

1995, chapter 71

AN ACT TO AMEND THE CONSTITUTING ACTS OF THE URBAN COMMUNITIES AND OTHER LEGISLATIVE PROVISIONS

Bill 121

Introduced by Mr Guy Chevrette, Minister of Municipal Affairs

Introduced 6 December 1995

Passage in principle 11 December 1995

Passage 14 December 1995

Assented to 15 December 1995

Coming into force: 15 December 1995

Legislation amended:

Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1)

Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)

Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)

Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)

Act respecting the Société de transport de la Ville de Laval (1984, chapter 42)

Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32)





CHAPTER 71

An Act to amend the constituting Acts of the urban communities and other legislative provisions

[Assented to 15 December 1995]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-37.1,
s. 36.0.3,
added

1. The Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended by inserting, after section 36.0.2, the following section:

Reduction

“36.0.3 The Council may, by the by-law adopted under section 36, prescribe the conditions under which the failure of a member of the Council or of a committee to attend a meeting or to fulfill his obligation to vote at a meeting entails a reduction in his remuneration or indemnity, and prescribe the rules for computing the reduction.”

c. C-37.1,
s. 36.4, am.

2. Section 36.4 of the said Act is amended by striking out the first paragraph.

c. C-37.1,
s. 37, re-
pealed
c. C-37.1,
ss. 77.2-
77.5, added

3. Section 37 of the said Act is repealed.

4. The said Act is amended by inserting, after section 77.1, the following sections:

Agreement

“77.2 The Community may make an agreement with the Government under which certain responsibilities, defined in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the Community on an experimental basis.

Agreement

“77.3 The agreement shall set out the conditions governing the exercise of the responsibility to which it applies, including the duration thereof, and, where applicable, provide for the renewal of the agreement and determine the rules relating to the financing required for its implementation.

Agreement **“77.4** The Community may join any municipality or any other urban community for the purposes of an agreement with the Government under section 77.2.

Agreement **“77.5** An agreement under section 77.2 shall prevail over any inconsistent provision of any general law or special Act or of any regulation thereunder.”

c. C-37.1,
s. 82, am. **5.** Section 82 of the said Act is amended by replacing the second paragraph by the following paragraph :

Notice “The secretary shall publish every month, in a newspaper circulated in the territory of the Community, a notice describing each property of a value greater than \$10 000 that was alienated by the Community during the preceding month otherwise than by auction or by public tenders. The notice shall mention the price of alienation and the identity of the purchaser.”

c. C-37.1,
ss. 82.1,
82.2, added **6.** The said Act is amended by inserting, after section 82, the following sections :

Contracts **“82.1** The following contracts must, where they involve an expenditure of more than \$20 000 for the Community, be awarded in accordance with section 82.2 or 83 :

- (1) insurance contracts ;
- (2) contracts for the performance of work ;
- (3) contracts for the supply of materials or equipment, including a contract for the lease of equipment with an option to purchase ;
- (4) contracts for the provision of services other than professional services.

Applicabil-
ity However, the first paragraph does not apply to a contract

- (1) whose object is the supply of materials or equipment or the provision of services for which a tariff is fixed or approved by the Government of Canada or Québec or by a minister or body thereof ;
- (2) whose object is the supply of materials or equipment or the provision of services entered into with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) ;

(3) whose purpose is to enable the Community to save energy, entered into for the provision of professional services as well as the performance of work or the supply of materials or equipment or the provision of non-professional services;

(4) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and which is entered into with the owner of the mains or installations, with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information or with a public utility for a price corresponding to the price usually charged by an undertaking generally performing such work;

(5) whose object is the supply of software or the performance of service or maintenance work on computer or telecommunication systems, entered into with an undertaking generally operating in the field, for a price usually charged by such an undertaking for such software or such work;

(6) whose object is the provision of services by a single supplier or by a supplier in a monopoly position in the field of communications, electricity or gas;

(7) whose object is the maintenance of specialized equipment which must be carried out by the manufacturer or his representative.

Call for tenders

“82.2 Any contract involving an expenditure of less than \$100 000, from among the contracts to which the first paragraph of section 82.1 applies, may be awarded only after a call for tenders has been made, by way of a written invitation, to at least two insurers, contractors or suppliers, as the case may be.”

c. C-37.1,
s. 83, am.

