council, may reserve a part in respect of which it uses only the interest for the purposes mentioned in section 231.14.

“231.14. The revenues available to the arts council are used exclusively to defray the administrative costs of the arts council and to pay grants, prizes and other forms of financial assistance in conformity with the terms of the programs established by the council and approved by the urban agglomeration council.

“231.15. Sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply to the arts council with the necessary modifications. The arts council is deemed to be a local municipality for the purposes of the regulation made under section 573.3.0.1 of that Act.”

CHARTER OF VILLE DE QUÉBEC

5. Section 73 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing “this paragraph” in the eighth line of the first paragraph by “this section”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

6. Section 158 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by adding the following paragraphs after the third paragraph:

“The Community shall approve the part of the program of capital expenditures of the Société de transport de Montréal specific to the capital expenditures related to the subway network, as well as any loan with a term of more than five years ordered by the Société for the network, when the sum of repayment exceeds five years.

The decision to approve that part of the program of capital expenditures or a loan for the subway network must be made by a two-thirds majority of the votes cast. If approval is refused, the refused proposal may be submitted to the council of the Community again if a period of at least 15 days has elapsed; a simple majority then suffices to approve the proposal.”

MUNICIPAL POWERS ACT

7. The Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by inserting the following section after section 25:

“**25.1.** A local municipality may maintain a private waste water treatment system at the expense of the owner of the immovable.”

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

8. Section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended by replacing “first aid” in subparagraph *a* of paragraph 8 by “first responder”.

9. Section 22 of the Act is amended by adding the following paragraph after the fourth paragraph:

“The fourth paragraph does not apply to the urban agglomeration council of Québec. In that case, the document identifying the thoroughfares forming the arterial road system in the urban agglomeration is amended in accordance with Chapter III.1.”

10. Section 25 of the Act is amended by replacing “, the urban agglomeration of Québec and the urban agglomeration of Longueuil” in the first and second lines of the first paragraph by “and the urban agglomeration of Québec”.

11. Section 27 of the Act is amended by adding the following paragraph after the third paragraph:

“The third paragraph does not apply to the urban agglomeration council of Québec. In that case, the document identifying the water and sewer mains that are not purely local is amended in accordance with Chapter III.1.”

12. Section 28 of the Act is amended by replacing “those referred to in section 25” in the first and second lines of the first paragraph by “the urban agglomeration of Montréal, the urban agglomeration of Québec and the urban agglomeration of Longueuil”.

13. Section 39 of the Act is amended by adding the following paragraph after the second paragraph:

“The second paragraph does not apply to the urban agglomeration council of Québec. In that case, the list of equipment, infrastructures and activities of collective interest is amended in accordance with Chapter III.1.”

14. The Act is amended by inserting the following after section 44:

“CHAPTER III.1

“BOARD OF ARBITRATION

“**44.1.** In the urban agglomeration of Québec, a board of arbitration is established to identify, in accordance with section 44.3,

(1) the thoroughfares forming the arterial road system in the urban agglomeration;

(2) the water and sewer mains that are not purely local; and

(3) the equipment, infrastructures or activities of collective interest.

“**44.2.** The board of arbitration is composed of three members designated as follows:

(1) the mayors of the reconstituted municipalities designate one, in the manner they choose;

(2) the central municipality, acting through its regular council following a report of the executive committee that may not be amended, designates one; and

(3) the Minister designates one.

“44.3. At the request of a related municipality, the board may, if it has never done so, evaluate whether

(1) thoroughfares should be included in the arterial road system of the urban agglomeration;

(2) water or sewer mains are not purely local; and

(3) equipment, infrastructures or activities are of collective interest, taking into account the conditions and criteria set out in section 40.

For the purposes of the first paragraph, the mandate of the board may only concern thoroughfares, mains, equipment or infrastructures acquired or built by the related municipality on or after 25 October 2007 or activities carried on on or after that date.

The board must send its decision within 30 days after receiving the request, to the related municipalities of the urban agglomeration and to the Minister. If the board determines that thoroughfares, mains, equipment, infrastructures or activities must be added to a document referred to in section 22, 27 or 39, it makes the amendment, which comes into force on the date of its publication in the *Gazette officielle du Québec*.

