

1983, chapter 29

AN ACT TO AMEND THE ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

Bill 28

Introduced by Mr Jacques Léonard, Minister of Municipal Affairs

First reading: 31 May 1983

Second reading: 17 June 1983

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Assented to: 23 June 1983

Coming into force: 23 June 1983

Acts amended:

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

Act respecting land use planning and development (R.S.Q., chapter A-19.1)



CHAPTER 29

An Act to amend the Act respecting
the Communauté régionale de l'Outaouais

[Assented to 23 June 1983]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-37.1, s.
1, am. **1.** Section 1 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by adding, after paragraph *g*, the following paragraph:

“department
head” “(h) “department head”: a person appointed under section 65, 66 or 68.”

c. C-37.1,
ss. 6-20,
replaced **2.** Sections 6 to 20 of the said Act are replaced by the following sections:

Composition
of the
Council **“6.** The Council is composed of eighteen members, namely, the mayor and three councillors of the city of Hull, the mayor and three councillors of the city of Gatineau, the mayor and one councillor of the town of Aylmer, the mayor of the city of Buckingham, the mayor of the town of Masson, the mayor of each of the municipalities of Val-des-Monts, La Pêche, Pontiac, L'Ange-Gardien and Notre-Dame-de-la-Salette and the mayor of the township of Hull, west part.

Councillors **“7.** The councillors of the cities of Hull and Gatineau and of the town of Aylmer shall be designated by resolution of the council of the municipality of which they are members. A copy of the resolution must be sent to the Community before the first meeting a councillor so designated must attend.

Replacement **“8.** If a member of the council is absent or incapacitated or refuses to act, or if the office of a member is vacant, the council of the municipality shall, by resolution, designate another of its members as representative, and send a copy of the resolution to the Community before the first meeting the representative must attend; the designation is valid

for the duration of such absence, incapacity, refusal to act or vacancy, and until it is revoked by the council of the municipality, provided the designated person remains a member of that council.

Chairman
and vice-
chairman

“9. The Council shall appoint the chairman and the vice-chairman of the Council from among its members.

Appointment

The chairman is appointed by a two-thirds majority of the votes cast. If at the first meeting of the Council at which the voting is held no candidate obtains such a majority, the appointment is made by the same majority at the next meeting.

Appointment
by the
Government

If no candidate obtains the majority required in the second paragraph at the second meeting, the chairman may be appointed by the Government from among the members of the Council.

Appointment
by the
Council

The third paragraph does not prevent the Council from making the appointment by the majority required in the second paragraph at a meeting held after that mentioned in the second paragraph, if the Government has not done so in its place.

Chairman
and vice-
chairman

“10. If the chairman of the Council is a member of the council of any of the cities or towns of Hull, Gatineau, Aylmer, Buckingham or Masson, the vice-chairman of the Council must be a member of one of the municipalities of Pontiac, La Pêche, Val-des-Monts, L'Ange-Gardien, Notre-Dame-de-la-Salette or of the township of Hull, west part, and vice versa.

Terms of
office

“11. The chairman and the vice-chairman of the Council are appointed for a term of four years.

Termination
of office

However, if he ceases to be a member of the Council before the expiry of the four years, he ceases at the same time to be the chairman or vice-chairman.

Continuance
in office

For the purposes of the second paragraph, no person ceases to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such a position at the next election and if that election enables him to again become a member of the Council to represent thereon the same municipality.

Termination
of office

“12. The vice-chairman ceases to hold office when the chairman appointed at the same time as he was, or in office when he was appointed, ceases to be chairman.

Resignation

“13. If the chairman or the vice-chairman resigns, he ceases to hold office on the date on which the secretary of the Community receives a written notice to that effect signed by the person resigning.

Appointment “**14.** The Council shall make the appointment provided for in section 9 within thirty days after the chairman or the vice-chairman ceases to be a member.

Continuance in office “**15.** Notwithstanding sections 11 to 14, the chairman or the vice-chairman remains in office until his successor is appointed.

Remuneration “**16.** The chairman and the vice-chairman of the Council are entitled to the remuneration and additional allowance fixed by by-law of the Council and paid by the Community.

Effect The effect of the by-law may be retroactive to 1 January preceding its coming into force.

Vote “**17.** The chairman and the vice-chairman of the Council may vote as members of the Council, but do not have a casting vote in case of a tie-vote.

Duties of the chairman “**18.** The chairman of the Council shall direct the affairs and activities of the Community and its officers and employees, over whom he has a right of supervision and control. He shall see that this Act and the by-laws of the Community are observed and that the decisions taken by resolution of the Council are carried out. He acts as the representative of the Community.

Meetings “**19.** The chairman of the Council shall preside over the meetings of the Council. He shall maintain order and decorum at meetings, and may cause any person who disturbs order at a meeting to be expelled.

Replacement “**20.** The vice-chairman of the Council shall replace the chairman where the latter is absent or unable to act, or refuses to act, or where the office of chairman is vacant and the chairman is unable or unwilling to remain in office until his successor is appointed.