7. Section 83 of the said Act, amended by section 66 of chapter 34 of the statutes of 1995, is again amended

(1) by replacing the first, second and third paragraphs by the following paragraphs:

Call for tenders

“83. Any contract involving an expenditure of \$100 000 or more, from among the contracts to which the first paragraph of section 82.1 applies, may be awarded only after a call for tenders has been made, by way of an advertisement published in a newspaper circulated in the territory of the Community.

Publication In the case of a construction contract, the call for public tenders must be published either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system and in a newspaper circulated in the territory of the Community.”;

(2) by replacing the word “third” in the first line of the fourth paragraph by the word “second”;

(3) by replacing the word “third” in the fifth paragraph by the word “second”;

(4) by replacing the word “third” in the second line of the sixth paragraph by the word “second”;

(5) by replacing the seventh paragraph by the following paragraph:

Fixed price or unit price “No tenders may be called for and no contract resulting therefrom be awarded except on the basis of a fixed price or on the basis of a unit price.”;

(6) by striking out the tenth paragraph.

e. C-37.1, s. 83.1, am. **8.** Section 83.1 of the said Act is amended

(1) by replacing the figure “83” in the first line by the figure “82.1”;

(2) by inserting the words “or impair the operation of” after the word “damage” in the third line.

e. C-37.1, ss. 83.1.1, 83.1.2, added **9.** The said Act is amended by inserting, after section 83.1, the following sections:

Renewal **“83.1.1** Notwithstanding section 82.1, the Community may, without being required to call for tenders, renew any insurance contract awarded following a call for tenders, provided that the total of the period covered by the original contract and the period covered by the renewal and, where applicable, by any previous renewal, does not exceed three years.

Premiums The premiums stipulated in the original contract may be modified for the period covered by any renewal referred to in the first paragraph.

Leasing
contract

“83.1.2 The Community may enter into a leasing contract in respect of movable property that must be acquired by tender pursuant to section 82.1, provided it discloses in the call for tenders that it has the option to enter into a leasing contract in respect of the property.

Notice

Where the Community elects to enter into a leasing contract, it must give a written notice thereof to the successful tenderer. Upon receipt of the notice, the tenderer must enter into a contract for the movable property with the lessor designated in the notice by the Community, on the conditions under which his tender was accepted.”

c. C-37.1,
s. 83.5, am.

10. Section 83.5 of the said Act is amended by replacing the figure “83” in the third line by the figure “82.1”.

c. C-37.1,
s. 83.7, am.

11. Section 83.7 of the said Act is amended

(1) by striking out the words “, with the exception of the last paragraph,” in the first line of the fourth paragraph;

(2) by replacing the amount “\$50 000” in the third line of the fourth paragraph by the amount “\$100 000”.

c. C-37.1,
s. 126, am.

12. Section 126 of the said Act is amended

(1) by striking out subparagraph 3 of the first paragraph;

(2) by striking out the words “, including the payment of fees,” in the first line of subparagraph 5 of the first paragraph.

c. C-37.1,
s. 131, am.

13. Section 131 of the said Act is amended by striking out the words “and fix the charges he must pay” in the second line of paragraph 3.

c. C-37.1,
s. 131.1, am.

14. Section 131.1 of the said Act is amended

(1) by striking out the second paragraph;

(2) by striking out the words “or pursuant to the second paragraph of this section” in the first and second lines of the third paragraph.

