

NATIONAL ASSEMBLY
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**AN ACT TO AMEND THE ACT RESPECTING THE
COMMUNAUTÉ URBAINE DE QUÉBEC AND OTHER
LEGISLATIVE PROVISIONS**

Bill 119

Introduced by Mr Claude Ryan, Minister of Municipal Affairs

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Assented to 17 December 1993

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Acts amended:

Charter of the French language (R.S.Q., chapter C-11)

Cities and Towns Act (R.S.Q., chapter C-19)

Labour Code (R.S.Q., chapter C-27)

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 intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1)

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

Act respecting municipal taxation (R.S.Q., chapter F-2.1)

Transport Act (R.S.Q., chapter T-12)

Securities Act (R.S.Q., chapter V-1.1)





CHAPTER 67

An Act to amend the Act respecting the Communauté urbaine de Québec and other legislative provisions

[Assented to 17 December 1993]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

c. C-37.3,
s. 1,
replaced

1. Section 1 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is replaced by the following section:

Interpreta-
tion

“1. In this Act,

“Council”

“Council” means the Council of the Communauté urbaine de Québec;

“Minister”

“Minister” means the Minister of Municipal Affairs;

“Société”

“Société” means the Société de transport de la Communauté urbaine de Québec constituted in Title II.”

c. C-37.3,
ss. 2 and 3,
replaced

2. Sections 2 and 3 of the said Act are replaced by the following section:

Constitu-
tion.
Name

“2. A legal person in the public interest, consisting of the municipalities listed in Schedule A and the inhabitants and taxpayers of their territories, is hereby constituted under the name “Communauté urbaine de Québec”.

Territory

The territory of the Community consists of the territories of the municipalities listed in Schedule A.”

c. C-37.3,
ss. 4 and 5,
replaced

3. Sections 4 and 5 of the said Act are replaced by the following sections:

Head office

4. The head office of the Community shall be situated within its territory, in the place it shall determine.

Change of location

After establishing or changing the location of its head office, the Community shall have a notice of the location published in a newspaper circulated in its territory.

Exercise of powers

5. The powers of the Community are exercised by the Council, subject to any delegation effected by the latter in accordance with law.”

c. C-37.3,
Title I,
Div. III,
repealed

4. Division III of Title I of the said Act is repealed.

c. C-37.3,
ss. 29-31,
replaced

5. Sections 29 to 31 of the said Act are replaced by the following sections:

Composition

29. The Council consists of the representatives of the municipalities listed in Schedules A and B.

Mayor

The representative of a municipality is its mayor.

Substitute mayor

However, if the mayor is absent or unable to act, or if the office of mayor is vacant, the representative of the municipality is the substitute mayor appointed in accordance with section 30.

Permanent substitute mayor

30. The council of a municipality shall appoint in advance from among its members a permanent substitute mayor.

Temporary substitute mayor

If the permanent substitute mayor is absent or unable to act, or if the office of permanent substitute mayor is vacant, the council of the municipality may appoint from among its members a temporary substitute for the duration of the absence, inability to act or vacancy in the office of permanent substitute mayor. It must be specified in the resolution passed under this paragraph that the member is appointed as substitute mayor on a temporary basis only, failing which the resolution is deemed to appoint a permanent substitute.

Appointment of substitute mayor

The council of the municipality may delegate to the mayor the power to appoint the substitute mayor. In such case, the mayor shall make the appointment by means of a document signed by him and filed in the office of the municipality; the document must specify, where applicable, that the substitute mayor is appointed on a temporary basis only, failing which the document is deemed to appoint a permanent substitute.

- Copy of resolution or document The clerk or secretary-treasurer of the municipality shall transmit to the Community an authenticated copy of the resolution appointing a substitute or effecting a delegation as soon as possible after passage of the resolution. The clerk or secretary-treasurer shall transmit to the Community an authenticated copy of a document by the mayor appointing a substitute as soon as possible after its filing; the mayor may, however, transmit a copy of the document himself, in which case the clerk or secretary-treasurer is dispensed from doing so.
- Restriction The substitute may not act in that capacity until the Community has received a copy of the resolution or document appointing him.
- Substitute **“31.** A person ceases to be a substitute if he is replaced in that capacity otherwise than on a temporary basis, if he ceases to be a councillor of the municipality or if he resigns as a substitute.
- Resignation of substitute A person resigning shall sign a document to that effect and shall transmit the original to the Community and a copy to the municipality. The resignation takes effect from the date on which the original is received by the Community.
- Offices of Council **“31.1** The Council has the offices of chairman, first vice-chairman and second vice-chairman of the Community; such offices shall not be held concurrently by the same person.
- Categories To determine the holders of the offices, the following categories are established from among the municipalities listed in Schedule A:
- (1) Category 1 comprising the city of Québec;
 - (2) Category 2 comprising the cities of Beauport, Charlesbourg and Sainte-Foy;
 - (3) Category 3 comprising the other municipalities.
- Offices held successively Each office must be held successively, in a set order and for a period of two years, by the mayor of a municipality in each category. Mayors of municipalities in the same category may not hold more than one office concurrently.
- Designation of office holders **“31.2** The holder of an office that must be held by the mayor of a municipality in category 2 or 3 shall be designated by and from the mayors of the municipalities in that category, in the manner set out in this section.
- Meeting On his own initiative or on the request of any of the mayors of the municipalities in the category, the secretary of the Community.

shall call a meeting of the mayors using the procedure for the calling of a special meeting of the Council.

- Meeting** The meeting of the mayors is public, the quorum is the majority of the mayors and the secretary shall preside at the meeting. Each mayor has one vote.
- Type of ballot** At the beginning of the meeting, the mayors shall decide by a majority vote whether the holder of the office will be designated by a voice vote or by secret ballot.
- Voting** The secretary shall establish the nomination and voting procedure. He shall declare as holder designate of the office the mayor for whom more than half of the votes were cast. The secretary shall hold as many rounds of voting as are necessary to designate the holder of the office; at the outset of the process, he may set rules so that candidates are eliminated in each round of voting.
- Minutes** The secretary shall draw up the minutes of the meeting and shall table them before the Council at the first meeting of the Council following the meeting of mayors.
- Time limit for designation** **“31.3** Where an office must be held for a period of two years by the mayor of a municipality in category 2 or 3, the holder of the office must be designated before the beginning of that period.
- Unfilled offices** If the holder of the office is not designated before the beginning of the period, the mayor of the municipality in the category concerned holding one of the other offices at the end of the preceding period shall become the holder of the unfilled office for the period in question.
- Disqualification** If, at any time during the period, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) disqualifies the holder of the office from attending meetings of the Council as a member thereof, he may be replaced, for the duration of the disqualification within the period, by another mayor designated in accordance with section 31.2.
- Cessation of office** **“31.4** A person ceases to hold office on expiry of his term, on ceasing to hold the office of mayor, or in the case of a mayor of a municipality in category 2 or 3, on being replaced in accordance with the third paragraph of section 31.3 and for the duration of that replacement, or on resigning from office.
- Resignation** A person resigning shall sign a document to that effect and shall transmit the original to the Community and a copy to each

municipality in the category concerned. The resignation takes effect from the date on which the Community receives the original of the document.

Designation
of new
holder

“31.5 Within 60 days following the day on which an office that must be held for a period of two years by the mayor of a municipality in category 2 or 3 becomes vacant, a new holder must be designated in accordance with section 31.2 for the remainder of the period.

Exception

Notwithstanding the foregoing, a new holder need not be designated if the office becomes vacant during the last 60 days of the period, or if the Community receives a document signed by the sitting mayor of each municipality in the category concerned attesting that he declines to be designated as the new holder of the office for the remainder of the period.

First vice-
chairman

“31.6 The first vice-chairman replaces the chairman if the latter is absent or unable to act or if the office of chairman is vacant.

Second vice-
chairman

The second vice-chairman replaces the first vice-chairman if the latter is absent or unable to act or if the office of first vice-chairman is vacant.

Concurrent
offices

The replacement of one office holder by another does not constitute the holding of offices concurrently.

Restriction

A substitute mayor who, pursuant to the third paragraph of section 29, replaces a mayor as a member of the Council does not replace the mayor as either the chairman or the vice-chairman.

Duties of
chairman

“31.7 The chairman directs the activities of the Community.

Duties of
chairman

He sees that the provisions of any Act or statutory instrument applicable to the Community are observed, that the provisions of the by-laws of the Community are observed and that the decisions of the Community are carried out.

Duties of
chairman

He acts as the representative of the Community.”

c. C-37.3,
ss. 32 and
33, replaced

6. Sections 32 and 33 of the said Act are replaced by the following sections:

Meetings

“31.8 The Council may hold its meetings at any place within the territory of the Community.

Frequency
of meetings

“32. The Council shall hold not fewer than four regular meetings per calendar year.

Dates and
times of
meetings

It shall fix the days on which the meetings are held and the time at which they begin.

Notice

At the beginning of each year, the secretary of the Community shall have a notice published in a newspaper circulated in the territory of the Community indicating the places where and days on which the regular meetings will be held during the year and the time at which they will begin.

Agenda
paper

“33. The agenda paper for each regular meeting of the Council shall be prepared by the secretary of the Community and shall contain the matters referred to him within the proper time, or within the time previously fixed by the Council by by-law, by the chairman, the executive committee, a select or special committee, the chairman of the Société or a group of not fewer than three members of the Council.

Agenda
paper

In addition, the agenda paper of any regular meeting must contain any matter required by law to be considered at the meeting.”

c. C-37.3,
s. 34, am.

7. Section 34 of the said Act is amended

(1) by replacing the word “spéciales” in the first line of the first paragraph of the French text by the word “extraordinaires”;

(2) by replacing the words “Council, the chairman of the executive committee or the executive committee itself” in the third and fourth lines of the first paragraph by the words “executive committee”;

(3) by replacing the word “five” in the fifth line of the first paragraph by the word “three”;

(4) by replacing the words “requested, and” in the sixth line of the first paragraph by the words “requested; it shall also mention any matter required by law to be considered at the meeting; the notice of convocation shall”;

(5) by striking out the words “of the Council, and at any adjournment of such a meeting” in the first and second lines of the second paragraph.

c. C-37.3,
s. 35, am.

8. Section 35 of the said Act is amended

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

Notice of
convocation

“35. Not later than the third day preceding a regular meeting, or not later than twenty-four hours before the time fixed for a special

meeting, the secretary shall have a notice of convocation to the meeting and, where applicable, the agenda paper delivered to each member of the board of directors by an employee of the Community, a courier service or a peace officer.”;

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

Presumption “For the purposes of the first two paragraphs, the permanent substitute mayor from the city of Québec, while not replacing the mayor under the third paragraph of section 29, is deemed a member of the Council.”

c. C-37.3, ss. 35.1 and 35.2, added **9.** The said Act is amended by inserting, after section 35, the following sections:

Prior notice **“35.1** The secretary shall have prior notice of the holding of each meeting of the Council published in a newspaper circulated in the territory of the Community.

Duties of chairman **“35.2** The chairman shall preside at the meetings of the Council.

Duties of chairman He shall maintain order and decorum at the meetings, and may have any person who disturbs the order at a meeting removed.”

c. C-37.3, s. 36, am. **10.** Section 36 of the said Act is amended

(1) by striking out the words “special or regular” in the first line of the first paragraph;

(2) by replacing the words “to a subsequent date which must not be later than the eighth day following the date of such” in the third and fourth lines of the first paragraph by the word “the”.

c. C-37.3, ss. 37-39, replaced **11.** Sections 37 to 39 of the said Act are replaced by the following sections:

Public meetings **“37.** The meetings of the Council are public.

Question period Every meeting of the Council must include a period during which persons attending may put oral questions to the members of the Council.

Question period The Council may, by by-law, prescribe the length of and time for the question period and the procedure to follow to put questions to members.

Quorum **“38.** The quorum at meetings of the Council is eight members.

Quorum However, the quorum is seven members where no matter relating to the Société is on the agenda for the meeting.

Entitlement to vote **“38.1** On a matter relating to the Société, only the members of the Council representing the municipalities listed in Schedule B are entitled to vote.

Entitlement to vote On a matter relating to the exercise of the competence provided for in section 94.2, only the members of the Council representing the municipality of Lac-Saint-Charles and the parish of Saint-Augustin-de-Desmaures are entitled to vote.

