

NATIONAL ASSEMBLY
Thirty-fifth Legislature, first session

1995, chapter 44
**AN ACT RESPECTING THE NATIONAL CAPITAL
COMMISSION**

Bill 94

Introduced by Mr Guy Chevrette, Minister of Municipal Affairs

Introduced 10 May 1995

Passage in principle 7 June 1995

Passage 22 June 1995

Assented to 22 June 1995

Coming into force: 22 June 1995

Legislation amended: None



CHAPTER 44

An Act respecting the national capital commission

[Assented to 22 June 1995]

Preamble WHEREAS the city of Québec is the national capital of Québec;

Whereas the status of national capital has major impacts that extend beyond the territory of the city of Québec;

Whereas the institutions, sites and monuments of the national capital bear witness to the political history of Québec;

Whereas the national capital must be planned, developed and enhanced in keeping with its function as the seat of State institutions, in a manner consistent with its historic and patrimonial vocation;

Whereas it is necessary to establish a body responsible for promoting and supporting the city of Québec in its role as the national capital and for ensuring, in the manner provided by law, that the functions arising from its status are recognized;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

Establishment **1.** A commission to be called the “Commission de la capitale nationale du Québec” is hereby established.

Legal person **2.** The Commission is a legal person.

Mandatarly **3.** The Commission is a mandatarly of the Government.

Property	The property of the Commission forms part of the domain of the State, but the performance of its obligations may be levied against its property.
Binding	The Commission binds none but itself when it acts in its own name.
Head office	4. The head office of the Commission shall be situated in the national capital, at the location it determines. Notice of the location of the head office of the Commission, and of any change of location, shall be published in the <i>Gazette officielle du Québec</i> .
Administration	5. The affairs of the Commission shall be administered by a board of directors of thirteen members appointed by the Government, including a chairman.
Residence	Among the members of the board of directors other than the chairman, at least two must reside in the territory of the city of Québec, at least one must reside in the territory of a municipality other than the city of Québec whose territory is comprised within the territory of the Communauté urbaine de Québec, and at least one must reside in the territory of the Municipalité régionale de comté des Chutes-de-la-Chaudière or the Municipalité régionale de comté de Desjardins.
Term of office	6. The term of office of the members of the board of directors shall not exceed three years, except that of the chairman which shall not exceed five years.
Conditions of employment	7. The Government shall determine the remuneration, social benefits and other conditions of employment of the chairman.
Remuneration	The other members of the board of directors shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They shall, however, be entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.
Chairman	8. The chairman shall preside at meetings of the board of directors. The office of chairman shall carry with it that of director general, and, in the latter capacity, the chairman shall be responsible for the management of the Commission within the scope of its by-laws and policies.
Full-time office	The office of chairman and director general is a full-time office.

Acting
chairman

9. The Government shall designate a member of the board of directors to act as chairman of the board when the chairman is absent or unable to act.

Quorum

10. The quorum at meetings of the board of directors is constituted of a majority of its members, including the chairman of the board.

Conflict of
interest

11. Any member of the board of directors, other than the chairman, who has a direct or indirect interest in any enterprise that places that person's interest and that of the Commission in conflict must, on pain of forfeiture of office, disclose the situation in writing to the chairman 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 meeting of the board of directors during which the interest is being discussed.

Conflict of
interest

The chairman and employees of the Commission may not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise that places their personal interest and that of the Commission in conflict. However, forfeiture is not incurred if the interest devolves to them by succession or gift, provided it is renounced or disposed of with diligence.

Internal manage-
ment by-
laws

12. The Commission may make by-laws to provide for its internal management.

By-laws

Such by-laws may, in particular,

(1) establish an executive committee composed of members of the board of directors, including the chairman, determine its functions and powers and fix the term of office of its members;

(2) form such advisory committees as the Commission considers necessary for the exercise of its functions and fix the remuneration and compensation of the members of an advisory committee who are not members of the board of directors and the other conditions relating to their appointment.

Appoint-
ment of
personnel

13. The members of the personnel of the Commission shall be appointed in accordance with the staffing plan and standards established by by-law of the Commission. The by-law shall also determine the pay scales and standards, the social benefits and the other conditions of employment of the employees.

Approval

The by-law is subject to approval by the Government.

CHAPTER II

OBJECTS AND POWERS

Objects

14. The objects of the Commission are

(1) to see that the planning of the capital is consistent with its distinct character;

(2) to encourage, or take steps to ensure, the establishment and development of national institutions and major facilities characteristic of a capital;

(3) to contribute to the embellishment of squares, parks, parkways and highways in the capital;

(4) to contribute to the improvement of the quality of architecture in the capital;

(5) to contribute to the preservation and enhancement of historic sites, works, monuments and other property in the capital and the surrounding area;

(6) to contribute to the realization of works to improve access to the capital;

(7) to contribute to the organization and promotion of activities and events of a historical, cultural and social nature that give prominence to the capital.