“44.4. If thoroughfares, mains, equipment or infrastructures were acquired or built by a related municipality before 25 October 2007 or activities were carried on before that date, the urban agglomeration council may, by by-law, add them to a document referred to in section 22, 27 or 39, or remove them from it. The decision to adopt the by-law must be made by a majority of the votes cast, and the majority must include both a majority of the votes cast by the members representing the central municipality and the votes cast by one member representing a reconstituted municipality.

If the board of arbitration has already examined thoroughfares, mains, equipment or infrastructures acquired or built by a related municipality on or after 25 October 2007, or activities carried on on or after that date, the urban agglomeration council may, by a by-law subject to the right of objection under section 115, add them to a document referred to in section 22, 27 or 39 or remove them from it.

An amendment made under the first or second paragraph must be sent to the Minister and it comes into force on the date of its publication in the *Gazette officielle du Québec*.”

15. Section 104 of the Act is repealed.

16. Section 112 of the Act is amended by striking out the third paragraph.

17. Section 115 of the Act is amended by replacing “, 99.1 or 112” in the first paragraph by “or 99.1”.

18. Section 115.1 of the Act is amended by striking out “or 112” in subparagraph 2 of the first paragraph.

19. The Act is amended by inserting the following after section 118.1:

“TITLE IV.1

**“SPECIAL PROVISIONS APPLICABLE TO THE URBAN
AGGLOMERATIONS OF QUÉBEC AND LONGUEUIL**

“CHAPTER I

“ALIQOT SHARES

“118.2. An expenditure incurred by Ville de Québec or Ville de Longueuil in the exercise of an urban agglomeration power is financed by the aliquot shares paid by the related municipalities of the urban agglomeration concerned.

The first paragraph does not prevent the central municipality from financing such an expenditure by revenue from a source other than a tax or a compensation. The only mode of tariffing that may be provided for by the central municipality for that purpose is a fixed 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 an amount exigible in the same manner as a subscription.

“118.3. Urban agglomeration expenditures are apportioned among the related municipalities in proportion to their respective fiscal potentials within the meaning of section 261.5 of the Act respecting municipal taxation (chapter F-2.1), which applies after replacing “0.48” in subparagraph 2 of the first paragraph by “1.65”.

However, the urban agglomeration council may provide, by a by-law subject to the right of objection under section 115,

(1) that all or part of the urban agglomeration expenditures be apportioned according to another criterion, including any change to an element of the criterion set out in the first paragraph; or

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

“118.4. The urban agglomeration council may, by a by-law subject to the right of objection under section 115, prescribe the manner in which the aliquot shares and their payment by the related municipalities are determined.

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 related to the exercise of its 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 each 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 a part of the budget of the central municipality related to the exercise of its urban agglomeration powers or from the successive use of provisional and final data in determining the basis of apportionment of the urban agglomeration expenditures.

“118.5. For the purpose of financing the urban agglomeration expenditure that is the contribution of the central municipality to the financing of the expenditures of the transit authority governed by the Act respecting public transit authorities (chapter S-30.01) whose territory corresponds to the urban agglomeration, section 488 of the Cities and Towns Act (chapter C-19) applies to each related municipality as if the aliquot share was an amount payable directly to the transit authority.

“CHAPTER II

“MODIFICATIONS

“118.6. This chapter applies for the purpose of modifying or rendering inapplicable certain provisions of this Act with regard to the urban agglomerations of Québec and Longueuil.

“DIVISION I

“MODIFICATIONS APPLICABLE TO THE URBAN AGGLOMERATION OF LONGUEUIL

“118.7. Section 19 is modified

(1) by striking out paragraph 3;

(2) by replacing paragraph 5 by the following paragraphs:

“(5) water supply as far as the following equipment is concerned:

(a) water collection works, including water intakes;

(b) supply lines;

(c) filtration plants;

(d) reservoirs;

(e) chlorination stations; and

(f) any other equipment on the list drawn up under section 39;

“(5.1) water purification as far as the following equipment is concerned:

(a) treatment plants;

(b) outfalls;

(c) pumping or lift stations that ensure gravity flow to a treatment plant;
and

(d) any other equipment on the list drawn up under section 39;”;

(3) by striking out “industrial parks and” in subparagraph *e* of paragraph 11.