c. C-37.1,
s. 143.3,
added

15. The said Act is amended by inserting, after section 143.2, the following section:

- Financing **“143.3** Subject to the regulation of the Government made under paragraph 8.2 of section 262 of the Act respecting municipal taxation (chapter F-2.1), the Community may, by by-law, provide that all or part of the property, services or activities of the Community shall be financed by means of a tariff involving a fixed amount, exigible on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription for the use of a property or service or in respect of a benefit derived from an activity.
- Provisions applicable Sections 244.3 to 244.6 and the first paragraph of section 244.8 of the Act respecting municipal taxation apply, adapted as required, to the tariff referred to in the first paragraph.”
- c. C-37.1,
s. 144, am. **16.** Section 144 of the said Act is amended by striking out the third and fourth paragraphs.
- c. C-37.1,
s. 144.1, am. **17.** Section 144.1 of the said Act is amended by striking out the words “, except that the by-law shall be transmitted within thirty days of its adoption” in the second and third lines.
- c. C-37.1,
s. 145.1,
added **18.** The said Act is amended by inserting, after section 145, the following section:
- Repayment **“145.1** Part of the loan, not exceeding 5% of the amount of the expenditure authorized by the loan by-law in force, may be reserved for the repayment to the general fund of the Community of all or part of the sums expended, before the passage of the loan by-law, in connection with the object of the by-law.
- By-law That part of the loan must be specified in the by-law.”
- c. C-37.1,
s. 153.4, re-
placed **19.** Section 153.4 of the said Act is replaced by the following section:
- Auditor **“153.4** During the period extending from 1 December to 1 May, the Council shall appoint an auditor for the fiscal year beginning during that period. The Council may provide that the appointment is also valid for the following fiscal year or for the two following fiscal years.
- Auditor If the auditor appointed for a fiscal year is not the auditor in office for the preceding fiscal year, the secretary of the Community shall inform the Minister of the name of the new auditor as soon as possible after his appointment.”

c. C-37.1,
s. 169.0.3.1,
added

20. The said Act is amended by inserting, after section 169.0.3, the following section:

Reduction

“169.0.3.1 The board of directors may, by the by-law adopted under section 169.0.1, prescribe the conditions under which the failure of a member of the board of directors to attend a meeting or to fulfill his obligation to vote at a meeting entails a reduction in his remuneration or indemnity, and determine the rules for computing the reduction.”

c. C-37.1,
s. 193.2, am.

21. Section 193.2 of the said Act is amended

(1) by striking out the words “to the Minister of Municipal Affairs and” in the first and second lines of the first paragraph;

(2) by striking out the second and third paragraphs.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

c. C-37.2,
s. 28, am.

22. Section 28 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended

(1) by inserting the words “any loan for use or” after the word “purposes,” in the first line of paragraph *a*;

(2) by replacing paragraph *h* by the following paragraph:

“(*h*) enter into a contract of lease, of occupancy or of use of movable or immovable property for a period not exceeding one year, except in cases where the exercise of this power is expressly reserved to the Council;”;

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

Delegation
of powers

“The executive committee may, by by-law, delegate to an officer or employee of the Community, on the conditions it determines, all or part of the powers provided for in the first paragraph.”

c. C-37.2,
s. 29, am.

23. Section 29 of the said Act is amended by replacing the second paragraph by the following paragraph:

Title

“The official title of a department head or of the person responsible for an administrative unit designates his assistant or any other person authorized by the executive committee to replace him, when such assistant or person acts in his stead.”

c. C-37.2,
s. 33, am.

24. Section 33 of the said Act is amended

(1) by inserting the words “, the secretary or the head of the police department” after the word “general” in the fifth line of the second paragraph;

(2) by striking out the fourth sentence of the second paragraph;

(3) by inserting the words “, the secretary or the head of the police department” after the word “general” in the first line of the third paragraph;

(4) by inserting the words “or to the person responsible for an administrative unit” after the word “department” in the second line of the third paragraph.

c. C-37.2,
s. 33.1, am.

25. Section 33.1 of the said Act is amended by replacing the words “make contracts accordingly,” in the third line of the first paragraph by the words “enter into contracts”.

c. C-37.2,
s. 35, am.

26. Section 35 of the said Act is amended by inserting the words “, except those entered into following a delegation authorized by any provision of this Act” after the word “Community” in the second line of the second paragraph.

c. C-37.2,
s. 56.1,
added

27. The said Act is amended by inserting, after section 56, the following section:

Reduction

“56.1 The Council may, by the by-law adopted under any of sections 19, 56 or 101.6, prescribe the conditions under which the failure of a member of the Council, of the executive committee or of a committee to attend a meeting or sitting or to fulfill his obligation to vote at a meeting or sitting entails a reduction in his remuneration or indemnity, and prescribe the rules for computing the reduction.”

c. C-37.2,
ss. 114.3-
114.6,
added

28. The said Act is amended by inserting, after section 114.2, the following sections:

Agreement

“114.3 The Community may make an agreement with the Government under which certain responsibilities, defined in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the Community on an experimental basis.