Entitlement to vote On any other matter, only the members of the Council representing the municipalities listed in Schedule A are entitled to vote.

City of Québec substitute mayor The permanent substitute mayor from the city of Québec, while not replacing the mayor under the third paragraph of section 29, may take part in deliberation on the matters referred to in the first or third paragraph of this section, but he is not entitled to vote.

Applicable provisions The first three paragraphs of this section apply subject to section 96.4.

Number of votes **“39.** The member of the Council who represents the municipality with the smallest population among the municipalities whose representatives are entitled to vote on the matter in question has one vote.

Number of votes A member of the Council who represents a municipality other than the municipality with the smallest population among the municipalities referred to in the first paragraph has a number of votes equal to the quotient obtained by dividing the population of the municipality he represents by that of the municipality with the smallest population. Where the quotient contains a decimal fraction, only the first two decimal numbers are taken into account.

Applicable provisions The first two paragraphs of this section apply subject to section 96.4.”

c. C-37.3,
s. 39.1, am. **12.** Section 39.1 of the said Act is amended

(1) by replacing the word “vote” in the second line of the first paragraph by the words “of the votes cast”;

(2) by replacing the word “votes” in the second line of the second paragraph by the words “the votes cast”;

(3) by replacing the words “municipalities. For that purpose, the vote of a municipality is deemed to be cast by its mayor or, if he is absent or unable to vote, by another representative of the municipality capacitated thereto by the council of that municipality” in the second, third, fourth and fifth lines of the third paragraph by the words “members of the Council”;

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

Applicable provisions

“The first three paragraphs of this section apply subject to section 96.4.”

c. C-37.3, ss. 40-42, replaced

13. Sections 40 to 42 of the said Act are replaced by the following section:

Duty to vote

“**40.** Every member of the Council present at a meeting he is not presiding and who is entitled to vote on a matter must vote on that matter unless he is disqualified to vote under the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) by reason of his interest in the matter.”

c. C-37.3, ss. 43 and 44, replaced

14. Sections 43 and 44 of the said Act are replaced by the following section:

Minutes

“**43.** The minutes of the votes and proceedings of the Council shall be entered in a book kept for such purpose by the secretary of the Community. They shall be signed by the secretary and by the member who presided at the meeting; where the latter is not the chairman and cannot sign the minutes owing to absence, inability to act or vacancy of office, his signature shall be replaced by the chairman’s signature.

Reading of minutes

The minutes of a meeting shall be read by the secretary and approved by the Council at a subsequent meeting which may not be later than the second regular meeting following. However, the secretary is dispensed from reading the minutes if he has had a copy of them delivered to every member of the Council not later than at the time of delivery of the notice of convocation for the subsequent meeting.”

c. C-37.3, s. 45, replaced

15. Section 45 of the said Act is replaced by the following sections:

Internal management by-law

“**44.1** The Council may adopt a by-law respecting its internal management or that of the Community, of the executive committee or of any select or special committee.

Other
by-laws

Any by-law provided for in another provision of this division or in a provision of any of Divisions IV.1 to V may be integrated into the internal management by-law.

Copy of
draft
by-law

“45. A copy of every draft by-law to be considered at a meeting must be included with the notice of convocation for that meeting.

Copy not
required

However, if the consideration of the draft by-law is deferred to a subsequent meeting, it is not necessary for a copy of the draft by-law to be included with the notice of convocation for that meeting.”

c. C-37.3,
s. 46, am.

16. Section 46 of the said Act is amended by striking out the words “of the Council,” in the second line.

c. C-37.3,
s. 46.1, am.

17. Section 46.1 of the said Act is amended by striking out the words “of the Council” in the first line of the second paragraph.

c. C-37.3,
s. 47, am.

18. Section 47 of the said Act is amended

(1) by striking out the words “or other proceeding of the Council” in the first line of the first paragraph;

(2) by striking out the words “or proceeding” in the third and fourth lines of the first paragraph.

c. C-37.3,
s. 51, am.

19. Section 51 of the said Act is amended

(1) by striking out the words “French newspaper and in an English” in the fourth and fifth lines of the first paragraph;

(2) by striking out the second sentence of the first paragraph.

c. C-37.3,
s. 55, am.

20. Section 55 of the said Act is amended by replacing the words “and sealed with the corporate seal of the Community, without any proof being necessary of the validity of the seal, or of the signature of the secretary” in the second, third and fourth lines by the words “or by the person in charge of access to the documents of the Community, without any proof of the signature being necessary”.

c. C-37.3,
s. 56,
replaced

21. Section 56 of the said Act is replaced by the following section:

Offences
and penal-
ties

“56. Subject to section 136.13, the Community may, by by-law,

(1) prescribe that an offence under any regulatory provision coming under its jurisdiction shall be sanctioned by a fine;

(2) prescribe either a fine of a fixed amount, or the minimum and maximum fines, or a maximum fine only, in which case the minimum fine is \$1.

Maximum
fines

The fixed amount or maximum fine prescribed cannot exceed, for a first offence, \$1 000 if the offender is a natural person, or \$2 000 if the offender is a legal person. In the case of a second or subsequent conviction, the fixed amount or maximum fine prescribed cannot exceed \$2 000 if the offender is a natural person, or \$4 000 if the offender is a legal person.”

c. C-37.3,
s. 57, am.

22. Section 57 of the said Act is amended

(1) by replacing the words “in force in the Community or in a municipality until the coming into force of the roll of the Community, and any” in the first, second and third lines of the first paragraph by the words “or on the roll of rental values of a municipality whose territory is comprised in that of the Community, and any such”;

(2) by striking out the second paragraph.

c. C-37.3,
s. 58, am.

23. Section 58 of the said Act is amended by replacing the words “or the judge of the Court of Québec” in the first and second lines of the second paragraph by the words “having jurisdiction or a judge thereof”.

c. C-37.3,
s. 62, am.

24. Section 62 of the said Act is amended

(1) by striking out the words “French newspaper and in an English” in the fourth line of subsection 1;

(2) by striking out the second sentence of subsection 1.

c. C-37.3,
s. 67, am.

25. Section 67 of the said Act is amended

(1) by striking out the word “roll,” in the first line of the first paragraph;

(2) by striking out the words “by the Court of Québec of the district of Québec” in the second and third lines of the first paragraph;

(3) by striking out the third paragraph.

c. C-37.3,
Title I,
Div. IV,
Subdiv. 4,
replaced

26. Subdivision 4 of Division IV of Title I of the said Act is replaced by the following division:

"DIVISION IV.1

"EXECUTIVE COMMITTEE

Composition of executive committee **"68.1** The executive committee of the Community consists of the chairman and the vice-chairmen of the Community.

City of Québec mayor However, if the mayor of the city of Québec is absent or unable to act, or if his office is vacant, his permanent substitute replaces him as a member of the committee.

Offices **"68.2** The executive committee has the offices of chairman, first vice-chairman and second vice-chairman.

Office holders Each office is held by the holder of the corresponding office on the Council.

First vice-chairman **"68.3** The first vice-chairman replaces the chairman if the latter is absent or unable to act or if the office of chairman is vacant.

Second vice-chairman The second vice-chairman replaces the first vice-chairman if the latter is absent or unable to act or if the office of first vice-chairman is vacant.

City of Québec mayor Where the permanent substitute mayor replaces the mayor of the city of Québec as a member of the executive committee pursuant to the second paragraph of section 68.1, he does not replace the mayor as chairman or vice-chairman of the committee.

Delegation of powers **"68.4** Subject to section 237.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), the Council may, by by-law, delegate to the executive committee on the conditions it determines, all or part of the powers conferred on it by law or statutory instrument, except the power to adopt by-laws.

Opinion of committee The Council may also, in the same manner, determine the matters on which the committee must give its opinion to the Council.

Calling of meetings **"68.5** Subject to sections 68.6 to 68.12, the meetings of the executive committee shall be called and held in accordance with the rules, if any, prescribed by the internal management by-law adopted under section 44.1.

Duty of chairman **"68.6** The chairman shall preside at the meetings of the executive committee.

In camera meetings **"68.7** The meetings of the executive committee shall be held *in camera*.

- Exception The Council may, however, by by-law, provide that all or part of the meetings of the committee be held in public. The Council or the committee may also, on a case by case basis, provide that all or part of a meeting of the committee be held in public.
- Attendance at *in camera* meetings The holding of a meeting *in camera* does not prevent a member of the Council who is not a member of the committee from attending the meeting.
- Quorum “**68.8** The quorum at meetings of the executive committee is two members.
- Single vote “**68.9** Each member of the executive committee has one vote.
- City of Québec substitute mayor The permanent substitute mayor from the city of Québec, while not replacing the mayor under the second paragraph of section 68.1, may take part in the proceedings, but he is not entitled to vote.
- Duty to vote “**68.10** Every member of the executive committee present at a meeting he is not presiding must vote on every matter put to a vote unless he is disqualified to vote under the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) by reason of his interest in the matter.
- Majority decisions “**68.11** Decisions of the executive committee are made by a majority of the votes cast.
- Minutes “**68.12** The minutes of the votes and proceedings of the executive committee shall be entered in a book kept for such purpose by the secretary of the Community. They shall be signed by the secretary and by the member who presided at the meeting; where the member is not the chairman and cannot sign the minutes owing to absence, inability to act or vacancy of office, his signature shall be replaced by the chairman’s signature.
- Reading of minutes The minutes of a meeting shall be read by the secretary and approved by the committee at a subsequent meeting which may not be later than the second regular meeting following. However, the secretary is dispensed from reading the minutes if he has had a copy of them delivered to each member of the committee not later than at the time of delivery of the notice of convocation for the subsequent meeting.

“DIVISION IV.2

“SELECT AND SPECIAL COMMITTEES

- Select committees “**69.** The select committees of the Community are:

- (1) the planning, traffic and transport committee;
- (2) the administration and finance committee;
- (3) the environment quality committee;
- (4) the economic development and tourism committee.

Composition	“69.1 Each select committee consists of six members.
Members	Two members are designated by the Council from among the mayors of the municipalities listed in Schedule A who are neither the chairman nor one of the vice-chairmen of the Community.
Members	The other four members are designated by the Council from among the eligible councillors referred to in section 69.2.
Concurrent membership	No person who is a member of a select committee may be a member concurrently of another select committee or of the board of directors of the Société.
Reserved offices	“69.2 The council of the city of Québec shall designate ten of its councillors as councillors eligible to hold any of the offices reserved for councillors on the select committees and on the board of directors of the Société. The councils of the cities of Beauport, Charlesbourg and Sainte-Foy shall each designate three of its councillors to be eligible to hold any of those offices.
Resolution	Except where the resolution makes a group designation of the ten or of the three eligible councillors, as the case may be, every resolution designating a councillor shall specify which formerly designated councillor is being replaced, failing which the decision shall be made by the Council.
Authenticated copy	As soon as possible after a resolution designating a councillor is passed, the clerk of the municipality shall transmit an authenticated copy of the resolution to the Community.
Effect	The designation takes effect only from the time the Community receives the copy of the resolution.
Cessation of eligibility	“69.3 A person ceases to be an eligible councillor referred to in section 69.2 if he is replaced in that capacity, ceases to be a councillor of the municipality or resigns as an eligible councillor.
Resignation	A person resigning shall sign a document to that effect and shall send the original to the Community and a copy to the municipality. The resignation takes effect from the date on which the original is received by the Community.

Term of office	“69.4 The term of office of a member of a select committee is for an indefinite period.
Cessation of office	The member ceases to hold office if he is replaced, designated a member of another select committee or of the board of directors of the Société, or resigns as a member of the committee. He also ceases to hold office if he ceases to be a mayor or an eligible councillor referred to in section 69.2 or if he becomes the chairman or a vice-chairman of the Community.
Resignation	A person resigning shall sign a document to that effect and shall send the original to the Community and a copy to the municipality on whose council he is a member. The resignation takes effect from the date on which the original is received by the Community.
Chairman and vice-chairman	“69.5 Each select committee has an office of chairman and of vice-chairman.
Designation	The Council shall designate the chairman and the vice-chairman from among the members of the committee who are mayors.
Term of office	“69.6 The term of office of the chairman or vice-chairman of a select committee is for an indefinite period.
Cessation of office	The chairman or the vice-chairman ceases to hold office if he is replaced, ceases to be a member of the committee or resigns as chairman or vice-chairman.
Resignation	The person resigning shall sign a document to that effect and shall send the original to the Community and a copy to the municipality of which he is the mayor. The resignation takes effect from the date on which the original is received by the Community.
Replacement chairman	“69.7 The vice-chairman replaces the chairman if the latter is absent or unable to act or if the office of chairman is vacant.
Function of committee	“69.8 The function of every select committee is to study, where so requested by the Council or on its own initiative, any matter within the committee’s field of competence, and to make any recommendations to the Council it considers appropriate.
Calling of meetings	“69.9 Subject to sections 69.10 to 69.15, the meetings of every select committee shall be called and held in accordance with the rules, if any, prescribed by the internal management by-law adopted under section 44.1.
Frequency of meetings	“69.10 Every select committee shall hold not fewer than four regular meetings per calendar year.