“118.8. Division III of Chapter II of Title III, comprising sections 22 to 24.1, does not apply.

“118.9. Sections 25 to 28 are replaced by the following section:

“25. The exclusive jurisdiction of Ville de Longueuil over water purification does not apply in the territory of Ville de Saint-Bruno-de-Montarville.”

“118.10. Section 115 is modified by replacing “22, 27, 30, 34, 36, 38, 39, 41, 47, 55, 56, 69, 78, 85 or 99.1” in the first paragraph by “30, 37, 38, 39, 41, 47, 55, 56, 69, 99.1, 118.3 or 118.4”.

“DIVISION II

“MODIFICATIONS APPLICABLE TO THE URBAN AGGLOMERATION OF QUÉBEC

“118.11. Section 19 is modified by striking out “industrial parks and” in subparagraph *e* of paragraph 11.

“118.12. Section 115 is modified by replacing “22, 27, 30, 34, 36, 38, 39, 41, 47, 55, 56, 69, 78, 85 or 99.1” in the first paragraph by “22, 27, 30, 37, 38, 39, 41, 47, 55, 56, 69, 99.1, 118.3 or 118.4”.

“DIVISION III

“MODIFICATIONS APPLICABLE TO BOTH URBAN AGGLOMERATIONS

“118.13. Division VIII of Chapter II of Title III, comprising sections 32 to 36, does not apply.

“118.14. Section 37 is replaced by the following section:

“37. The exclusive jurisdiction of the central municipality over assistance intended specifically for business consists, as regards tax credits, in prescribing, by a 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 establishing a program for granting such a credit.”

“118.15. Section 46 is modified by striking out “or levy taxes” in the second line of the second paragraph.

“118.16. Section 70 is modified by replacing “tout” in the first line in the French text by “le”.

“118.17. Section 76 is modified

(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.

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

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

“118.20. Section 114 does not apply.

“118.21. Section 115.1 is modified

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

“(1) is provided for under section 118.3 or 118.4;”;

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

“The possibility that an overpayment of an aliquot share referred to in section 118.2 be used to reduce an aliquot share determined for the following fiscal year is one way of managing the resolatory effects of a refusal.”

“118.22. Section 116 is modified by striking out the first paragraph.

“118.23. Section 118.1 is modified by replacing “When the taxes and other revenues” at the beginning of the third paragraph by “When the revenues”.”

20. The Act is amended by replacing “agglomeration” in section 33 and in the heading of Chapter IV of Title V by “urban agglomeration”.

ACT RESPECTING MUNICIPAL TAXATION

21. Section 243.4 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by striking out the third paragraph.

22. Section 243.15 of the Act is amended by adding the following paragraph at the end:

“Recognition giving rise to a business tax exemption also lapses by operation of law if the municipality having jurisdiction ceases to impose the tax.”

23. Section 243.16 of the Act is amended

(1) by replacing “of recognition by operation of law” in the first line of the first paragraph by “provided for in the first paragraph of section 243.15”;

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

“The lapsing provided for in the second paragraph of section 243.15 takes effect on 1 January of the fiscal year for which the business tax ceases to be imposed.”

24. Section 254.1 of the Act is amended by adding the following paragraph at the end:

“If, under the regulation, the Minister is required to pay the amount in respect of an immovable contemplated in any of the last three paragraphs of section 255, sending an extract from the property assessment roll concerning the immovable, as provided for in section 80.2, stands in lieu of filing the demand for payment in respect of the immovable. The substitution is only valid if the extract includes every entry contained on the roll and needed to calculate the amount and if the extract is sent within the time limit prescribed in section 80.2. It is not valid in respect of a demand for payment resulting from an alteration to the roll.”