Agreement

“114.4 The agreement shall set out the conditions governing the exercise of the responsibility to which it applies, including the duration thereof, and, where applicable, provide for the renewal of

the agreement and determine the rules relating to the financing required for its implementation.

Agreement **“114.5** The Community may join any municipality or any other urban community for the purposes of an agreement with the Government under section 114.3.

Agreement **“114.6** An agreement under section 114.3 shall prevail over any inconsistent provision of a general law or special Act or of any regulation thereunder.”

c. C-37.2,
s. 119, am. **29.** Section 119 of the said Act is amended by replacing the second paragraph by the following paragraph:

Notice **“The secretary shall publish every month, in a newspaper circulated in the territory of the Community, a notice describing each property of a value greater than \$10 000 that was alienated by the Community during the preceding month otherwise than by auction or by public tenders. The notice shall mention the price of alienation and the identity of the purchaser.”**

c. C-37.2,
s. 120.0.3,
am. **30.** Section 120.0.3 of the said Act, amended by section 67 of chapter 34 of the statutes of 1995, is again amended by replacing the second paragraph by the following paragraph:

Publication **“In the case of a construction contract, the call for public tenders must be published either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system and in a newspaper circulated in the territory of the Community.”**

c. C-37.2,
s. 133, am. **31.** Section 133 of the said Act is amended

(1) by replacing the words “according to the classes of substances emitted into the atmosphere” in the fourth and fifth lines of subparagraph 2 of the first paragraph by the words “on the basis of the classes of substances emitted into the atmosphere or any other criterion”;

(2) by striking out the words “, the fees to be paid by the applicant” in the third line of subparagraph 3 of the first paragraph.

c. C-37.2,
s. 143, am. **32.** Section 143 of the said Act is amended

(1) by inserting the words “or of work designed to generate cost savings in respect of the collecting system. In the latter case, however, the consent of the local municipality in whose territory the

work is carried out is required” after the word “municipality” in the fourth line of the first paragraph;

(2) by replacing the words “paragraph 5 of section 151.1” in the first line of the second paragraph by the words “any tariff established under section 222.1 to finance the property, services and activities relating to the reception of waste water or other substances”.

c. C-37.2,
s. 144, am.

33. Section 144 of the said Act is amended by inserting the words “or acquired for the purpose of generating cost savings in respect of the collecting system. In the latter case, however, the acquisition may be only by agreement” after the word “municipality” in the fifth line.

c. C-37.2,
s. 151.0.1,
am.

34. Section 151.0.1 of the said Act is amended by striking out the words “, for remuneration,” in the first and second lines of the first paragraph.

c. C-37.2,
s. 151.1, am.

35. Section 151.1 of the said Act is amended

(1) by striking out the words “, including the payment of costs,” in the third line of paragraph 4;

(2) by striking out paragraph 5.

c. C-37.2,
s. 151.2.1,
repealed
c. C-37.2,
s. 151.2.4,
am.

36. Section 151.2.1 of the said Act is repealed.

37. Section 151.2.4 of the said Act is amended by replacing the words “accurate and sufficient results” in the fifth and sixth lines of the second paragraph by the words “results which it considers satisfactory”.

c. C-37.2,
s. 151.2.6,
replaced

38. Section 151.2.6 of the said Act is replaced by the following section:

Delegation
of powers

“151.2.6 The Community may, by by-law, delegate to the executive committee or to a department head the powers conferred on it by sections 151.2.2 to 151.2.5.”

c. C-37.2,
s. 151.2.8,
am.

39. Section 151.2.8 of the said Act is amended by replacing the figure “151.2.1” in the third line of the first paragraph by the figure “151.2.2”.

c. C-37.2,
s. 151.3, am.