Prior notice The secretary shall have prior notice of each meeting to be held published in a newspaper circulated in the territory of the Community.

Duty of chairman **“69.11** The chairman of a select committee shall preside at its meetings.

Absence of replacement chairman Where a chairman must be replaced by the vice-chairman and the latter is absent or unable to act or his office is vacant, the members of the committee present at the meeting may designate a person from among their number to preside at the meeting.

Public meetings **“69.12** The meetings of every select committee are public.

Question period Every meeting of a select committee must include a period during which persons attending may put oral questions to the members of the committee.

Question period The Council may, by by-law, prescribe the length of and time for the question period and the procedure to follow to put questions to members.

Quorum **“69.13** The quorum at meetings of a select committee is four members.

Single vote **“69.14** Each member of a select committee has one vote.

Majority decisions **“69.15** The recommendations of every select committee must be adopted by a majority of the votes cast.

Record of proceedings The committee shall keep a record of its proceedings and recommendations in a report signed by the chairman of the committee or by not fewer than four other members.

Tabling of report The report shall be tabled at a meeting of the Council.

Special committees **“69.16** In addition to the select committees provided for in section 69, the Council may, by by-law, establish any special committee whose function is to study a matter within the competence of the Community that is not within the field of competence of any select committee, or that is within the field of competence of more than one select committee, and to make any recommendations it considers appropriate to the Council.

Composition The Council shall by the same by-law provide for the composition of the special committee and the rules governing its functioning.

“DIVISION IV.3

“REMUNERATION OF THE MEMBERS OF THE COUNCIL, THE EXECUTIVE COMMITTEE
AND THE SELECT AND SPECIAL COMMITTEESRemunera-
tion of
members

“70. The Council may, by by-law, fix the remuneration or indemnity of its members not referred to in the third paragraph. The remuneration or indemnity fixed for the mayor of the municipality of Boischatel may be different from that fixed for the other members of the Council.

Additional
remunera-
tions

The Council may, by the same by-law, fix any additional remuneration or indemnity for the members of the Council, and fix the remuneration or indemnity for the chairman, first vice-chairman or second vice-chairman of the Community, for the chairman, vice-chairman or any other member of a select or special committee, or for the permanent substitute mayor from the city of Québec.

Remunera-
tion of
substitute
mayor

The Council may, by the same by-law, fix the remuneration or indemnity of a substitute mayor who temporarily becomes a member of the Council pursuant to the third paragraph of section 29; such remuneration or indemnity may be different in the case of the substitute mayor from the municipality of Boischatel. The Council may provide that the remuneration or indemnity does not apply in respect of the permanent substitute mayor from the city of Québec. It may also provide that payment of the remuneration or indemnity entails a reduction in the remuneration or indemnity otherwise payable, for the office of member of the Council, to a mayor replaced owing to absence or inability to act.

Reimburse-
ment of
expenses

Any indemnity is paid as reimbursement for the part of the expenses attached to the office which are not reimbursed pursuant to sections 70.4 to 70.8. The indemnity may not exceed one half of the remuneration.

Retroactive
effect

The by-law may have retroactive effect from 1 January of the year in which it comes into force.

Equivalent
remunera-
tion for
temporary
replacement

“70.1 The Council may, by the by-law adopted under section 70, where the temporary replacement of the holder of an office by another person lasts for the number of days specified by the Council, provide for the payment by the Community, to the person replacing the holder of the office, of additional remuneration or indemnity sufficient to ensure that, for the period beginning at the time specified and ending at the same time as the replacement ends, the replacement receives the equivalent of the remuneration or indemnity otherwise payable, for that period and in respect of that office, to the holder of the office being replaced.

City of
Québec
substitute
mayor

The Council may provide that the additional remuneration or indemnity provided for in the first paragraph does not apply in respect of the permanent substitute mayor from the city of Québec. It may also provide that payment of the additional remuneration or indemnity entails a reduction in the remuneration or indemnity otherwise payable, for the office in question, to the holder of the office being replaced owing to absence or inability to act.

Amount of
remunera-
tion

“70.2 Every person receives the remuneration or indemnity provided for him by the by-law adopted under section 70, unless the application of section 23 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) disqualifies him from receiving the remuneration or indemnity or reduces the amount thereof.

Conditions

The first paragraph applies subject to any provision of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) that prescribes a loss of remuneration or indemnity for any meeting of the Council, the executive committee or a select or special committee for which the person has lost the right to attend as a member.

Conditions

“70.3 Further to the provisions of the third paragraph of section 70, the second paragraph of section 70.1 and the second paragraph of section 70.2, the Council may, by the by-law adopted under section 70, prescribe the conditions under which the failure of a member of the Council, the executive committee or a select or special 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.

Prior
authoriza-
tion

“70.4 No member of the Council, the executive committee or a select or special committee may, as part of his duties, perform any act involving expenses chargeable to the Community except with the prior authorization of the Council to perform the act and incur, in consequence thereof, expenses not exceeding the amount fixed by the Council.

Exception

However, the chairman of the Community is not required to obtain prior authorization when acting in his capacity as representative of the Community. Such exemption also applies to any other member of the Council designated by the chairman to replace him as representative of the Community on any occasion on which neither vice-chairman is able to replace him in accordance with section 31.6.

Reimbursement of expenses **“70.5** A member of the Council, the executive committee or a select or special committee who, in the exercise of his duties, has incurred expenses chargeable to the Community is entitled, on presentation of a statement accompanied with the proper vouchers, to be reimbursed by the Community for the amount of the expenses, up to the maximum amount fixed in the prior authorization, where that is the case.

Tariff and vouchers **“70.6** The Council may, by by-law, establish a tariff applicable where expenses chargeable to the Community are incurred by particular classes of acts performed in Québec for a purpose other than travel outside Québec, and prescribe what vouchers must be presented to prove that such an act was performed.

Limited authorization If such a by-law is in force, the prior authorization required by section 70.4 in respect of an act covered by the tariff is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed.

Amount of reimbursement Notwithstanding section 70.5, a member of the Council, the executive committee or a select or special committee who, as part of his duties, has performed an act covered by the tariff in force is entitled, on presentation of a statement accompanied with the vouchers prescribed in the by-law, to receive from the Community the amount prescribed in the tariff for that act.

Budget appropriations **“70.7** The Council may provide sufficient appropriations in the budget of the Community for the reimbursement, pursuant to section 70.5 or 70.6, of expenses incurred by particular classes of acts that the members of the Council, the executive committee or a select or special committee may perform on behalf of the Community as part of their duties.

Limited authorization The prior authorization required by section 70.4 in respect of an act included in a class for which appropriations are provided in the budget is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed. The maximum amount is deemed to be the balance of the appropriations for acts of that class, after deducting previous reimbursements or, where applicable, the amount prescribed in the tariff for that act.

Appropriation of contingency sums If no appropriations are available, the Council may appropriate, for the purposes of the first paragraph, all or part of the balance of the sums provided in the budget to cover contingencies; such sums are deemed to be appropriations.

Maximum amount **“70.8** Notwithstanding sections 70.6 and 70.7, the Council may fix the maximum amount of expenses allowed where it authorizes one

of its members or a member of the executive committee or of a select or special committee to perform an act covered by the tariff or in a class for which appropriations are provided in the budget.

Tariff not applicable

Section 70.5 applies in such case even if the act is covered by the tariff.

Presumption

“70.9 For the purposes of his salary, pension plan, benefits and other conditions of employment, a person who is replaced temporarily in his office owing to absence or inability to act is deemed not to cease holding the office for the time he is replaced.

Municipality of Boischatel

“70.10 The Community may be reimbursed from the Société for any amounts the Community has paid under this division to the mayor of the municipality of Boischatel or to his substitute.”

c. C-37.3, ss. 71-75, replaced

27. Sections 71 to 75 of the said Act are replaced by the following sections:

Administrative departments

“71. The Council may, by by-law, establish the administrative departments of the Community and define the scope of their activities.

Administrative departments

It shall establish the secretarial department, the treasury department and the valuation department.

Officers

“72. The Council shall appoint a director general, a secretary, who is the head of the secretarial department, and a treasurer, who is the head of the treasury department.

Assessor

For the purposes of exercising the jurisdiction conferred on the Community by the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the Council shall appoint an assessor, who is the head of the valuation department.

Heads of departments

The Council shall also appoint the head of any other department it establishes.

Assistant heads

It may appoint an assistant to any person appointed under any of the first three paragraphs. The assistant shall temporarily replace the person if the latter is absent or unable to act or if the office is vacant.

Concurrent offices

In no case may a person hold an office provided for in this section concurrently with the office of member of the council of a municipality listed in Schedule A or B, or with the position of officer or employee of such municipality.

- Other officers and employees **“73.** The Council may engage any other officer or employee it considers useful for the purposes of the Community.
- Duties **“74.** The Council shall define the duties of the officers and employees of the Community other than the duties provided for in an Act or in a statutory instrument.
- Conditions of employment It shall establish, individually or by category, the salary, benefits and other conditions of employment of the officers and employees of the Community.
- Standards and staffing plan **“74.1** The Council may, by by-law, prescribe administrative standards, establish an organization plan for the departments of the Community or prescribe the staffing requirements for the management of the departments.
- Responsibilities of director general It may, by the same by-law, entrust the director general with full or partial responsibility for applying the standards or plan, for hiring officers or employees other than those referred to in section 72, for dismissing or suspending with or without pay officers or employees other than those referred to in section 76, or for effecting a reduction in their salaries. Such responsibility may, in respect of a department, be delegated to the head of the department if he is not under the authority of the director general.
- Subdelegation of responsibilities The director general may subdelegate, insofar as the by-law referred to in the first paragraph so permits, all or a part of the responsibilities entrusted to him to the head of a department under his authority.
- Suspension **“74.2** The chairman of the Community may, for cause, suspend an officer or employee of the Community with or without pay until the next meeting of the Council or, if the power to impose a penalty prescribed in section 75 on the officer or employee was delegated to the executive committee, until the next meeting thereof.
- Report At the meeting, the chairman must table a report giving reasons for the suspension.
- Dismissal **“75.** The Council may dismiss or suspend without pay any officer or employee of the Community or reduce his salary.”
- c. C-37.3,
s. 76, am. **28.** Section 76 of the said Act is amended by replacing the words “The resolution removing an officer or employee contemplated in section 74 or 75 or suspending him without pay or reducing his salary shall be served by handing a copy thereof to him in person;” in the first, second and third lines of the first paragraph by the words “Where a person on whom a penalty prescribed in section 75 is being

imposed is an officer referred to in section 72, or is an officer or employee who has held his position for at least six months and is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27), the resolution imposing the penalty must be served by handing a copy thereof to him in person.”

c. C-37.3,
s. 77.1, am.

29. Section 77.1 of the said Act is amended by replacing the figure and word “74 to” in the first line by the figure and word “76 and”.

c. C-37.3,
ss. 79 and
80, repealed

30. Sections 79 and 80 of the said Act are repealed.

c. C-37.3,
s. 81, am.

31. Section 81 of the said Act is amended

(1) by striking out the second sentence of the first paragraph;

(2) by replacing the words “The minutes of the sittings of the executive committee, approved and signed by the chairman of such committee and by the secretary, and the minutes of the sittings of the Council, approved and signed by the chairman of the Council and by the secretary, shall be evidence of their contents” in the first, second, third, fourth and fifth lines of the third paragraph by the words and figures “The minutes signed and approved in accordance with section 43 or 68.12, as the case may be, shall be evidence of their contents”;

(3) by striking out the words “of the executive committee” in the ninth line of the third paragraph;

(4) by striking out the fourth paragraph.

c. C-37.3,
s. 82, am.