CIVIL PROTECTION ACT

25. Section 43 of the Civil Protection Act (R.S.Q., chapter S-2.3) is amended by adding the following at the end of the second paragraph: “The council may designate one of its members to act as acting mayor if the mayor is absent or unable to act. If the council of Ville de Montréal avails itself of this power, it may also designate the chair of the Commission de la sécurité publique of the urban agglomeration of Montréal to replace the mayor if the designated council member is absent.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

26. Section 11 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is replaced by the following section:

“**11.** Despite section 6, the board of directors of the Société de transport de Longueuil is composed of 12 members designated as follows:

(1) Ville de Longueuil, acting through its regular council, designates six members from that council;

(2) Ville de Longueuil, acting through its urban agglomeration council, designates two members from among the residents of the urban agglomeration, one of whom is a user of the public transit system and one of whom is a user of services adapted to the needs of handicapped persons;

(3) each of the other municipalities whose territory is included in the urban agglomeration designates one member from among its council members.

For the purposes of subparagraph 2 of the first paragraph, one of the users must be a resident of the central municipality and the other a resident of another municipality whose territory is included in the urban agglomeration.”

27. Section 158 of the Act is amended by replacing the second paragraph by the following paragraph:

“That part of the program must be sent for approval to the Communauté métropolitaine de Montréal; a copy must also be sent to the Agence métropolitaine de transport. Sections 134 and 135 apply with the necessary modifications.”

28. The Act is amended by inserting the following section after section 158:

“**158.1.** In addition to the approvals required under section 123, loans ordered by the Société de transport de Montréal for the subway network must also be approved by the Communauté métropolitaine de Montréal when the term of repayment exceeds five years.”

29. The Act is amended by replacing “agglomeration” wherever it appears in sections 1, 8, 9 and 114 by “urban agglomeration”.

MUNICIPAL WORKS ACT

30. Section 2 of the Municipal Works Act (R.S.Q., chapter T-14) is amended

(1) by inserting the following paragraphs after paragraph 2:

“(2.1) a part of its working fund not otherwise appropriated;

“(2.2) a part of the sums obtained by means of a loan ordered by a by-law referred to in the second paragraph of section 544 of the Cities and Towns Act (chapter C-19) or article 1063 of the Municipal Code of Québec (chapter C-27.1) not otherwise appropriated;”;

(2) by replacing “two or three” in the first line of paragraph 4 by “two or more”.

ACT TO AMEND THE ACT RESPECTING MUNICIPAL COURTS, THE COURTS OF JUSTICE ACT AND OTHER LEGISLATIVE PROVISIONS

31. Section 54 of the Act to amend the Act respecting municipal courts, the Courts of Justice Act and other legislative provisions (2002, chapter 21) is amended by replacing “2007” by “2008”.

OTHER AMENDING PROVISIONS

Québec

32. Section 33 of Order in Council 1211-2005 dated 7 December 2005, concerning the urban agglomeration of Québec, amended by section 57 of Order in Council 1003-2006 dated 2 November 2006, is again amended by inserting “, except those situated in an industrial park,” after “September 2005”.

33. Section 34 of the Order in Council is amended by inserting “, except those situated in an industrial park,” after “2005” in the fourth line.

34. Section 54 of the Order in Council, amended by section 61 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the third paragraph by “revenues deriving from the aliquot shares paid by the related municipalities”.

35. Sections 56, 57 and 58 of the Order in Council are repealed.

36. Section 60 of the Order in Council is amended by replacing the seventh paragraph by the following paragraph:

“For the purpose of financing the expenditures resulting from the application of the third, fourth and fifth paragraphs, the urban agglomeration council may set by by-law the aliquot share of the expenditures relating to a contract or agreement that is to be payable by each municipality concerned.”

37. Section 62.1 of the Order in Council, enacted by section 62 of Order in Council 1003-2006 dated 2 November 2006, is repealed.

Longueuil

38. Section 5 of Order in Council 1214-2005 dated 7 December 2005, concerning the urban agglomeration of Longueuil, is amended by adding the following at the end of the third paragraph: “However, if the mayor made the designation in advance and neither the mayor nor the designated person is present at a meeting of the urban agglomeration council, the council of the related municipality has exclusive power, until the next general election, to designate a councillor to replace the mayor.”

39. Section 13 of the Order in Council, amended by section 12 of Order in Council 549-2006 dated 14 June 2006, by section 2 of Order in Council 910-2006 dated 5 October 2006 and by section 65 of Order in Council 1003-2006 dated 2 November 2006, is replaced by the following section:

“13. Subject to any provision of an Act requiring a decision to be made unanimously, the decisions of the urban agglomeration council are made by a two-thirds majority of the votes of the members of the council.

