

NATIONAL ASSEMBLY
Thirty-fifth Legislature, first session

1994, chapter 54

AN ACT TO AGAIN AMEND THE CHARTER OF THE CITY OF MONTRÉAL

Bill 200

Introduced by Mr André Boulerice, Member for Sainte-Marie–Saint-Jacques

Introduced 12 December 1994

Passage in principle 21 December 1994

Passage 21 December 1994

Assented to 21 December 1994

Coming into force: 21 December 1994

Act amended:

Charter of the city of Montréal (1959-60, chapter 102)





CHAPTER 54

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

[Assented to 21 December 1994]

Preamble

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1959-60,
c. 102, a. 78,
am.

1. Article 78 of the charter of the city of Montréal (1959-60, chapter 102) is amended by replacing the word “six” in the first paragraph by the word “nine”.

1959-60,
c. 102, a. 79,
am.

2. Article 79 of the said charter, amended by section 10 of chapter 1 of the statutes of 1960, by section 7 of chapter 59 of the statutes of 1962 and by sections 9 and 184 of chapter 77 of the statutes of 1977, is again amended

(1) by replacing the word “six” in the first sentence of the first paragraph by the word “nine”;

(2) by replacing the word “six” in the second sentence of the first paragraph by the word “nine”;

(3) by replacing the word “six” in the eighth paragraph by the word “nine”.

1959-60,
c. 102, a. 83,
am.

3. Article 83 of the said charter, amended by section 184 of chapter 77 of the statutes of 1977, is again amended by replacing the word “Four” in the second paragraph by the word “Six”.

1959-60,
c. 102,
a. 105,
repealed

4. Article 105 of the said charter, amended by section 1 of chapter 84 of the statutes of 1965 and by section 7 of chapter 111 of the statutes of 1987, is repealed.

1959-60,
c. 102,
a. 109, am.

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

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

1959-60,
c. 102, Title
II, chap.
VII, head-
ing, replaced

6. The heading of Chapter VII of Title II of the said charter is replaced by the following heading:

“DELEGATION OF POWER”.

1959-60,
c. 102,
a. 131b,
repealed

7. Article 131b of the said charter, introduced by section 2 of chapter 117 of the statutes of 1986, is repealed.

1959-60,
c. 102,
a. 131bb,
repealed

8. Article 131bb of the said charter, introduced by section 1 of chapter 90 of the statutes of 1990, is repealed.

1959-60,
c. 102,
aa. 131c,
131d,
repealed
1959-60,
c. 102,
a. 131e,
repealed

9. Articles 131c and 131d of the said charter, introduced by section 2 of chapter 117 of the statutes of 1986, are repealed.

10. Article 131e of the said charter, introduced by section 2 of chapter 117 of the statutes of 1986 and amended by section 2 of chapter 90 of the statutes of 1990, is repealed.

1959-60,
c. 102,
aa. 131f,
131g, 131h,
repealed

11. Articles 131f, 131g and 131h of the said charter, introduced by section 2 of chapter 117 of the statutes of 1986, are repealed.

1959-60,
c. 102,
a. 131hh,
repealed

12. Article 131hh of the said charter, introduced by section 3 of chapter 90 of the statutes of 1990, is repealed.

1959-60,
c. 102,
a. 131i,
repealed

13. Article 131i of the said charter, introduced by section 2 of chapter 117 of the statutes of 1986 and amended by section 4 of chapter 90 of the statutes of 1990, is repealed.

1959-60,
c. 102,
a. 131j, am.

14. Article 131j of the said charter, introduced by section 2 of chapter 117 of the statutes of 1986, is amended

(1) by replacing the words “the secretary general or to another” in the first paragraph by the word “an”;

(2) by striking out the words “secretary general or the” in the third paragraph.

1959-60,
c. 102,
a. 133, am.

15. Article 133 of the said charter, replaced by section 3 of chapter 117 of the statutes of 1986, is amended

(1) by striking out the words “the secretary general to the executive committee and on a report of” in the first paragraph;

(2) by replacing, in the third paragraph, the words “the secretary general or of a head of department who is absent, or whose position becomes” by the words “heads of departments who are absent or whose positions become”.

1959-60,
c. 102,
a. 134, am.

16. Article 134 of the said charter, replaced by section 4 of chapter 117 of the statutes of 1986, is amended

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

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

Deputies
and assis-
tants

“They shall choose, appoint and replace, with the approval of the executive committee, their deputies and assistants and the other members of their staff.”;

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

1959-60,
c. 102,
aa. 142-146,
added

17. The said charter is amended by inserting, after Chapter I of Title III, the following chapter:

“CHAPTER II

“ADMINISTRATIVE SECRETARY

Appointment

“142. The council may, on the recommendation of the executive committee, appoint an administrative secretary.

Provisions
applicable

“143. The provisions of this Act relating to the heads of the departments also apply to the administrative secretary.

Duties

“144. The administrative secretary shall perform the duties assigned to him by the executive committee.