32. Section 82 of the said Act is amended

(1) by inserting the words “Council and the” before the word “executive” in the first line of subparagraph *a* of the first paragraph;

(2) by inserting the words “Council and the” before the word “executive” in the first line of subparagraph *b* of the first paragraph;

(3) by inserting the words “Council and the” before the word “executive” in the first line of subparagraph *c* of the first paragraph;

(4) by inserting the words “Council or the” before the word “executive” in the first line of subparagraph *d* of the first paragraph;

(5) by inserting the words “Council and the” before the word “executive” in the first line of subparagraph *e* of the first paragraph;

(6) by inserting the words “Council and the” before the word “executive” in the first line of subparagraph *h* of the first paragraph;

(7) by replacing subparagraph *i* of the first paragraph by the following subparagraph:

“(i) obtain and examine projects prepared by the heads of departments on matters requiring the approval of the Council or of the executive committee and present them to the Council or executive committee, as the case may be;”;

(8) by replacing the words “executive committee” in the second line of subparagraph *j* of the first paragraph by the words “Council or, where the estimates must be studied by the executive committee, to the latter”;

(9) by replacing subparagraph *l* of the first paragraph by the following subparagraph:

“(l) to present to the Council a list of accounts payable or, where the accounts payable must be studied by the executive committee, to present the list to the executive committee.”;

(10) by inserting the words “Council and the” before the word “executive” in the first line of the second paragraph.

c. C-37.3,
s. 83,
repealed
c. C-37.3,
s. 84, am.

33. Section 83 of the said Act is repealed.

34. Section 84 of the said Act is amended

(1) by striking out the words “by the executive committee” in the tenth line of paragraph *g*;

(2) by striking out paragraph *h*.

c. C-37.3,
s. 85, am.

35. Section 85 of the said Act is amended

(1) by inserting the word “working” after the words “constitute a” in the second line of the first paragraph;

(2) by replacing the words “executive committee may authorize the treasurer of the Community to” in the first and second lines of subparagraph 1 of the first paragraph by the words “Community may”;

(3) by replacing the word “he” in the fourth line of subparagraph 1 of the first paragraph by the word “it”;

(4) by replacing the figure “\$2 500 000” in the sixth line of subparagraph 1 of the first paragraph by the figure “\$12 500 000”;

(5) by replacing the words “executive committee” in the fourth line of the first paragraph of subparagraph 3 of the first paragraph by the word “Community”;

(6) by replacing the words “of the executive committee or, in his absence, in the presence of the vice-chairman of the executive committee or the secretary or treasurer or their deputies” in the third, fourth and fifth lines of the second paragraph of subparagraph 3 of the first paragraph by the words “, or in the presence of the secretary or treasurer or their assistants”;

(7) by replacing the words “one year” in the second line of subparagraph 4 of the first paragraph by the words “five years”;

(8) by inserting, after paragraph *a* of subparagraph 4 of the first paragraph, the following paragraph:

“(a.1) for the purposes of capital expenditures;”.

c. C-37.3,
s. 92,
replaced

36. Section 92 of the said Act is replaced by the following sections:

Contracts

“**92.** Every contract enumerated hereunder involving an expenditure by the Community of more than \$20 000 must be awarded in accordance with section 92.0.1 or 92.0.2:

(1) an insurance contract;

(2) a contract for the performance of work;

(3) a contract for the supply of materials or equipment, including a contract for the lease of equipment with an option to purchase;

(4) a contract for the providing of services other than professional services.

Exceptions

Notwithstanding the foregoing, the first paragraph does not apply to a contract

(1) whose object is the supply of materials or equipment or the providing of services for which a tariff is fixed or approved by the Government of Canada or of Québec, or by a Minister or body thereof;

(2) whose object is the supply of materials or equipment or the providing of services and which is 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 (R.S.Q., chapter A-2.1);

(3) whose purpose is to obtain energy savings for the Community and whose object is both the providing of professional services and the performance of work or the supply of materials, equipment or 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, and which is 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 providing 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 its representative.

Call for
tenders by
written
invitation

“92.0.1 Any contract involving an expenditure of less than \$100 000, from among the contracts to which the first paragraph of section 92 applies, may be awarded only after a call for tenders by way of written invitation to at least two insurers, contractors or suppliers, as the case may be.

Call for
tenders by
advertisement

“92.0.2 Any contract involving an expenditure of \$100 000 or more, from among the contracts to which the first paragraph of section 92 applies, may be awarded only after a call for tenders by way of an advertisement published in a newspaper circulated in the territory of the Community.

Time limit

The time limit for the receipt of tenders must be not less than eight days.

- Basis** Tenders may not be called for nor may the contracts resulting therefrom be awarded except on a fixed price or unit price basis.
- Opening of tenders** All tenders must be opened publicly in the presence of at least two witnesses, on the date and at the time and place mentioned in the call for tenders. All tenderers may be present at the opening of the tenders. The names of the tenderers and their respective prices must be declared aloud on the opening of the tenders.
- Lowest tender** The Community may not, without the prior authorization of the Minister, award the contract to any person other than the person who submitted the lowest tender within the prescribed time. If, however, to comply with the conditions for a Government grant, it is necessary that the contract be awarded to a person other than the person who submitted the lowest tender within the prescribed time, the Community may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders submitted within the prescribed time and that fulfil the conditions of the grant.
- Irresistible force** **“92.0.3** Notwithstanding section 92, in a case of irresistible force which might endanger the life or health of the population or seriously damage the equipment of the Community or seriously hinder its operation, the chairman may, on written request by the director general, order such expenditure as he considers necessary and award any contract necessary to remedy the situation.
- Report** In such case, the chairman shall table a report giving reasons for the expenditure and the contract, at the next meeting of the Council or, if the power to order such an expenditure or award such a contract was delegated to the executive committee, at the next meeting of the executive committee.
- Renewal** **“92.0.4** Notwithstanding section 92, the Community may renew, without being required to call tenders, 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 for movable property** **“92.0.5** The Community may enter into a leasing contract in respect of movable property that must be acquired by tender in

accordance with section 92, provided it discloses, in the call for tenders, that it will have the option to enter into a leasing contract in respect of the property.

Written
notice

If the Community opts to enter into a leasing contract, it must give written notice thereof to the successful tenderer. Upon receipt of the notice, the successful tenderer must enter into the contract in respect of the movable property, in accordance with the conditions subject to which the tender was accepted, with the lessor designated by the Community in the notice.”

c. C-37.3,
s. 92.1, am.

37. Section 92.1 of the said Act is amended

(1) by replacing the words “executive committee” in the first line of the first paragraph by the word “Community”;

(2) by replacing the word “committee” in the first line of the second paragraph by the word “Community”.

c. C-37.3,
s. 92.3, am.

38. Section 92.3 of the said Act is amended by replacing the words “executive committee” in the second line by the word “Community”.

c. C-37.3,
s. 92.4, am.

39. Section 92.4 of the said Act is amended

(1) by replacing the words “executive committee” in the first line of the first paragraph by the word “Community”;

(2) by replacing the word “il” in the second line of the first paragraph of the French text by the word “elle”;

(3) by replacing the words “executive committee” in the first line of the second paragraph by the word “Community”.

c. C-37.3,
s. 92.5, am.

40. Section 92.5 of the said Act is amended

(1) by inserting the words “the Société or” before the word “one” in the second line of the first paragraph;

(2) by replacing the words “executive committee in the name of the Community and the name” in the first and second lines of the third paragraph by the words “Community on its own behalf and on behalf of the Société or”;

(3) by replacing the words and figures “Subsection 2 of section 92” in the first line of the fourth paragraph by the word and figure “Section 92.0.2”;

(4) by replacing the figure “\$50 000” in the third line of the fourth paragraph by the figure “\$100 000”;

(5) by replacing the word “No” in the first line of the fifth paragraph by the words “Neither the Société nor a”;

(6) by replacing the words “executive committee” in the third line of the fifth paragraph by the word “Community”;

(7) by replacing the words “executive committee” in the first line of the sixth paragraph by the word “Community”;

(8) by inserting the words “the Société or” after the word “binds” in the first line of the sixth paragraph.

c. C-37.3,
s. 93, am.

41. Section 93 of the said Act, amended by section 1 of chapter 14 of the statutes of 1992, is again amended by striking out the second paragraph.

c. C-37.3,
s. 95,
French
text, am.

42. Section 95 of the said Act, amended by section 2 of chapter 14 of the statutes of 1992 and by section 132 of chapter 3 of the statutes of 1993, is again amended

(1) by replacing the word “spéciale” in the second line of the first paragraph of the French text by the word “extraordinaire”;

(2) by replacing the word “spéciale” in the third line of the third paragraph of the French text by the word “extraordinaire”.

c. C-37.3,
s. 121, am.

43. Section 121 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “Where the person or body has competence in a territory other than that of the Community, the latter may, in carrying out the agreement, also promote tourism in that other territory.”

c. C-37.3,
s. 127, am.

44. Section 127 of the said Act, amended by section 5 of chapter 14 of the statutes of 1992, is again amended

(1) by replacing the words “executive committee” in the first line of the first paragraph by the word “Community”;

(2) by replacing the words “executive committee” in the first and second lines of the second paragraph by the word “Community”;

(3) by replacing the words “executive committee” in the first line of the third paragraph by the word “Community”;

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

(5) by replacing the word “il” in the fourth line of the third paragraph of the French text by the word “elle”.

c. C-37.3,
s. 128, am. **45.** Section 128 of the said Act, amended by section 6 of chapter 14 of the statutes of 1992, is again amended

(1) by striking out the words “the executive committee of” in the fifth and sixth lines of the first paragraph;

(2) by replacing the word “celui-ci” in the seventh line of the first paragraph of the French text by the word “celle-ci”;

(3) by replacing the word “il” in the seventh line of the first paragraph of the French text by the word “elle”;

(4) by striking out the words “the executive committee of” in the third and fourth lines of the second paragraph;

(5) by replacing the words “the Community” in the fourth and fifth lines of the second paragraph by the word “it”.

c. C-37.3,
s. 129, am. **46.** Section 129 of the said Act, amended by section 7 of chapter 14 of the statutes of 1992, is again amended by replacing the words “executive committee” in the second line of the second paragraph by the word “Community”.

c. C-37.3,
s. 136.8,
replaced **47.** Section 136.8 of the said Act, enacted by section 14 of chapter 14 of the statutes of 1992, is replaced by the following section:

Delegation
of powers **“136.8** The Community may, by by-law, delegate all or part of the powers conferred on it by sections 136.4 to 136.7 to the head of a department.”

c. C-37.3,
s. 136.9,
repealed **48.** Section 136.9 of the said Act, enacted by section 14 of chapter 14 of the statutes of 1992, is repealed.

c. C-37.3,
s. 138.4,
am. **49.** Section 138.4 of the said Act, enacted by section 18 of chapter 14 of the statutes of 1992, is amended by replacing the words “executive committee” in the first line of the third paragraph by the word “Community”.

c. C-37.3,
s. 139, am. **50.** Section 139 of the said Act, enacted by section 19 of chapter 14 of the statutes of 1992, is amended by replacing the words and figure “subject to section 92” in the third line by the words and figure “notwithstanding the third paragraph of section 92.0.2”.

c. C-37.3,
s. 140, am. **51.** Section 140 of the said Act, amended by section 20 of chapter 14 of the statutes of 1992, is again amended

(1) by striking out the words “previously authorized by the Minister” in the first and second lines of the first paragraph;

(2) by striking out the words “by the executive committee” in the first line of the second paragraph;

(3) by adding, at the end of the second paragraph after the word “price”, the words “, in which latter case, the contract must receive the prior authorization of the Minister”.

c. C-37.3,
s. 143, am. **52.** Section 143 of the said Act, amended by section 135 of chapter 3 of the statutes of 1993, is again amended

(1) by replacing the words “executive committee” in the fifth and sixth lines by the word “Community”;

(2) by replacing the words “executive committee” in the seventh line by the word “Community”;

(3) by replacing the words “s’il” in the eighth line of the French text by the words “si elle”.

c. C-37.3,
s. 143.2,
am. **53.** Section 143.2 of the said Act, enacted by section 136 of chapter 3 of the statutes of 1993, is amended by replacing the words “executive committee” in the second line of subparagraph 3 of the second paragraph by the word “Community”.

c. C-37.3,
s. 147.1,
am. **54.** Section 147.1 of the said Act is amended by striking out the words “of the executive committee” in the second line of the first paragraph.

c. C-37.3,
s. 148, am. **55.** Section 148 of the said Act is amended

(1) by striking out the first paragraph;

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

Applicability “The first four paragraphs apply, adapted as required, in respect of the budget of the Société. However, in such case, the treasurer referred to in the first two paragraphs is the treasurer of the Société.”

c. C-37.3,
s. 148.1,
added **56.** The said Act is amended by inserting, after section 148, the following section:

Filing of
draft
budgets

“148.1 The draft budgets of the Community and the Société must be filed in the office of the secretary of the Community not later than 1 October of the fiscal year preceding the fiscal year covered by the budgets.