When a proposal submitted to the urban agglomeration council is the subject of a negative decision, it may, unless the decision was made by a two-thirds majority of the votes of the members of the council, be submitted to the Commission municipale du Québec, which then decides instead of the council, without however being able to change the proposal.

The decision of the urban agglomeration council to submit the proposal to the Commission municipale du Québec is made by a majority of the votes cast by the representatives of the central municipality or by the representatives of the reconstituted municipalities. For the purposes of that decision and despite section 12, the quorum that applies is a majority of the representatives of the central municipality or the representatives of the reconstituted municipalities, depending on whether the decision is made by the first or the second group.

If that is the case, the central municipality is to send to the Commission all the documents useful or necessary for making a decision, and any other document requested by the Commission. The Commission’s decision is considered to be a decision of the urban agglomeration council, except that the right of objection under section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations does not apply.”

40. The Order in Council is amended by inserting the following section after section 13:

“13.1. If, during the discussion and vote on a matter referred to the urban agglomeration council, a member of the regular council of the central municipality or the council of a reconstituted municipality does not act in conformity with the stance taken by the council of the municipality the member represents, or does not take part in the discussion or vote, the member is deemed to have voted in conformity with the stance taken by the council of the municipality the member represents.

The first paragraph applies to the extent that the decision made by the regular council of the central municipality or the council of a reconstituted municipality was sent to the urban agglomeration council before the meeting in which the matter referred to in the first paragraph was referred to it.”

41. Sections 34 to 36 of the Order in Council are repealed.

42. Section 57 of the Order in Council, amended by section 72 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the fourth paragraph by “revenues deriving from the aliquot shares paid by the related municipalities”.

43. Sections 61 and 62 of the Order in Council are repealed.

44. Section 68 of the Order in Council is amended by replacing the seventh paragraph by the following paragraph:

“For the purpose of financing the expenditures resulting from the application of the third, fourth and fifth paragraphs, the urban agglomeration council may set by by-law the aliquot share of the expenditures relating to a contract or agreement that is to be payable by each municipality concerned.”

45. Section 70.2 of the Order in Council, enacted by section 18 of Order in Council 549-2006 dated 14 June 2006 and amended by section 73 of Order in Council 1003-2006 dated 2 November 2006, is repealed.

46. Section 70.4 of the Order in Council, enacted by section 18 of Order in Council 549-2006 dated 14 June 2006 and amended by section 74 of Order in Council 1003-2006 dated 2 November 2006, is repealed.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

47. A reconstituted municipality, within the meaning of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), whose property assessment roll came into force on 1 January 2007 and has an extended application period ordered under the second paragraph of section 140 of the Act to again amend various legislative provisions respecting municipal affairs (2006, chapter 60), that did not apply, in 2007, the modifications concerning the averaging of the variation in the taxable values resulting from the coming into force of the property assessment roll provided for in the schedule to the latter Act, despite section 144 of that

Act, may continue to not apply them if it adopts a resolution to that effect before its budget or any part of its budget for the fiscal year 2008 is adopted.

Acts performed by a municipality referred to in the first paragraph in relation to an averaging measure may not be invalidated on the ground that the municipality did not apply in 2007 the modifications relating to that measure provided for in the schedule mentioned in the first paragraph.

48. For the purposes of sections 138 to 144 and the schedule to the Act to again amend various legislative provisions respecting municipal affairs (2006, chapter 60), the urban agglomeration council of Ville de Longueuil may adopt the resolution referred to in the first paragraph of section 141 of that Act before 14 November 2007. The following modifications apply for that urban agglomeration:

(1) the second and third paragraphs of section 143 of the Act are replaced by the following paragraph:

“In the case referred to in the second paragraph of section 140, a municipality that has begun to apply the averaging measure for its property assessment roll whose application period has been extended may decide to apply it with the modifications set out in the schedule, according to the rules applicable for the third and fourth fiscal years for which the property assessment roll applies. The resolution by which the municipality makes the decision must be adopted before its budget or any part of its budget for the fiscal year 2008 is adopted.”;

(2) the second paragraph of section 144 of the Act is modified by replacing “2007” by “2008”;

(3) paragraph 2 of sections 3 to 6 and 13 of the schedule to the Act are modified by replacing “three quarters” by “five sixths”.