40. Section 151.3 of the said Act is amended

(1) by striking out the words “or orders made under section 151.2.1” in the third line of the first paragraph;

(2) by striking out the words “or orders” in the second line of subparagraph 1 of the first paragraph;

(3) by striking out the words “or orders” in the first line of subparagraph 2 of the first paragraph;

(4) by striking out the words “or orders” in the fourth line of the second paragraph.

c. C-37.2,
s. 151.5, am. **41.** Section 151.5 of the said Act is amended by replacing the words “of an order made under section 151.2.1 or,” in the second line by the words “or of”.

c. C-37.2,
s. 151.6, am. **42.** Section 151.6 of the said Act is amended by striking out the words “of an order made under section 151.2.1,” in the third line.

c. C-37.2,
s. 152.1, am. **43.** Section 152.1 of the said Act is amended by striking out the words “fees and other” in the first line of subparagraph 2 of the second paragraph.

c. C-37.2,
s. 158.1, am. **44.** Section 158.1 of the said Act is amended by striking out the words “and the duties payable therefor” in the second line of paragraph c.

c. C-37.2,
s. 158.1.1,
am. **45.** Section 158.1.1 of the said Act is amended

(1) by striking out the second paragraph;

(2) by striking out the words “or pursuant to the second paragraph of this section” in the first and second lines of the third paragraph.

c. C-37.2,
s. 209, am. **46.** Section 209 of the said Act is amended by replacing the figure “1½” in the first line of the fifth paragraph by the figure “1”.

c. C-37.2,
s. 218, am. **47.** Section 218 of the said Act is amended by inserting the words “or any other officer designated for such purpose by the executive committee” after the word “treasurer” in the first line of the second paragraph.

c. C-37.2,
s. 222.1, am. **48.** Section 222.1 of the said Act is amended

(1) by replacing the words “it furnishes or carries out in relation to the operation of the “9-1-1 centre”” in the fourth and fifth lines of the first paragraph by the words “of the Community”;

(2) by inserting a comma after the word “amount” in the fifth line of the first paragraph;

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

Delegation
of powers

“The Community may, by by-law, delegate to the executive committee the power mentioned in the first paragraph. The executive committee shall exercise by order the power so delegated to it.”

c. C-37.2,
s. 223, am.

49. Section 223 of the said Act is amended

(1) by striking out the words “Minister of Municipal Affairs and the” in the first and second lines of the third paragraph;

(2) by striking out the third sentence of the third paragraph;

(3) by striking out the fourth paragraph.

c. C-37.2,
s. 224.1,
added

50. The said Act is amended by inserting, after section 224, the following section:

Repayment

“224.1 Part of the loan, not exceeding 5% of the amount of the expenditure authorized by the loan by-law in force, may be reserved for the repayment to the general fund of the Community of all or part of the sums expended, before the passage of the loan by-law, in connection with the object of the by-law.

By-law

That part of the loan must be specified in the by-law.”

c. C-37.2,
s. 228, am.

51. Section 228 of the said Act is amended

(1) by striking out the words “the seal and” in the first line of the second paragraph;

(2) by striking out the words “seal and” in the third line of the second paragraph.

c. C-37.2,
s. 232, am.

52. Section 232 of the said Act is amended by replacing the third paragraph by the following paragraph:

Certificate

“The certificate of the Minister or of the authorized person, mentioned in section 12 of the Act respecting municipal debts and

loans (chapter D-7), may be affixed to the bonds issued by the Community under the facsimile of the signature of the Minister or of the authorized person. However, the presumption of validity provided for in that section applies only if the bonds also bear the handwritten signature of the chairman, the treasurer or a financial officer who is a mandatary of the Community.”

c. C-37.2,
s. 234, re-
placed

53. Section 234 of the said Act is replaced by the following section:

Auditor

“234. During the period extending from 1 December to 1 May, the Council shall appoint an auditor for the fiscal year beginning during that period. The Council may provide that the appointment is also valid for the following fiscal year or for the two following fiscal years.