Transmis-
sion of
copies

Not later than the following 15 October, the secretary shall transmit, to every municipality listed in Schedule A and to every representative of such municipality on the Council, a copy of the draft budget of the Community, and to every municipality listed in Schedule B and to every representative of such municipality on the Council, a copy of the draft budget of the Société.

Opinions
and reports

The secretary shall include with every copy of the budget a copy of any opinion by the executive committee, or any report by a select or special committee relating to the budget.”

c. C-37.3,
s. 149, am.

57. Section 149 of the said Act is amended

(1) by replacing the words “budget of the Community and the budget of the Transit Commission” in the first and second lines of the first paragraph by the words “draft budgets of the Community and the Société”;

(2) by replacing the word “spéciale” in the third line of the first paragraph of the French text by the word “extraordinaire”;

(3) by replacing the words “Transit Commission” in the first and second lines of the sixth paragraph by the word “Société”;

(4) by replacing the words “Transit Commission” in the second line of the tenth paragraph by the word “Société”;

(5) by adding, at the end of the tenth paragraph, the following sentence: “A certified copy of the budget of the Société shall also be transmitted, within the same time, to the Minister of Transport.”

c. C-37.3,
s. 150, am.

58. Section 150 of the said Act is amended

(1) by replacing the word “chef” in the first line of the French text by the word “directeur”;

(2) by replacing the words “executive committee” in the third and fourth lines by the word “Council”;

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

Authoriza-
tion of
payment

“The Council must authorize the payment of any amounts owed by the Community.”

c. C-37.3,
s. 151, am. **59.** Section 151 of the said Act is amended by replacing the word “spéciale” in the second line of the third paragraph of the French text by the word “extraordinaire”.

c. C-37.3,
s. 152,
replaced **60.** Section 152 of the said Act is replaced by the following section:

Approval of
transfers **“152.** Any transfer of appropriations within the budget requires the approval of the Council.”

c. C-37.3,
s. 153, am. **61.** Section 153 of the said Act is amended

(1) by replacing the words “of the Council or report or resolution of the executive committee authorizing or recommending” in the first and second lines by the words “providing for”;

(2) by replacing the words “available funds” in the fourth line by the words “sufficient appropriations for the purposes for which the expenditure is proposed”;

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

Separate
certificates **“Where the proposed expenditure covers several fiscal years, a separate certificate attesting to the available appropriations must be issued in each fiscal year.**

Exception **The first two paragraphs do not apply to a by-law or resolution that affects to the proposed expenditure an amount of money from a source other than the general fund.”**

c. C-37.3,
s. 153.1,
added **62.** The said Act is amended by inserting, after section 153, the following section:

Delegation
of powers **“153.1** The Council may, by by-law, delegate to the chairman of the Community or to an officer or employee thereof, on the conditions the Council determines, the power to authorize or pay expenditures and to enter into ensuing contracts on behalf of the Community.

Content of
by-law **The by-law must, in particular, indicate the field of competence to which the delegation applies, the maximum amount of the expenditures that the chairman or the officer or employee may authorize or pay and the other conditions to which the delegation is subject.**

Restriction **Neither the chairman nor the officer or employee may authorize an expenditure that entails a financial commitment by the Community**

for a period extending beyond the current fiscal year. For the purposes of section 153, the authorization is deemed a resolution providing for the expenditure.

Authoriza-
tion

If, for the purposes of the fifth paragraph of section 92.0.2, the authorization of the Minister must be obtained to allow the chairman, officer or employee to award a contract to a person other than the person who submitted the lowest tender, the authorization must be applied for by the Council.”

c. C-37.3,
s. 155,
replaced

63. Section 155 of the said Act is replaced by the following section:

Estimated
budget
surplus

“**155.** During a fiscal year, the Community on report of the treasurer may appropriate any estimated budget surplus for the current fiscal year to expenditures for that fiscal year or for a subsequent fiscal year it shall determine.

Surplus for
preceding
fiscal year

It may also appropriate to expenditures for the current fiscal year any surplus for the preceding fiscal year certified true by the auditor appointed under section 167.4.

Budget
amended

The appropriation of a surplus to expenditures for a fiscal year amends the budget for that fiscal year accordingly.

Other
surplus or
deficit

Any other surplus or any deficit for a fiscal year shall be entered in the revenues or expenditures for the fiscal year following that in which the auditor makes his report for the first mentioned fiscal year.”

c. C-37.3,
s. 157.2,
am.

64. Section 157.2 of the said Act is amended by adding, at the end, the following paragraph:

Applicability
of rate

“The Council may, in the by-law, order that the rate it fixes in the by-law or in the resolution referred to in the third paragraph apply to any sum owing to the Community that is payable or that subsequently becomes payable.”

c. C-37.3,
s. 160, am.

65. Section 160 of the said Act is amended

(1) by striking out the second sentence of the second paragraph;

(2) by striking out the third paragraph.

c. C-37.3,
s. 161, am.

66. Section 161 of the said Act is amended by striking out the second paragraph.

c. C-37.3,
s. 162.1,
added

67. The said Act is amended by inserting, after section 162, the following section:

Loan in
another
currency

“162.1 Where a loan by-law provides that the Community may contract a loan in Canadian dollars or in any other currency, the total loan amount authorized is the amount expressed in Canadian dollars.

Loan in
another
currency

In establishing the amount in Canadian dollars of a loan contracted in another currency, depending on whether or not the proceeds of the loan are converted into Canadian dollars before being paid to the Community, the value used is the prevailing value of the unit of the other currency in relation to the Canadian dollar either at the time of the conversion or at noon on the day of payment.

Loan in
another
currency

Where all or part of the proceeds of a loan are used to renew a loan previously contracted by the Community, for all or part of the unexpired term of the latter loan, the amount used for the renewal is not subtracted from the balance of the loan amount authorized by the by-law, irrespective of the value of the unit of the currency in which the loan is contracted.”

c. C-37.3,
s. 163, am.

68. Section 163 of the said Act is amended by adding, at the end, the following paragraph:

Rank of
commit-
ments

“The commitments resulting from the securities issued by the Community constitute direct and general obligations of the Community and the municipalities listed in Schedule A, and such commitments rank equally with and have no preference over any other general obligations of the Community and the municipalities.”

c. C-37.3,
s. 165, am.

69. Section 165 of the said Act is amended

(1) by replacing the words “the vice-chairman of the executive committee” in the second and third lines by the words “either of the vice-chairmen”;

(2) by replacing the word “secretary” wherever it appears in the third line by the word “treasurer”;

(3) by striking out the words “by-law of” in the fourth line.

c. C-37.3,
s. 166, am.

70. Section 166 of the said Act is amended

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

Facsimile of
signature

“166. The facsimile of the signature of the chairman and treasurer on the bonds may be engraved, lithographed or printed and shall have the same effect as if the signature itself had been affixed thereto.

Bonds
issued by
Community

The seal of the Ministère des Affaires municipales prescribed in section 12 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) is not required on bonds issued by the Community, and the certificate of the Minister or of the person authorized may be issued in respect of such bonds under a facsimile of their signature. However, the presumption of validity provided for in section 12 of that Act shall, where the certificate is issued under a facsimile of the signature, apply only if the bonds bear the handwritten signature of the chairman or treasurer or of a financial agent who is a mandatary of the Community.”;

(2) by replacing the words “or vice-chairman of the executive committee,” in the third and fourth lines of the third paragraph by the words “, vice-chairman”;

(3) by replacing the words “executive committee” in the second line of the fourth paragraph by the word “Council”.

c. C-37.3,
s. 167.2,
am.

71. Section 167.2 of the said Act is amended by inserting the words “and to every municipality whose territory is comprised in that of the Community” after the word “Minister” in the third line.

c. C-37.3,
Title II and
Title II,
Div. I,
headings,
replaced

72. The headings of Title II of the said Act and of Division I of that title are replaced by the following headings:

“TITLE II

“SOCIÉTÉ DE TRANSPORT

“DIVISION I

“CONSTITUTION AND OBJECT”

c. C-37.3,
ss. 168-171,
replaced

73. Sections 168 to 171 of the said Act are replaced by the following sections:

Constitu-
tion.
Name

168. A legal person in the public interest, consisting of the municipalities listed in Schedule B and the inhabitants and taxpayers of their territories, is hereby constituted as a public transport authority under the name “Société de transport de la Communauté urbaine de Québec”.

Territory

The territory of the Société consists of the territories of the municipalities listed in Schedule B.

Head office

169. The head office of the Société shall be situated within its territory, in the place it shall determine.

Change of location After establishing or changing the location of its head office, the Société shall have a notice of the location published in a newspaper circulated in its territory.

Object “**170.** The object of the Société is to operate an undertaking for the public transport of passengers in its territory and, where provided for by law, outside its territory.

Exercise of powers “**171.** The powers of the Société are exercised by its board of directors, subject to any delegation effected by the latter in accordance with law.”

c. C-37.3,
Title II,
Div. II,
replaced **74.** Division II of Title II of the said Act is replaced by the following:

“DIVISION II

“BOARD OF DIRECTORS

“§ 1. — *Composition*

Composition “**173.** The board of directors of the Société consists of five members.

Members Two members who are neither the chairman nor one of the vice-chairmen of the Community are designated by the Council from among the mayors of the municipalities mentioned in Schedule A.

Members The other three members are designated by the Council from among the eligible councillors referred to in section 69.2.

Concurrent membership A person who is a member of the board of directors may not concurrently be a member of a select committee established under section 69.

Representation of city of Québec The board of directors must include at least two councillors from the city of Québec.

Term of office “**174.** The term of office of a member of the board of directors is for an indefinite period.

Cessation of office The member ceases to hold office if he is replaced, designated a member of a select committee established under section 69, or resigns as a member of the board of directors. He also ceases to hold office if he ceases to be a mayor or an eligible councillor referred to in section 69.2 or if he becomes the chairman or a vice-chairman of the Community.

Resignation A person resigning shall sign a document to that effect, send the original to the Community and send one copy to the Société and another to the municipality on whose council he sits. The resignation takes effect from the date on which the original is received by the Community.

Chairman and vice-chairman **“175.** The board of directors has the offices of chairman, first vice-chairman and second vice-chairman of the Société.

Designation The Council shall designate the chairman and the vice-chairmen from among the members of the board of directors.

Designation Where the Council designates a mayor as chairman, it must designate the other mayor as first vice-chairman. Where it designates a councillor as chairman, the mayors must be designated as vice-chairmen.

Term of office **“176.** The term of office of the chairman or of a vice-chairman is for an indefinite period.

Cessation of office The chairman or vice-chairman ceases to hold office on being replaced, on ceasing to be a member of the board of directors or on resigning as chairman or vice-chairman.

Resignation A person resigning shall sign a document to that effect, send the original to the Community and send a copy to the Société and a copy to the municipality on whose council he sits. The resignation takes effect from the date on which the Community receives the original.

First vice-chairman **“177.** The first vice-chairman replaces the chairman if he is absent or unable to act or if the office of chairman is vacant.

Second vice-chairman The second vice-chairman replaces the first vice-chairman if he is absent or unable to act or if the office of first vice-chairman is vacant.

Duty of chairman **“178.** The chairman directs the activities of the Société.

Duties of chairman He sees that the provisions of any Act or statutory instrument applicable to the Société are observed, that the provisions of the by-laws of the Société are observed and that the decisions of the Société are carried out.

Duty of chairman He acts as the representative of the Société.

“§ 2. — Meetings

Meetings **“179.** The board of directors may hold its meetings anywhere in the territory of the Société.