Acts performed before 25 October 2007, in anticipation of the coming into force of this section, with a view to the extension of the application period of the roll of a related municipality of the urban agglomeration of Longueuil, are valid.

49. Recognition giving rise to a business tax exemption and granted by the Commission municipale du Québec under Division III.0.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) ceases to be in force on 25 October 2007 if, on that date, the business tax is not imposed in the territory of the local municipality in which the immovable concerned is situated.

For the purposes of subdivisions 1 to 5 and 7 of Division III.0.1 of Chapter XVIII of the Act respecting municipal taxation, Ville de Montréal is deemed to have imposed the business tax for the purposes of the fiscal year 2007.

50. A decision made by a local municipality between 13 June 2002 and 25 October 2007 to order construction or improvement work, the cost of which is financed by sums obtained by means of a loan ordered by a by-law referred to in the second paragraph of section 544 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 1063 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), may not be declared invalid solely because it was made by resolution.

51. Subject to the second paragraph, sections 2 to 9.1 of Order in Council 1210-2005 dated 7 December 2005, concerning various taxation measures related to the reorganization, do not apply to the related municipalities of the urban agglomerations of Québec and Longueuil.

The provisions referred to 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, with respect to the reconstituted municipalities of those urban agglomerations. The modifications include replacing the third paragraph of that section by the following paragraph:

“The amount of the loan may not exceed the total amount that the reconstituted municipality could have paid 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.”

52. The urban agglomeration council of Ville de Québec or Ville de Longueuil may, by a by-law subject to the right of objection under section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), determine the change in the tax burden, for the related municipalities and their ratepayers arising, in the case of the urban agglomeration of Québec, from sections 15 to 19 and 32 to 36 and, in the case of the urban agglomeration of Longueuil, from sections 10, 12, 15 to 19 and 38 to 46, and provide measures for averaging the change in the tax burden over a maximum period of 10 years.

A related municipality may borrow to reduce the financial impact of any change in the tax burden arising from the sections referred to in the first paragraph. The maximum term of the loan is 10 years and it may not be renewed. The loan by-law only requires the approval of the Minister of Municipal Affairs and Regions.

53. From 25 October 2007, the urban agglomeration council of Ville de Québec or Ville de Longueuil may, for the purpose of preparing its budget and that of the related municipalities for the fiscal year 2008, adopt a by-law under sections 118.3 and 118.4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), enacted by section 19. It may also, from that date, make any administrative decision to implement the changes arising from sections 10, 12, 15 to 19, 38 to 46 and 51 in the case of the urban agglomeration of Longueuil, and from sections 15 to 19, 32 to 36 and 51 in the case of the urban agglomeration of Québec.

From 25 October 2007, the regular council of Ville de Québec or Ville de Longueuil and the council of each reconstituted municipality of the urban agglomeration of Québec or Longueuil may, for the purpose of preparing their budget for the fiscal year 2008, make any administrative decision to implement the changes provided for in sections 15 to 19, 32 to 36 and 51 in the case of the related municipalities of the urban agglomeration of Québec, and in sections 10, 12, 15 to 19, 38 to 46 and 51 in the case of the related municipalities of the urban agglomeration of Longueuil. They may also adopt a by-law providing for taxes and other financing methods for the collection of the revenues to finance the new expenditures arising from those changes.

54. A by-law ordering a loan, adopted by the urban agglomeration council of Québec or Longueuil before 25 October 2007 and imposing a tax or requiring a compensation to finance the repayment of the loan, is deemed to be amended for the purpose of replacing that tax or compensation by aliquot shares payable by the related municipalities and providing the central municipality with the same revenue the tax or compensation would have brought in.

Every related municipality must, in any by-law on the financing of an aliquot share referred to in the first paragraph, impose a tax on the same immovables or require a compensation from the same persons as would have been affected by the urban agglomeration tax or compensation.