Auditor

If the auditor appointed for a fiscal year is not the auditor in office for the preceding fiscal year, the secretary of the Community shall inform the Minister of Municipal Affairs of the name of the new auditor as soon as possible after his appointment.”

c. C-37.2,
s. 264.1,
added

54. The said Act is amended by inserting, after section 264, the following section:

Reduction

“264.1 The Council may, by the by-law adopted under section 264, prescribe the conditions under which the failure of a member of the board of directors to attend a meeting or to fulfill his obligation to vote at a meeting entails a reduction in his remuneration or expense allowance, and prescribe the rules for computing the reduction.”

c. C-37.2,
s. 291.10,
replaced

55. Section 291.10 of the said Act is replaced by the following section:

Notice

“291.10 The corporation shall publish every month, in a newspaper circulated in its territory, a notice describing each property of a value greater than \$10 000 that was alienated by the corporation during the preceding month otherwise than by auction or by public tenders. The notice shall mention the price of alienation and the identity of the purchaser, and the corporation must send a copy thereof to the Minister of Transport.”

c. C-37.2,
s. 291.34,
am.

56. Section 291.34 of the said Act is amended

(1) by replacing the words “make contracts accordingly” in the second and third lines of the first paragraph by the words “enter into contracts”;

(2) by replacing the words “make contracts accordingly” in the third and fourth lines of the second paragraph by the words “enter into contracts”.

c. C-37.2,
s. 306.2, am.

57. Section 306.2 of the said Act is amended by striking out the words “; for the purposes of these paragraphs, any mention of a date fixed by the Council under section 220.1 shall be interpreted as the corresponding date fixed by the corporation under section 306.3” in the fourth, fifth and sixth lines of the second paragraph.

c. C-37.2,
s. 306.3, am.

58. Section 306.3 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraph:

By-law

“306.3 The manner of determining the aliquot shares of the deficit of the corporation and the terms and conditions of payment of the aliquot shares by the municipalities whose territory is included in that of the corporation shall be prescribed in the by-law adopted by the Council under section 220.1.”;

(2) by replacing the words “provided for in subparagraph 6 of the second paragraph of this section” in the sixth and seventh lines of the fourth paragraph by the words “resulting from the deferred coming into force of all or part of its budget or from the successive use of provisional and final data in determining its fiscal potential”.

c. C-37.2,
s. 306.14.1,
added

59. The said Act is amended by inserting, after section 306.14, the following section:

Repayment

“306.14.1 Part of the loan, not exceeding 5% of the amount of the expenditure authorized by the loan by-law in force, may be reserved for the repayment to the general fund of the corporation of all or part of the sums expended, before the passage of the loan by-law, in connection with the object of the by-law.

By-law

That part of the loan must be specified in the by-law.”

c. C-37.2,
s. 306.19,
am.

60. Section 306.19 of the said Act is amended

(1) by striking out the words “the seal and” in the first line of the second paragraph;

(2) by striking out the words “seal and” in the fourth line of the second paragraph.

c. C-37.2,
s. 306.31,
am.

61. Section 306.31 of the said Act is amended

(1) by striking out the words “Minister of Municipal Affairs and to the” in the second line of the first paragraph;

(2) by striking out the second, third and fourth paragraphs.

c. C-37.2,
s. 306.33,
replaced

62. Section 306.33 of the said Act is replaced by the following section:

Auditor

“306.33 During the period extending from 1 December to 1 May, the corporation shall appoint an auditor for the fiscal year beginning during that period. The corporation may provide that the appointment is also valid for the following fiscal year or for the two following fiscal years.”

c. C-37.2,
s. 306.35,
replaced

63. Section 306.35 of the said Act is replaced by the following section:

Auditor

“306.35 If the auditor appointed for a fiscal year is not the auditor in office for the preceding fiscal year, the corporation shall inform the Minister of Municipal Affairs of the name of the new auditor as soon as possible after his appointment.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

c. C-37.3,
ss. 86.2-
86.5, added

64. The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting, after section 86.1, the following sections:

Agreement

“86.2 The Community may make an agreement with the Government under which certain responsibilities, defined in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the Community on an experimental basis.

Agreement

“86.3 The agreement shall set out the conditions governing the exercise of the responsibility to which it applies, including the duration thereof, and, where applicable, provide for the renewal of the agreement and determine the rules relating to the financing required for its implementation.