Frequency of meetings **“180.** The board of directors shall hold not fewer than ten regular meetings per calendar year.

Dates and times of meetings It shall fix the days on which they are held and the time at which they begin.

Notice At the beginning of each year, the secretary of the Société shall have a notice published in a newspaper circulated in its territory indicating the places where and the dates on which the regular meetings will be held during the year and the time at which they will begin.

Agenda paper **“181.** The agenda paper for each regular meeting of the board of directors shall be prepared by the secretary of the Société and shall contain the matters referred to him within the proper time, or within the time previously fixed by the Council by by-law, by the chairman or by a group of two or more members of the Council.

Agenda paper In addition, the agenda paper must contain any matter required by law to be considered at the meeting.

Agenda paper It must also contain any matter described in a written request signed by not fewer than fifty residents of the territory of the Société and received by it at least ten days before the meeting.

Special meetings **“182.** Special meetings of the board of directors are called by the secretary of the Société on the request of the chairman or on the written request of two or more members of the Council.

Notice of convocation The notice of convocation must mention the matters to be considered, according to the request, and any matter required by law to be considered at the meeting. It stands in lieu of an agenda paper.

Matters for consideration During a special meeting, only those matters mentioned in the notice of convocation may be considered.

Notice of convocation **“183.** Not later than the third day preceding a regular meeting, or not later than twenty-four hours before the time fixed for a special meeting, the secretary shall have a notice of convocation to the meeting and, where applicable, the agenda paper delivered to each member of the board of directors, by an employee of the Société, a courier service or a peace officer.

Prior notice **“184.** The secretary shall have a prior notice of each meeting of the board of directors published in a newspaper circulated in the territory of the Société.

Duty of
chairman

“185. The chairman shall preside at the meetings of the board of directors.

Duties of
chairman

He shall maintain order and decorum at the meetings and may have any person who disturbs the order removed.

Public
meetings

“186. The meetings of the board of directors are public.

Question
period

Every meeting must include a period during which persons attending may put oral questions to the members of the board.

Question
period

The board may, by by-law, prescribe the length of and time for the question period and the procedure to follow to put questions to members.

Quorum

“187. The quorum at meetings of the board of directors is three members.

Single
vote

“187.1 Each member of the board of directors has one vote.

Duty to
vote

“187.2 Every member of the board of directors present at a meeting he is not presiding must vote on every matter put to a vote unless he is disqualified to vote under the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) by reason of his interest in the matter.

Majority
decisions

“187.3 Decisions of the board of directors are made by a majority of the votes cast.

Minutes

“187.4 The minutes of the votes and proceedings of the board of directors shall be entered in a book kept for that purpose by the secretary of the Société. They shall be signed by the secretary and by the member who presided at the meeting; where the member is not the chairman and cannot sign the minutes owing to absence, inability to act or vacancy of office, his signature shall be replaced by the chairman's signature.

Reading of
minutes

The minutes of a meeting shall be read by the secretary and approved by the board at a subsequent meeting which may not be later than the second regular meeting following. However, the secretary is dispensed from reading the minutes if he has had a copy thereof delivered to each member of the board not later than the time of delivery of the notice of convocation for the subsequent meeting.

“§ 3. — By-laws

Internal
management
by-law

“187.5 The board of directors may adopt a by-law respecting its internal management or that of the Société.

Other by-laws Any by-law referred to in another provision of this division or in a provision of Division II.1 may be integrated into the internal management by-law.

Applicable provisions **“187.6** Sections 45 to 55 and 57 to 67 apply, adapted as required, to the by-laws of the Société.

“§ 4.—Remuneration of members of the board of directors

Remuneration of members **“187.7** The board of directors may, by a by-law approved by the Council, fix the remuneration or indemnity of its members.

Additional remuneration It may, by the same by-law, fix any additional remuneration or indemnity for the chairman or the first or second vice-chairman of the Société.

Reimbursement of expenses Any indemnity is paid as reimbursement for the part of the expenses attached to the office which are not reimbursed pursuant to sections 187.11 to 187.15. The indemnity may not exceed one half of the remuneration.

Retroactive effect The by-law may have retroactive effect from 1 January of the year in which it comes into force.

Remuneration of temporary replacement chairman **“187.8** The board of directors may, by the by-law adopted under section 187.7, where the temporary replacement of the chairman by a vice-chairman lasts for the number of days specified by the board, provide for the payment by the Société, to the vice-chairman, of additional remuneration or an indemnity sufficient to ensure that, for the period beginning at the time specified and ending at the same time as the replacement ends, the vice-chairman receives the equivalent of the remuneration or indemnity otherwise payable, for that period and in respect of the office of chairman, to the holder of the office being replaced.

Reduction of chairman's remuneration The board may provide that payment of the additional remuneration or indemnity provided for in the first paragraph entails a reduction in the remuneration or indemnity otherwise payable, in respect of the office of chairman, to the holder of the office having been replaced owing to absence or inability to act.

Amount of remuneration **“187.9** Every person receives the remuneration or indemnity provided for him by the by-law adopted under section 187.7, unless the application of section 23 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) disqualifies him from receiving the remuneration or indemnity or reduces the amount thereof.

- Conditions** The first paragraph applies subject to any provision of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) that prescribes a loss of remuneration or indemnity for any meeting of the board of directors for which the person has lost the right to attend as a member.
- Conditions** “**187.10** Further to the provisions of the second paragraph of section 187.8 and the second paragraph of section 187.9, the board of directors may, by the by-law adopted under section 187.7, prescribe the conditions under which the failure of a member of the board to attend a meeting or to fulfil his obligation to vote at a meeting entails a reduction in his remuneration or indemnity, and prescribe the rules for computing the reduction.
- Prior authorization** “**187.11** No member of the board of directors may, as part of his duties, perform any act involving expenses chargeable to the Société except with the prior authorization of the board to perform the act and incur, in consequence thereof, expenses not exceeding the amount fixed by the board.
- Exception** However, the chairman of the board is not required to obtain prior authorization when acting in his capacity as representative of the Société. Such exemption also applies to any other member of the board of directors designated by the chairman to replace him as representative of the Société on any occasion on which neither vice-chairman is able to replace him in accordance with section 177.
- Reimbursement of expenses** “**187.12** A member of the board of directors who, in the exercise of his duties, has incurred expenses chargeable to the Société is entitled, on presentation of a statement accompanied with the proper vouchers, to be reimbursed by the Société for the amount of the expenses, up to the maximum amount fixed in the prior authorization, where that is the case.
- Tariff and vouchers** “**187.13** The board of directors may, by a by-law approved by the Council, establish a tariff applicable where expenses chargeable to the Société are incurred by particular classes of acts performed in Québec for a purpose other than travel outside Québec, and prescribe what vouchers must be presented to prove that such an act was performed.
- Limited authorization** If such a by-law is in force, the prior authorization required by section 187.11 in respect of an act covered by the tariff is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed.
- Amount of reimbursement** Notwithstanding section 187.12, a member of the board of directors who, as part of his duties, has performed an act covered by

the tariff in force is entitled, on presentation of a statement accompanied with the vouchers prescribed in the by-law, to receive from the Société the amount prescribed in the tariff for that act.

Budget
appropriations

“187.14 The Council may provide sufficient appropriations in the budget of the Société for the reimbursement, pursuant to section 187.12 or 187.13, of expenses incurred by particular classes of acts that the members of the board of directors may perform on behalf of the Société as part of their duties.

Limited
authorization

The prior authorization required by section 187.11 in respect of an act included in a class for which appropriations are provided in the budget is limited to the authorization to perform that act, without reference to the maximum amount of expenses allowed. The maximum amount is deemed to be the balance of the appropriations for acts of that class, after deducting previous reimbursements or, where applicable, the amount prescribed in the tariff for that act.

Appropriation
of
contingency
sums

If no appropriations are available, the board of directors may appropriate, for the purposes of the first paragraph, all or part of the balance of the sums provided in the budget to cover contingencies; such sums are deemed appropriations.

Maximum
amount

“187.15 Notwithstanding sections 187.13 and 187.14, the board of directors may fix the maximum amount of expenses allowed where it authorizes one of its members to perform an act covered by the tariff or in a class for which appropriations are provided in the budget.

Tariff not
applicable

Section 187.12 applies in such case even if the act is covered by the tariff.

Presumption

“187.16 For the purposes of his salary, retirement plan, benefits and other conditions of employment, a person who is replaced temporarily as chairman or first vice-chairman of the Société owing to absence or inability to act is deemed to not have ceased to hold office for the time he is replaced.

“DIVISION II.1

“ADMINISTRATIVE DEPARTMENTS AND OFFICERS

Administrative
departments

“187.17 The board of directors may, by by-law, establish the administrative departments of the Société and define the scope of their activities.

Administrative
departments

It shall establish the secretarial department and the treasury department.

- Officers** “**187.18** The board of directors shall appoint a director general, a secretary, who is the head of the secretarial department, and a treasurer, who is the head of the treasury department.
- Heads of departments** The board shall also appoint the head of any other department that it establishes.
- Assistant heads** It may appoint an assistant to any person appointed under the first or the second paragraph. The assistant shall temporarily replace the person if the latter is absent or unable to act or if the office is vacant.
- Concurrent offices** In no case may a person hold an office provided for in this section concurrently with the office of member of the board or with the position of officer or employee of a municipality mentioned in Schedule A or B.
- Other officers and employees** “**187.19** The board of directors may engage any other officer or employee it considers useful for the purposes of the Société.
- Duties** “**187.20** The board of directors shall define the duties of the officers and employees of the Société other than the duties set out in law or in a statutory instrument.
- Conditions of employment** It shall establish, individually or by category, their salary, benefits and other conditions of employment.
- Standards and staffing plan** “**187.21** The board of directors may, by by-law, prescribe administrative standards, establish an organization plan for the departments or prescribe staffing requirements for the management of the departments.
- Responsibilities of director general** It may, by the same by-law, entrust the director general with full or partial responsibility for applying the standards or plan, for hiring officers or employees other than those referred to in section 187.18, for dismissing or suspending with or without pay officers or employees other than those referred to in section 187.24 or for effecting a reduction in their salaries
- Subdelegation of responsibilities** The director general may subdelegate, insofar as the by-law referred to in the first paragraph so permits, all or a part of the responsibilities entrusted to him to the head of a department.
- Suspension** “**187.22** The chairman of the Société may, for cause, suspend any officer or employee thereof with or without pay until the next meeting of the board of directors.

- Report** At the meeting, the chairman must table a report giving reasons for the suspension.
- Dismissal** “**187.23** The board of directors may dismiss or suspend without pay any officer or employee of the Société or reduce his salary.
- Applicable provisions** “**187.24** Where the person on whom a penalty prescribed in section 187.23 is being imposed is an officer referred to in section 187.18, or is an officer or employee who has held his position for at least six months and is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27), sections 76 to 77.1 apply, adapted as required, to that person.
- Conflict of interest** “**187.25** No officer or employee of the Société may, under pain of forfeiture of office, have a direct or indirect interest in an undertaking placing his own interest in conflict with that of his department.
- Renunciation of interest** However, forfeiture is not incurred if the interest devolves to him by succession or gift, provided that he renounces it or disposes of it with all possible dispatch.
- Duties of director general** “**187.26** Subject to this Act, the duties of the director general are
- (1) to manage the affairs of the Société under the authority of the board of directors;
 - (2) to have charge of the officers and employees of the Société and exercise over them the right of supervision and direction;
 - (3) to ensure liaison between the board of directors and the officers and employees of the Société.”
- c. C-37.3, Title II, Div. III, heading, am.** **75.** The heading of Division III of Title II of the said Act is amended by replacing the words “TRANSIT COMMISSION” by the word “SOCIÉTÉ”.
- c. C-37.3, s. 188, am.** **76.** Section 188 of the said Act is amended
- (1) by replacing the first paragraph by the following paragraph:
- Applicable provisions** “**188.** Sections 84, 86, 87, 88, 91 to 92.0.5, 221, 222, 226 to 230, 232, 233 and 235 apply, adapted as required, to the Société.”;
- (2) by replacing the word “Commission” in the second line of the second paragraph by the word “Société”;

(3) by inserting, in the French text, the words “de passagers” in the third line of subparagraph *a* of the second paragraph after the word “commun”;

(4) by replacing subparagraphs *d* to *h* of the second paragraph by the following subparagraphs:

“(d) to adopt by-laws respecting the conduct of persons in or on its vehicles and immovables;

“(d.1) to adopt by-laws respecting the tickets, transfers and passes used in the public transport service it organizes;

“(d.2) to adopt by-laws respecting the disposal of any lost article found in or on its vehicles or immovables;

“(e) to perform such work as it deems necessary or useful for the efficient operation of its services, including the power to build, possess and operate grounds and garages for parking, boarding platforms and bus-stop shelters, and to widen or straighten streets, with the approval of the municipality concerned where the work is performed in its territory;”;

(5) by replacing the word “Commission” in the third line of the third paragraph by the word “Société”.

c. C-37.3,
s. 188.2,
am.