Reports and
opinions

“145. The heads of the departments shall provide the administrative secretary with any report or opinion he may request.

Reports to
executive
committee

“146. The administrative secretary may report to the executive committee on any matter that is submitted to the committee or that should be brought to its attention.”

1959-60,
c. 102,
a. 663,
repealed

18. Article 663 of the said charter, amended by section 23 of chapter 87 of the statutes of 1988, is repealed.

1959-60,
c. 102,
a. 708,
replaced

19. Article 708 of the said charter, replaced by section 8 of chapter 117 of the statutes of 1986, is again replaced by the following article:

Manage-
ment of
appropria-
tions

“708. The head of each department is responsible for the management of the appropriations put at his disposal, as prescribed by this Act, under the authority of the executive committee or the council.”

1959-60,
c. 102,
a. 709, am.

20. Article 709 of the said charter, replaced by section 28 of chapter 87 of the statutes of 1988, is amended by striking out the words “, the secretary general”.

1959-60,
c. 102,
a. 749, am.

21. Article 749 of the said charter, replaced by section 14 of chapter 90 of the statutes of 1968, amended by section 6 of chapter 92 of the statutes of 1968, by section 15 of chapter 52 of the statutes of 1976, by section 224 of chapter 38 of the statutes of 1984 and by section 39 of chapter 87 of the statutes of 1988, is again amended by striking out the words “and of the secretary general of the city” in the second paragraph.

Appoint-
ment of
members of
the execu-
tive commit-
tee

22. At the first meeting of the council following the coming into force of this Act, the mayor may move, subject to the approval of the council, for the appointment of three members of the executive committee in addition to the six members appointed at the meeting held under article 112 of the charter of the city of Montréal (1959-60, chapter 102).

Procedure

Where the motion, which may not be amended, is not adopted, the council shall then proceed with the nomination and the election of the three members in accordance with the procedure described in the second, third, fourth, fifth, sixth and seventh paragraphs of article 79 of the said charter.

Elected
member
ceases to be
associate
councillor

Where an associate councillor is appointed or elected as member of the executive committee pursuant to this section, he shall cease, upon the appointment or election, to be an associate councillor.

Abolished
positions

23. Subject to any agreement between the city and the holders of positions abolished by sections 7 to 13, the duration and pecuniary terms of their employment remain unchanged.

Application
of s. 237 of
c. F-2.1

24. For the application to the city of section 237 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), for the 1995, 1996 and 1997 fiscal years,

(1) the percentage of 15% mentioned in the first paragraph of that section is replaced by a percentage of 12%;

(2) the percentage of 5% mentioned in subparagraph 1 of the second paragraph of that section is replaced by a percentage of 4%;

(3) the amount of \$1 500 mentioned in subparagraph *a* of subparagraph 2 of the second paragraph of that section is replaced by an amount of \$1 200;

(4) the percentage of 10% mentioned in subparagraph *b* of subparagraph 2 of the second paragraph of that section is replaced by a percentage of 8%.

Application
of s. 252 of
c. F-2.1

25. For the application to the city of section 252 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), for the 1995 fiscal year, the final date on which the second instalment of taxes or compensations payable in two instalments, in accordance with the second paragraph of that section, is the sixtieth day, rather than the ninetieth day, following the last day on which the first instalment may be made.

Application
of s. 253.37
of c. F-2.1

26. For the application to the city of section 253.37 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 78 of chapter 30 of the statutes of 1994, for the 1995 and 1996 fiscal years, the percentage of 10% mentioned in the first paragraph of section 158 of that chapter is replaced by a percentage of 3%.

Maximum
tax reduction

27. The city may, by by-law, provide for an increase in the amount of the general real estate tax imposed on a unit of evaluation for the 1995 fiscal year, in order to limit the percentage of decrease to 10%, determined with reference to the amount of the tax imposed on the unit for the 1994 fiscal year, that is due on the coming into force of the real estate assessment roll for the city on 1 January 1995.

Supplement

The supplement resulting from the increase shall be added to the amount of the second instalment of the tax. If the tax is paid in a single instalment, a separate tax account referred to in section 81 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), shall be sent in respect of the supplement, as if it were a supplement referred to in section 246 of that Act.

By-law

The by-law adopted under the first paragraph may provide

(1) rules for determining, for the purposes of this section, the amount of the tax imposed on the unit for the 1994 fiscal year and the amount, before the increase, of the tax imposed on the unit for the 1995 fiscal year;

(2) rules for taking into account, for the purposes of this section, only the decrease in the amount of the tax arising from a decrease in the taxable value of the unit resulting from a change in real estate market conditions reflected at the time of the coming into force of the roll on 1 January 1995;

(3) rules allowing the increase to be applied to a unit resulting from a combination of whole units;

(4) rules applicable where the taxable value of the unit is altered, relative to the effective date of the alteration;

(5) any other rules, terms and conditions necessary to the application of the increase.

Coming into
force

28. This Act comes into force on 21 December 1994, except section 3 which takes effect from the date on which the council proceeds with the appointment described in section 22.