Agreement

“86.4 The Community may join any municipality or any other urban community for the purposes of an agreement with the Government under section 86.2.

Agreement “**86.5** An agreement under section 86.2 shall prevail over any inconsistent provision of a general law or special Act or of any regulation thereunder.”

c. C-37.3,
s. 91, am. **65.** Section 91 of the said Act is amended by replacing the second paragraph by the following paragraph:

Notice “The secretary shall publish every month, in a newspaper circulated in the territory of the Community, a notice describing each property of a value greater than \$10 000 that was alienated by the Community during the preceding month otherwise than by auction or by public tenders. The notice shall mention the price of alienation and the identity of the purchaser.”

c. C-37.3,
s. 92.0.2,
am. **66.** Section 92.0.2 of the said Act, amended by section 68 of chapter 34 of the statutes of 1995, is again amended by replacing the second paragraph by the following paragraph:

Publication “In the case of a construction contract, the call for public tenders must be published either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system and in a newspaper circulated in the territory of the Community.”

c. C-37.3,
s. 136, am. **67.** Section 136 of the said Act is amended

(1) by striking out subparagraph *c* of the first paragraph;

(2) by striking out the words “, including the payment of fees,” in the first line of subparagraph *d* of the first paragraph.

c. C-37.3,
s. 136.1, am. **68.** Section 136.1 of the said Act is amended

(1) by striking out the words “, including the payment of costs,” in the third line of paragraph 4;

(2) by striking out paragraph 5.

c. C-37.3,
s. 136.3, re-
pealed **69.** Section 136.3 of the said Act is repealed.

c. C-37.3,
s. 136.6, am. **70.** Section 136.6 of the said Act is amended by replacing the words “accurate and sufficient data” in the sixth line of the second paragraph by the words “results which it considers satisfactory”.

c. C-37.3,
s. 136.10,
am. **71.** Section 136.10 of the said Act is amended by replacing the figure “136.3” in the third line of the first paragraph by the figure “136.4”.

c. C-37.3,
s. 136.11,
am.

72. Section 136.11 of the said Act is amended

(1) by striking out the words “or the orders made under section 136.3” in the third line of the first paragraph;

(2) by striking out the words “or orders” in the second line of subparagraph 1 of the first paragraph;

(3) by striking out the words “or orders” in the first line of subparagraph 2 of the first paragraph;

(4) by striking out the words “or orders” in the third and fourth lines of the second paragraph.

c. C-37.3,
s. 136.13,
am.

73. Section 136.13 of the said Act is amended by striking out the words “, or of an order made in accordance with section 136.3,” in the second and third lines.

c. C-37.3,
s. 136.14,
am.

74. Section 136.14 of the said Act is amended by striking out the words “, of an order made under section 136.3” in the third and fourth lines.

c. C-37.3,
s. 138.4, am.

75. Section 138.4 of the said Act is amended by striking out the words “fee for and the other” in the first line of subparagraph 2 of the second paragraph.

c. C-37.3,
s. 143.3, am.

76. Section 143.3 of the said Act is amended by striking out the words “and fix the charges he must pay” in the second line of paragraph 3.

c. C-37.3,
s. 143.4, am.

77. Section 143.4 of the said Act is amended

(1) by striking out the second paragraph;

(2) by striking out the words “or pursuant to the second paragraph of this section” in the first and second lines of the third paragraph.

c. C-37.3,
s. 157.3,
added

78. The said Act is amended by inserting, after section 157.2, the following section:

Financing

“157.3 Subject to the regulation of the Government made under paragraph 8.2 of section 262 of the Act respecting municipal taxation (chapter F-2.1), the Community may, by by-law, provide that all or part of the property, services or activities of the Community shall be financed by means of a tariff involving a fixed amount,

exigible on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription for the use of a property or service or in respect of a benefit derived from an activity.

Provisions applicable Sections 244.3 to 244.6 and the first paragraph of section 244.8 of the Act respecting municipal taxation apply, adapted as required, to the tariff referred to in the first paragraph.