77. Section 188.2 of the said Act is amended

(1) by replacing the words and figure “paragraph *h* of section 188, the Commission” in the first and second lines of the first paragraph by the words and figures “sections 91 and 188, the Société”;

(2) by replacing the word “Commission” in the first line of the second paragraph by the word “Société”.

c. C-37.3,
s. 189,
repealed
c. C-37.3,
s. 189.2,
am.

78. Section 189 of the said Act is repealed.

79. Section 189.2 of the said Act is amended

(1) by replacing the words “Transit Commission” in the first line by the word “Société”;

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

Services
outside
territory

“The Société may make a contract with any other person for the purpose of providing public transport services to that other person,

outside the territory of the Société. If the local municipality on whose territory the services are supplied is providing public transport services itself, it must approve the contract before it is made.”

c. C-37.3,
s. 189.4,
repealed

80. Section 189.4 of the said Act is repealed.

c. C-37.3,
ss. 190-196,
repealed

81. Sections 190 to 196 of the said Act are repealed.

c. C-37.3,
ss. 197-200,
replaced

82. Sections 197 to 200 of the said Act are replaced by the following sections:

Authority
over bus
lines

“197. The Société may establish, change, or cancel lines, replace bus lines by lines of other means of public transport, change their routes and, for any such purpose, use any public street it deems expedient to use in its territory.

Notice of
decision

The secretary shall send a notice of any decision made under the first paragraph to the Community and shall have the notice published in a newspaper circulated in the territory of the Société.

Effective
date

“198. A decision made under section 197 takes effect fifteen days after the date of publication of the notice referred to in that section.

Exceptional
circum-
stances

The Société may, however, provide that the decision takes effect on a later date or, if it considers that exceptional circumstances so warrant, ten days after the date of publication of the notice referred to in section 197.

Effective
date

The notice shall mention the day on which the decision takes effect.

Passenger
fares

“199. The Société shall fix the various passenger fares according to the classes of users it determines.

Notice of
decision

The secretary shall send a notice of any decision made under the first paragraph to the Community and shall have the notice published in a newspaper circulated in the territory of the Société.

Effective
date

“200. A decision made under section 199 takes effect thirty days after the date of publication of the notice referred to in that section.

Exceptional
circum-
stances

The Société may, however, provide that the decision takes effect on a later date or, if it considers that exceptional circumstances so warrant, ten days after the date of publication of the notice referred to in section 199.

Effective date	The notice shall mention the day on which the decision takes effect.
Tariffs	The tariffs shall be posted in the vehicles of the Société.”
c. C-37.3, s. 201, am.	<p>83. Section 201 of the said Act is amended</p> <p>(1) by replacing the words “Transit Commission” in the first line of the first paragraph by the word “Société”;</p> <p>(2) by striking out the words “des transports du Québec” in the first line of the second paragraph;</p> <p>(3) by replacing the words “Transit Commission” in the second line of the second paragraph by the word “Société”;</p> <p>(4) by replacing the word “Commission” in the second and fourth lines of the third paragraph by the word “Société”;</p> <p>(5) by striking out the fourth paragraph.</p>
c. C-37.3, s. 202, replaced	84. Section 202 of the said Act is replaced by the following section:
Objects lost	“202. The Société is exempt from any liability towards the owners of objects lost in or on its vehicles or immovables.”
c. C-37.3, s. 204, am.	<p>85. Section 204 of the said Act is amended</p> <p>(1) by replacing the words “Transit Commission” in the first line by the word “Société”;</p> <p>(2) by striking out the words “in any municipality included in Schedule B or C” in the third and fourth lines.</p>
c. C-37.3, s. 205, replaced	86. Section 205 of the said Act is replaced by the following section:
Annual budget	“205. The Société shall adopt its draft annual or supplementary budget which must be presented to the Council in accordance with section 149 or 151.
Draft budget	The secretary of the Société shall file the draft budget in the office of the secretary of the Commission.”
c. C-37.3, s. 207, repealed	87. Section 207 of the said Act is repealed.

c. C-37.3,
ss. 208-210,
replaced

88. Sections 208 to 210 of the said Act are replaced by the following sections:

Management of
budget

“208. The head of each department is responsible for managing its budget, in accordance with the provisions of this Act, under the supervision of the board of directors.

Authoriza-
tion of
payment

The board must authorize the payment of all sums owing by the Société.

Applicable
provisions

“209. Sections 146 and 153 to 157 apply, adapted as required, to the Société.

Approval of
transfer of
funds

“210. Every transfer of funds within the budget must be approved by the Council.

Delegation
of power

However, the Council may, by by-law, delegate all or part of the power provided for in the first paragraph to the Société on the conditions it shall determine.”

c. C-37.3,
s. 212, am.

89. Section 212 of the said Act is amended

(1) by replacing the words “Transit Commission” in the first line of the first paragraph by the word “Société”;

(2) by replacing the word “Commission” in the second line of subparagraph 6 of the second paragraph by the word “Société”;

(3) by replacing the words “Commission when its budget is transmitted to the Community” in the third and fourth lines of the third paragraph by the words “Société when its draft budget is adopted”;

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

Rate of
interest

“The Société may, in the by-law, order that the rate fixed therein or in the resolution referred to in the third paragraph apply to any sum owing to the Société that is payable or that subsequently becomes payable.”

c. C-37.3,
s. 214, am.

90. Section 214 of the said Act is amended

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

Loans

“214. Sections 159 to 166 apply, adapted as required, to the Société. Any loan by-law adopted under section 159 requires, in addition to approval by the Minister, approval by the Council.”;

(2) by replacing the word “Commission” in the second line of the second paragraph by the word “Société”;

(3) by striking out the third and fourth paragraphs.

c. C-37.3,
ss. 215.1
and 215.2,
added
Offences
and penal-
ties

91. The said Act is amended by inserting, after section 215, the following sections:

“215.1 The Société may, by by-law:

(1) prescribe that an offence under a provision of a by-law adopted under any of subparagraphs *b*, *d* and *d.1* of the second paragraph of section 188 shall be sanctioned by a fine;

(2) prescribe either a fine of a fixed amount, or the minimum and maximum fines, or a maximum fine only, in which case the minimum fine is \$1.

Maximum
fines

The fixed amount or maximum amount prescribed cannot exceed, for a first offence, \$1 000 if the offender is a natural person, or \$2 000 if the offender is a legal person. In the case of a second or subsequent conviction, the fixed amount or maximum amount prescribed cannot exceed \$2 000 if the offender is a natural person, or \$4 000 if the offender is a legal person.

Enforce-
ment

“215.2 The Société may designate specifically, from among its officers and employees, those who are responsible for the enforcement of the by-laws adopted under subparagraphs *b*, *d* and *d.1* of the second paragraph of section 188.”

c. C-37.3,
s. 216, am.

92. Section 216 of the said Act is amended

(1) by replacing the words “Commission de transport” in the first line of subsection 1 by the word “Société”;

(2) by replacing the words “Transit Commission” in the third line of subsection 2 by the word “Société”;

(3) by striking out the words “des transports du Québec” in the fourth line of subsection 2;

(4) by replacing the words “Transit Commission” in the fourth and fifth lines of subsection 2 by the word “Société”;

(5) by replacing the words “Commission de transport” in the first line of the first paragraph of subsection 3 by the word “Société”;

(6) by replacing the words “Commission de transport” in the first line of the second paragraph of subsection 3 by the word “Société”;

(7) by replacing the words and figure “the territory in which the Commission operates under section 169” in the third and fourth lines of the second paragraph of subsection 3 by the words “its territory”;

(8) by replacing the words “Transit Commission” in the third and fifth lines of the first paragraph of subsection 4 by the word “Société”;

(9) by replacing the words “Transit Commission” in the first line of the second paragraph of subsection 4 by the word “Société”;

(10) by striking out the words “des transports du Québec” in the third line of the second paragraph of subsection 4;

(11) by striking out the words “des transports du Québec” in the first line of the third paragraph of subsection 4;

(12) by replacing the words “Transit Commission” in the second and third lines and in the fourth line of the third paragraph of subsection 4 by the word “Société”.

c. C-37.3,
s. 217, am.

93. Section 217 of the said Act is amended by replacing the words “Transit Commission” in the first line by the word “Société”.

c. C-37.3,
s. 218, am.

94. Section 218 of the said Act is amended

(1) by replacing the words “Transit Commission” in the first line of the first paragraph by the word “Société”;

(2) by replacing the words “Transit Commission or the peripheral territory” in the fifth line of the first paragraph by the word “Société”;

(3) by replacing the words “forwarded without delay by the Commission des transports du Québec to the Transit Commission” in the second and third lines of the second paragraph by the words “sent as soon as possible by the Commission to the Société”.

c. C-37.3,
s. 219,
replaced

95. Section 219 of the said Act is replaced by the following section:

Report of
activities

“219. The Société shall, not later than 1 July of each year, send to the Minister of Municipal Affairs and to the Minister of Transport, and to each municipality mentioned in Schedule B, a report of its activities during the preceding fiscal year.”

c. C-37.3,
s. 220,
repealed
c. C-37.3,
ss. 225
and 226,
replaced

96. Section 220 of the said Act is repealed.

97. Sections 225 and 226 of the said Act are replaced by the following sections:

Summary report **“225.** The Community shall, before 1 June of each year, send to the Minister and to each municipality mentioned in Schedule A a summary report of its activities during the preceding fiscal year.

Information **“225.1** The Community or the Société shall provide the Minister of Municipal Affairs with any information he may require.

Information The Société has the same obligation toward the Minister of Transport.

Extension **“226.** The Minister may, at the request of the Community, extend a time period granted by the Act to the Community. The Minister, if he considers it advisable, may grant a new extension on the conditions he determines.”

c. C-37.3,
s. 232,
replaced **98.** Section 232 of the said Act is replaced by the following section:

Public documents **“232.** The minutes of the meetings of the Council, of the executive committee and of the select or special committees of the Community, the by-laws, resolutions, orders and reports adopted at those meetings and the documents filed or considered at such meetings which are public, are public documents.

Public information Any personal information contained in the documents is public information for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).”

c. C-37.3,
s. 233, am. **99.** Section 233 of the said Act is amended by striking out the words “made by resolution of its Council or its executive committee” in the third and fourth lines.

c. C-37.3,
s. 234, am. **100.** Section 234 of the said Act is amended

(1) by replacing the comma after the word and figures “(chapter I-15)” in the fourth line by the word “and”;

(2) by replacing the words and figures “, the Environment Quality Act (chapter Q-2) and any” in the fifth and sixth lines by the words “and a”.

c. C-37.3,
ss. 236-244,
repealed **101.** Sections 236 to 244 of the said Act are repealed.

c. C-37.3,
s. 245, am. **102.** Section 245 of the said Act is amended

(1) by replacing the words “, of a municipality or of the Bureau d’assainissement” in the third line by the words “or of a municipality”;

(2) by replacing the words “Transit Commission” in the eighth line by the word “Société”.

c. C-37.3,
s. 246,
repealed

103. Section 246 of the said Act is repealed.

c. C-37.3,
s. 248, am.

104. Section 248 of the said Act is amended

(1) by replacing the words “The executive committee” in the first line of the second paragraph by the words “Contestation by a municipality of an aliquot share claimed by the Community or the Société does not exempt the municipality from paying its aliquot share while the contestation is pending. The Community or the Société, as the case may be,”;

(2) by replacing the words “executive committee” in the third line of the third paragraph by the words “Community or the Société, as the case may be”.

c. C-37.3,
Title V,
repealed

105. Title V of the said Act is repealed.

c. C-37.3,
Sched. A-C,
replaced

106. Schedules A to C to the said Act are replaced by the following schedules:

“SCHEDULE A

*“Municipalities whose territories comprise
the territory of the Community*

“City of Beauport, city of Cap-Rouge, city of Charlesbourg, municipality of Lac-Saint-Charles, town of Ancienne-Lorette, city of Loretteville, city of Québec, parish of Saint-Augustin-de-Desmaures, city of Sainte-Foy, village of Saint-Émile, city of Sillery, town of Val-Bélair, town of Vanier.