Responsibilities

15. The Commission is, in addition, responsible for advising the Government on

(1) the location, within the capital and the surrounding area, of government offices and departments or other government bodies, and on the distribution of personnel;

(2) the construction, preservation, planning and development of buildings housing the National Assembly and government offices and departments or other government bodies, within the capital or, as the case may be, the surrounding area;

(3) any matter concerning the planning of the capital and the surrounding area, including, in particular, the content of the opinions and notices referred to in sections 51, 53.7, 56.4 and 56.14 of the Act respecting land use planning and development (R.S.Q., chapter

A-19.1), transport and communications infrastructures providing access to the capital, the designation of ceremonial routes, the location of diplomatic missions and international organizations, and the conditions governing international presence.

Government body

For the purposes of this Act, a government body means a body referred to in section 4 of the Auditor General Act (R.S.Q., chapter V-5.01).

Powers

16. The Commission may, in particular, in the pursuit of its objects,

(1) acquire any movable or immovable property by agreement or, with the authorization of the Government, by expropriation;

(2) construct, lease, maintain and operate buildings, squares, parks, parkways, highways and other works;

(3) sell or otherwise alienate or lease its property, or grant real rights in its property or use it as security;

(4) make agreements or participate in joint projects with any person;

(5) solicit and receive gifts, bequests, subsidies and other contributions, provided that any attached conditions are consistent with the pursuit of its objects;

(6) grant subsidies or other contributions to a municipality or to a non-profit organization pursuing one of the objects set out in paragraphs 3 and 5 of section 14, or to finance an architectural competition or an information program on the capital;

(7) carry out studies, research and inquiries.

Powers

Every municipality and every body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) has the power to make agreements and participate in joint projects under subparagraph 4 of the first paragraph.

Agreement

17. The Commission may, according to law, enter into an agreement with a government in Canada or elsewhere, with a department or body of such a government, with an international organization or with a body of such an organization.

Provisions
applicable

18. The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to a transfer, in the Commission's favour, of property belonging to the State or a government body.

Information
required

19. Government departments and bodies, municipalities and bodies referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers must, on request, provide the Commission with information on their personnel and their requirements in terms of space and premises in the capital and the surrounding area.

CHAPTER III

FINANCIAL PROVISIONS, DOCUMENTS AND REPORTS

Fiscal year

20. The fiscal year of the Commission ends on 31 March.

Powers

21. The Government may, on the conditions and according to the terms and conditions it determines,

(1) guarantee the payment in capital and interest of any loan contracted by the Commission and the performance of its other obligations;

(2) authorize the Minister of Finance to advance to the Commission any amount considered necessary for the pursuit of its objects;

(3) grant a subsidy to the Commission to provide for its obligations.

Payment of
obligations

22. 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.

Budget

23. The Commission shall, each year, submit its budget for the following fiscal year to the Minister for approval, at the time, in the form and with the content determined by the Minister.

Signature

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

Signature

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.

Minutes of meetings

25. The minutes of the meetings of the board of directors, approved by the board and certified by the chairman or by any other person so authorized by the Commission, 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.

Documents required

26. The Commission must submit to the Minister, not later than 30 September each year, its financial statements, a report on its activities for the preceding fiscal year and the development plan that it intends to implement during the three subsequent fiscal years, divided into annual phases.

Information required

The financial statements, the report of activities and the development plan must contain all the information required by the Minister.

Report of activities

The report of activities must include the opinions and notices given by the Commission to the Government pursuant to section 15.

Tabling

27. The Minister shall table the financial statements, the report of activities and the development plan before the National Assembly within thirty days of receiving them if it is in session or, if it is not sitting, within thirty days of resumption.

Hearing

The appropriate parliamentary committee of the National Assembly shall, at least once a year, hear the Minister or the chairman with regard to the documents mentioned in the first paragraph.

Information required

28. The Commission must, in addition, provide the Minister with any information concerning its activities that the Minister requests.

Audit

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

Reports

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

CHAPTER IV

MISCELLANEOUS AND FINAL PROVISIONS

- Transfer** **30.** 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).
- Provisions applicable** Section 35 of the said Act applies to any employee referred to in the first paragraph who enters a competition for promotion to a position in the public service.
- Assessment of classification** **31.** Every employee referred to in section 30 who applies for a transfer or enters a competition for promotion may require the Office des ressources humaines 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.
- Classification** 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.
- Promotion** Where an employee is promoted, his classification must take account of the criteria set out in the first paragraph.
- Employee placed on reserve** **32.** 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 30 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.
- Classification** In such a case, the Office des ressources humaines shall, where applicable, establish his classification taking account of the criteria set out in the first paragraph of section 31.
- Employee placed on reserve** **33.** An employee placed on reserve pursuant to section 32 shall remain with the Commission until the Office des ressources humaines is able to assign him a position.

- Appeal **34.** Subject to the recourses available under a collective agreement, an employee referred to in section 30 who is dismissed may bring an appeal under section 33 of the Public Service Act.
- Appropriations **35.** The appropriations granted to the Ministère des Affaires municipales for the fiscal year in which this section comes into force shall be transferred, to the extent and in the manner determined by the Government, to the Commission.
- Minister responsible **36.** The Prime Minister or any other minister designated by the Government is responsible for the administration of this Act.
- Coming into force **37.** This Act comes into force on 22 June 1995.