55. A loan by-law of a reconstituted municipality of the urban agglomeration of Québec or Longueuil made for the purposes of a loan under a provision mentioned in the first paragraph of section 51 to reduce the amount of taxes imposed for a fiscal year before the fiscal year 2008 continues to have effect.

56. The Conseil des arts de Montréal established by section 231.2 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), enacted by section 4, succeeds to the rights and obligations of the Conseil des arts de Montréal established by section 58 of the Charter, as it read before being repealed by section 3.

Any by-law in force on 24 October 2007 and made under section 60 of the Charter of Ville de Montréal, as it read before being repealed by section 3, is deemed to be a by-law made under section 231.4 of Schedule C to the Charter, enacted by section 4.

Until 31 December 2007, section 231.14 of Schedule C to the Charter of Ville de Montréal, enacted by section 4, must be read as follows:

“231.14. The funds available to the arts council are used exclusively to defray the administrative costs of the arts council and to pay grants, prizes and other forms of financial assistance in keeping with the strategic guidelines adopted by the urban agglomeration council.”

57. The thoroughfares and water or sewer mains, except the mains referred to in paragraphs 5 and 5.1 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), that are the property of Ville de Longueuil under sections 24.1 and 27.1 of that Act become, on 1 January 2008, the property of the municipality in whose territory they are situated.

58. An immovable situated in an industrial park included in the territory of the urban agglomeration of Québec or Longueuil that, on 31 December 2007, is the property of the central municipality becomes, on 1 January 2008, the property of the reconstituted municipality in whose territory the immovable is situated.

59. Ville de Saint-Augustin-de-Desmaures succeeds to the rights and obligations of Ville de Québec with respect to the Corporation de développement économique de Saint-Augustin-de-Desmaures inc.

60. The members referred to in section 44.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), enacted by section 14, must be designated before 24 November 2007. If any of the members has not been designated by that date, the Minister of Municipal Affairs and Regions designates them.

61. The first mandate of the board of arbitration established under section 44.1 of that Act, enacted by section 14, is to revise

(1) the document referred to in section 22 of that Act that identifies the thoroughfares forming the arterial road system in the urban agglomeration;

(2) the document referred to in section 27 of that Act that identifies the water and sewer mains that are not purely local; and

(3) the list of equipment, infrastructures and activities of collective interest referred to in section 39 of that Act, taking into account the conditions and criteria set out in section 40 of that Act.

The mandate of the board concerns only the thoroughfares, mains, equipment and infrastructures acquired or built by a related municipality before 25 October 2007 and the activities carried on before that date.

The revised documents and list must be sent to the related municipalities and to the Minister of Municipal Affairs and Regions before 24 December 2007; they come into force on the date of their publication in the *Gazette officielle du Québec*. If the revised document is a map, plan or other illustration, it comes into force on the date of the publication in the *Gazette officielle du Québec* of the decision of the board referring to that document.

62. The term of the members of the board of directors of the Société de transport de Longueuil ends on 31 December 2007.

63. As of the fiscal year 2008, the Gouvernement du Québec must pay an annual sum of \$1,400,000 to Ville de Québec, in addition to any amount it already pays the city.

64. The coming into force of this Act terminates any proceedings relating to a contestation of the following acts of Ville de Québec:

(1) resolutions CA-2005-0004 and CA-2006-0451 adopting the budgets related to the urban agglomeration powers for the fiscal years 2006 and 2007 and those budgets;

(2) the Règlement de l'agglomération sur l'imposition des taxes et des compensations pour l'exercice financier de 2006, R.A.V.Q. 7, and the Règlement de l'agglomération sur l'imposition des taxes et des compensations pour l'exercice financier de 2007, R.A.V.Q. 107;

(3) the Règlement de l'agglomération sur le partage des dépenses mixtes, R.A.V.Q. 5, the Règlement modifiant le Règlement de l'agglomération sur le partage des dépenses mixtes, R.A.V.Q. 38, and the Règlement modifiant le Règlement de l'agglomération sur le partage des dépenses mixtes relativement à certaines dépenses, R.A.V.Q. 27.

65. Section 7 has effect from 1 January 2006.

66. This Act comes into force on 25 October 2007, except sections 10, 12, 15 to 19, 26, 32 to 46, 51, 55 and 57 to 59, which come into force on 1 January 2008.