“SCHEDULE B

*“Municipalities whose territories comprise
the territory of the Société*

“City of Beauport, municipality of Boischatel, city of Cap-Rouge, city of Charlesbourg, municipality of Lac-Saint-Charles, town of Ancienne-Lorette, city of Loretteville, city of Québec, city of Sainte-Foy, village of Saint-Émile, city of Sillery, town of Val-Bélair, town of Vanier.”

c. C-37.3,
words
replaced

107. The words “Transit Commission” and “Commission” are replaced by the word “Société” wherever they appear in the following provisions of the said Act:

- (1) section 158;
- (2) section 158.1;
- (3) section 172;
- (4) section 188.1;
- (5) section 189.1;
- (6) section 189.3;
- (7) section 203;
- (8) section 211;
- (9) section 215;
- (10) section 216.1;
- (11) section 224;
- (12) section 249.

CONCORDANCE AMENDMENTS

c. C-11,
Schedule,
am.

108. The schedule to the Charter of the French language (R.S.Q., chapter C-11), amended by section 119 of chapter 21 of the statutes of 1992, by section 8 of chapter 36 of the statutes of 1993 and by section 62 of chapter 40 of the statutes of 1993, is again amended by replacing the word “Commission” in subparagraph *a* of paragraph 3 of Division A by the word “Société”.

c. C-19,
s. 473, am.

109. Section 473 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by replacing the word “commission” in the second and fourth lines of the first paragraph of subsection 6 by the word “authority”;

(2) by replacing the word “commission” in the third line of the second paragraph of subsection 6 by the word “authority”.

c. C-27,
s. 40, am.

110. Section 40 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing the word “commission” in the seventh line by the word “authority”.

- c. C-37.2,
s. 306.64,
repealed
- 111.** Section 306.64 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is repealed.
- c. C-60.1,
s. 1, am.
- 112.** Section 1 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by replacing the words “commission or corporation” in the first line of the definition of the word “carrier” by the word “authority”.
- c. C-60.1,
s. 18, am.
- 113.** Section 18 of the said Act is amended by replacing the words “commission or corporation” in the third and fourth lines of the first paragraph by the word “authority”.
- c. C-60.1,
s. 18.3, am.
- 114.** Section 18.3 of the said Act is amended by replacing the word “commission” in the third line by the word “authority”.
- c. C-70,
s. 103, am.
- 115.** Section 103 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by replacing the word “commission” in the second line by the word “authority”.
- c. F-2.1,
s. 57.1, am.
- 116.** Section 57.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 3 of chapter 43 of the statutes of 1993, is again amended by replacing the word “Commission” in the fourth line of the eighth paragraph by the word “Société”.
- c. F-2.1,
s. 204, am.
- 117.** Section 204 of the said Act, amended by section 168 of chapter 21 of the statutes of 1992 and by section 139 of chapter 68 of the statutes of 1992, is again amended by replacing the words “commission or corporation” in the fourth and fifth lines of paragraph 5 by the word “authority”.
- c. F-2.1,
s. 233, am.
- 118.** Section 233 of the said Act is amended by replacing the word “Commission” in the first line of subparagraph 5 of the second paragraph by the word “Société”.
- c. F-2.1,
s. 236, am.
- 119.** Section 236 of the said Act, amended by section 169 of chapter 21 of the statutes of 1992 and by section 140 of chapter 68 of the statutes of 1992, is again amended by replacing the words “commission or corporation” in the eighth line of paragraph 1 by the word “authority”.
- c. F-2.1,
s. 261.7,
am.
- 120.** Section 261.7 of the said Act is amended
- (1) by replacing the word “Commission” in the third line of the first paragraph by the word “Société”;

(2) by replacing the word “Commission” in the first line of paragraph *b* of subparagraph 3 of the first paragraph by the word “Société”.

c. T-12,
s. 88.1, am. **121.** Section 88.1 of the Transport Act (R.S.Q., chapter T-12) is amended by replacing the word “Commission” in the second line of the definition of the expression “public transit authorities” by the word “Société”.

c. V-1.1,
s. 41, am. **122.** Section 41 of the Securities Act (R.S.Q., chapter V-1.1), amended by section 357 of chapter 21 of the statutes of 1992, is again amended by replacing the words “commission or corporation” in the first line of subparagraph *b* of paragraph 2 by the word “authority”.

TRANSITIONAL AND FINAL PROVISIONS

Interpreta-
tion

123. For the purposes of sections 124 to 134,

“Commis-
sion”

“Commission” means the Commission de transport de la Communauté urbaine de Québec that existed on 31 December 1993;

“Communi-
nity”

“Community” means the Communauté urbaine de Québec;

“new Act”

“new Act” means the Act respecting the Communauté urbaine de Québec as amended by this Act;

“previous
Act”

“previous Act” means the Act respecting the Communauté urbaine de Québec as it read on 31 December 1993;

“Société”

“Société” means the Société de transport de la Communauté urbaine de Québec constituted under section 168 of the Act respecting the Communauté urbaine de Québec, enacted by section 73 of this Act.

Chairman
and vice-
chairman

124. Those persons who, on 31 December 1993, held the offices of chairman and vice-chairman of the executive committee of the Community shall hold, respectively, the offices of chairman and first vice-chairman of the Community, as provided for in the first paragraph of section 31.1 of the new Act, until the first holders of those offices are determined in accordance with section 126 of this Act.

City of
Québec
permanent
substitute
mayor

The person who, on 31 December 1993, was the permanent substitute mayor from the city of Québec on the executive committee of the Community becomes the permanent substitute mayor for that mayor as if he had been appointed under section 30 of the new Act, until he ceases to hold such office pursuant to section 31 of the new Act.

Members of Council Those persons who, on 31 December 1993, were municipal councillors and members of the Council of the Community become councillors eligible to hold any of the offices reserved for councillors on the select committees of the Community and the board of directors of the Société, as if they had been designated under section 69.2 of the new Act, until they cease to be eligible councillors pursuant to section 69.3 of the new Act.

Designation of candidates for office **125.** The mayors of the municipalities in each of categories 2 and 3 provided for in the second paragraph of section 31.1 of the new Act shall, in accordance with section 31.2 of the new Act, designate one of their number to become, following the application of section 126 of this Act, the first holder of the office of chairman, first vice-chairman or second vice-chairman of the Community as provided for in the first paragraph of section 31.1 of the new Act.

Candidacy By adaptation of section 31.2 of the new Act, the mayor in whose favour more than half the votes were cast shall be declared a candidate for the three offices mentioned in the first paragraph of this section, rather than being declared the holder designate of one of those offices.

Conferring of offices **126.** Once the designations referred to in section 125 of this Act have been made, the Council of the Community established pursuant to section 29 of the new Act shall confer an office, from among those mentioned in the first paragraph of section 125 of this Act, on the mayor of the city of Québec and on each mayor designated in accordance with that section.

Two-year period The first period of two years prescribed in the third paragraph of section 31.1 of the new Act begins upon the conferring of offices under the first paragraph of this section.

Order of succession For the purposes of fixing the set order of succession referred to in the third paragraph of section 31.1 of the new Act, the Council shall determine which of the offices, from among those mentioned in the first paragraph of section 125 of this Act, will be held by the mayor of the city of Québec for the second period of two years prescribed in the third paragraph of section 31.1 of the new Act.

Special meeting Notwithstanding section 34 of the new Act, the secretary of the Community may, on his own initiative, call a special meeting to have the council make the decisions prescribed in this section. In addition to those decisions, the secretary may, on his own initiative, include in the notice of convocation to the meeting any other matter in respect of which a decision is necessary to enable the application of any provision enacted by this Act, in particular, the designation of the members of the select and special committees of the Community, the

designation of their chairman and vice-chairman, and the designation of the members of the board of directors of the Société and its chairman and vice-chairmen.

Succession

127. The Société succeeds the Commission.

Rights and obligations

The rights, obligations, human, material and financial resources, by-laws, resolutions and other documents of the Commission become those of the Société.

Continuance

Proceedings to which the Commission is a party are continued by the Société, without continuance of suit.

Existing means of identification

The Société may use any existing document or means of identification already prepared in the name of the Commission.

Links to points outside territory

For the purposes of section 170 of the new Act, the Société is authorized to continue any link provided by the Commission in accordance with the second paragraph of section 169 of the previous Act on 31 December 1993 to a point outside its territory.

Presumption

128. In any Act and statutory instrument, and in any contract or other document, a reference to the Commission is, unless the context requires otherwise, a reference to the Société.

Board of management

129. Those persons who, on 31 December 1993, were members of the board of management of the Commission, except the chairman of the executive committee of the Community and the director general of the Commission, become members of the board of directors of the Société, until the members of the board are designated in accordance with section 173 of the new Act.

Office holders

Those persons who, on 31 December 1993, held the offices of chairman and vice-chairman of the Commission shall hold, respectively, the offices of chairman and first vice-chairman of the Société, as provided for in the first paragraph of section 175 of the new Act, until the first holders of those offices are designated in accordance with the second paragraph of that section.

Resolutions and by-laws

130. Every resolution or every by-law adopted by the executive committee of the Community under a provision of Division III of Title I of the previous Act and that was in force on 31 December 1993 remains in force notwithstanding the repealing of that division by section 4 of this Act, until it is repealed or replaced or its object is achieved.

Resolutions,
orders and
by-laws

The same applies in respect of every resolution or order or of every by-law adopted by the committee under another provision of the previous Act and that was in force on 31 December 1993, notwithstanding the repealing or striking out of such provision or the replacing or amending of it by this Act to grant to the Council of the Community rather than to its executive committee the power to adopt such resolution or order or such by-law.

Presumption

During the prolongation of its effect pursuant to this section, the resolution, order or by-law is deemed to have been adopted by the Council, unless the power to adopt it is delegated to the committee under section 68.4 of the new Act.

By-laws
respecting
transition
allowance

131. Every by-law adopted by the Council of the Community respecting the payment of a transition allowance to any person who ceases to hold the office of chairman of the executive committee, and that was in force on 31 December 1993 remains in force, notwithstanding the repealing of section 6.8.1 of the previous Act by section 4 of this Act, in respect of the person who held the office on that date.

Severance
allowance

If, on that date, the person was participating in the pension plan established by the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), the Community is bound by the requirement to pay to that person the severance allowance provided for in section 30.1 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001). For the purposes of that section and of the Act respecting the Pension Plan of Elected Municipal Officers in respect of that person, the Community is considered to be a municipality having adhered to that plan in his respect.

End of term
of office

For the purposes of the by-law referred to in the first paragraph, of section 30.1 of the Act respecting the remuneration of elected municipal officers and of the Act respecting the Pension Plan of Elected Municipal Officers, the term of office of that person is deemed to end on the day on which the first holder of the office of chairman of the Community is determined pursuant to section 126 of this Act.

By-laws
respecting
pensions

132. Every by-law adopted by the Council of the Community respecting the pension of any person who held the office of member of the executive committee of the Community or of the board of management of the Commission, and that was in force on 31 December 1993 remains in force notwithstanding the repealing and replacement of sections 11 and 183 of the previous Act by sections 4 and 74 of this Act, in respect of any person subject to the by-law on that date.

By-laws
respecting
remunera-
tion

133. Every by-law adopted by the Council of the Community respecting the remuneration or indemnity of the members of the board of management of the Commission, and that was in force on 31 December 1993 remains in force, as if it had been adopted by the board of directors of the Société under section 187.7 of the new Act, until it is repealed or replaced.

Resolutions
respecting
director
general

134. Every resolution adopted by the Council of the Community respecting the appointment or salary of the director general of the Commission, and that was in force on 31 December 1993 remains in force, as if it had been adopted by the board of directors of the Société under section 187.18 or 187.20 of the new Act, until it is repealed or replaced or its object is achieved.

Coming into
force

135. This Act comes into force on 1 January 1994.