Delegation of power Notwithstanding section 68.4, the Community may, by by-law, delegate to the executive committee the power mentioned in the first paragraph.”

c. C-37.3,
s. 158, am. **79.** Section 158 of the said Act is amended

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

Time limit “The program of the capital expenditures of the Société shall be transmitted to the Minister of Transport not later than 31 October preceding the beginning of the first fiscal year in which it applies.”;

(2) by striking out the fourth paragraph.

c. C-37.3,
s. 159.1,
added **80.** The said Act is amended by inserting, after section 159, the following section :

Repayment **“159.1** Part of the loan, not exceeding 5% of the amount of the expenditure authorized by the loan by-law in force, may be reserved for the repayment to the general fund of the Community of all or part of the sums expended, before the passage of the loan by-law, in connection with the object of the by-law.

By-law That part of the loan must be specified in the by-law.”

c. C-37.3,
s. 166, am. **81.** Section 166 of the said Act is amended by replacing the second paragraph by the following paragraph :

Certificate “The certificate of the Minister or of the authorized person, mentioned in section 12 of the Act respecting municipal debts and loans (chapter D-7), may be affixed to the bonds issued by the Community under the facsimile of the signature of the Minister or of the authorized person. However, the presumption of validity provided for in that section applies only if the bonds also bear the handwritten signature of the chairman, the treasurer or a financial officer who is a mandatary of the Community.”

c. C-37.3,
s. 167.4, re-
placed **82.** Section 167.4 of the said Act is replaced by the following section:

Auditor **“167.4** During the period extending from 1 December to 1 May, the Council shall appoint an auditor for the fiscal year beginning during that period. The Council may provide that the appointment is also valid for the following fiscal year or for the two following fiscal years.

Auditor If the auditor appointed for a fiscal year is not the auditor in office for the preceding fiscal year, the secretary of the Community shall inform the Minister of the name of the new auditor as soon as possible after his appointment.”

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

c. C-70,
s. 40, am. **83.** Section 40 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70), amended by section 69 of chapter 34 of the statutes of 1995, is again amended by replacing the second paragraph by the following paragraph:

Publication **“In the case of a construction contract involving an expenditure of \$100,000 or more, the call for public tenders must be published either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system and in a newspaper circulated in the territory of the corporation.”**

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

1984, c. 42,
s. 70, am. **84.** Section 70 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42), amended by section 80 of chapter 34 of the statutes of 1995, is again amended by replacing the second paragraph by the following paragraph:

Publication **“In the case of a construction contract involving an expenditure of \$100 000 or more, the call for public tenders must be published either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system and in a newspaper circulated in the territory of the corporation.”**

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

1985, c. 32,
s. 91, am. **85.** Section 91 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32), amended by section 81 of chapter 34 of the statutes of 1995, is again amended by replacing the second paragraph by the following paragraph:

Publication “In the case of a construction contract involving an expenditure of \$100 000 or more, the call for public tenders must be published either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system and in a newspaper circulated in the territory of the corporation.”

TRANSITIONAL AND FINAL PROVISIONS

Effect **86.** Every by-law imposing a charge for the property, services or activities furnished or carried out by the Communauté urbaine de l’Outaouais, that was adopted under a provision struck out by this Act and in force on 14 December 1995, shall retain its effects until replaced by a by-law adopted under section 143.3 of the Act respecting the Communauté urbaine de l’Outaouais, enacted by section 15 of this Act.

Effect **87.** Every by-law or order imposing a charge for the property, services or activities furnished or carried out by the Communauté urbaine de Montréal, that was adopted under a provision replaced or repealed by this Act and in force on 14 December 1995, shall retain its effects until replaced by a by-law or order adopted under section 222.1 of the Act respecting the Communauté urbaine de Montréal, amended by section 48 of this Act.

Effect **88.** Every by-law or order imposing a charge for the property, services or activities furnished or carried out by the Communauté urbaine de Québec, that was adopted under a provision replaced or repealed by this Act and in force on 14 December 1995, shall retain its effects until replaced by a by-law adopted in accordance with section 157.3 of the Act respecting the Communauté urbaine de Québec, enacted by section 78 of this Act.

Coming into force **89.** This Act comes into force on 15 December 1995.