Replacement Where both the vice-chairman and the chairman are absent or unable to act or refuse to act, or where the offices of chairman and vice-chairman are vacant and they are unable or unwilling to remain in office until their successors are appointed, the members present at a meeting of the Council shall appoint one of their number to preside over the meeting.”

c. C-37.1, s. 23, replaced **3.** Section 23 of the said Act is replaced by the following section:

Agenda paper “**23.** The agenda paper for each regular meeting of the Council must be prepared by the secretary of the Community and include the matters referred to him in due time, or according to the internal management by-laws of the Council, by

(1) the chairman,

(2) a committee of the Council, or

(3) a group composed of not fewer than three members of the Council.

Content The agenda paper for a regular meeting of the Council must also include any matter required by law to be discussed at the meeting.”

c. C-37.1, s. 24, am. **4.** Section 24 of the said Act is amended by replacing the first paragraph by the following paragraph:

Special meetings **“24.** The special meetings of the Council are called by the secretary of the Community upon the request of the chairman of the Council, of any committee of the Council or upon the written request of not fewer than three members of the Council. The notice of convocation must mention the matters to be discussed, according to the request, and stands in lieu of the agenda.”

c. C-37.1, s. 25.1, added **5.** The said Act is amended by inserting, after section 25, the following section:

Notice of meetings **“25.1** The secretary shall publish prior notice of the holding of each meeting of the Council in a newspaper circulated in the territory of the Community.”

c. C-37.1, ss. 27-31, replaced **6.** Sections 27 to 31 of the said Act are replaced by the following sections:

Public meetings **“27.** The meetings of the Council shall be open to the public.

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

Internal management **“28.** The Council may make by-laws respecting its administration and internal management.

Question period The by-laws may, in particular, prescribe the length and time of the question period at meetings of the Council, and the procedure to put a question.”

c. C-37.1, s. 34, replaced **7.** Section 34 of the said Act is replaced by the following sections:

Decisions **“34.** The decisions of the Council are taken by a simple majority of the votes cast except where a greater number of votes in favour is required under a provision of this Act.

Vote Each member of the Council has one vote.

By-laws **“34.1** Every by-law of the Council, other than those on which only the members contemplated in section 34.2 may vote, is made by a two-thirds majority of the votes cast.

Voting members **“34.2** For the purposes of the exercise of any competence referred to in subparagraphs 2 to 4 of section 84, only the members representing the municipalities required to contribute to the costs of the services provided by the Community may vote.

Voting members For the purposes of the exercise of the competence referred to in section 84.2, only the members representing the municipalities governed by the Municipal Code may vote.

Chairman The restrictions set down in the first and second paragraphs do not apply to the chairman's right to vote.

Extension of services **“34.3** Every extension of any Community service to a municipality which is not served requires the agreement of the council of that municipality.”

c. C-37.1, s. 35, am. **8.** Section 35 of the said Act is amended by replacing the first paragraph by the following paragraph:

Duty to vote **“35.** Subject to sections 34.2 and 87.2, every member of the Council, other than the chairman or the vice-chairman, who is present at a meeting must vote. However, no member of the Council shall vote on any matter in which he has a direct pecuniary interest either through himself or through a partner; the acceptance of or requisition for services made available to the public according to an established tariff is not deemed a direct pecuniary interest.”

c. C-37.1, s. 36, replaced **9.** Section 36 of the said Act is replaced by the following sections:

Remuneration **“36.** The Council shall, by by-law, fix the remuneration and allowances of its members. The remuneration and allowances are paid by the Community.

Effect The effect of the by-law may be retroactive to 1 January preceding its coming into force.

Authorized expenses **“36.1** Expenses actually incurred by a member of the Council on behalf of the Community must, in each case, have been previously authorized by the Council. The latter shall approve payment thereof on presentation of a statement with vouchers attached.

Tariff **“36.2** The Council may establish a tariff applicable where expenses are incurred by one of its members on behalf of the Community.

Approval Payment of the amount provided for in the tariff for an expense referred to in the first paragraph must be approved by the Council on receipt of a statement accompanied with the voucher required by the Council.

Appropriations **“36.3** The Council may provide sufficient appropriations in the budget of the Community for the reimbursement of a category of

expenses which may be incurred by its members on behalf of the Community during the fiscal year, whether the expenses are actually incurred or provided for in the tariff.

Authoriza-
tion not
required

The Council is not required to give prior authorization for an expense included in such a category if it does not exceed the balance of the appropriations, after subtracting the sums already used or set aside to reimburse previous expenses.

Appropriation
of balance

Where all the appropriations for a fiscal year have been used, the Council may appropriate for the purposes provided in this section all or part of the balance of the sums provided for in the budget in order to cover unforeseen administrative expenses.

Deductions
for absences

“36.4 An amount fixed by by-law of the Community is deducted from the salary of any member of the Council for each day on which the Council sits, if the member does not attend the sitting or does not vote on a matter put to a vote on that day and on which he is required to vote, unless his absence is due to its being impossible in fact for such member to attend such sitting or if he has abstained from voting by reason of a pecuniary interest relating to the matter put to a vote and he has declared such interest at the sitting of the Council.

Remunera-
tion of
substitutes

Any person appointed under section 8 to replace a member who is absent owing to its being impossible in fact for him to attend a sitting also receives the remuneration and allowance fixed under section 36 for each day the Council sits unless he abstains from voting on a matter put to a vote on that day and on which he is required to vote.”

c. C-37.1, s.
38, replaced

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

Votes and
proceedings

“38. The minutes of the votes and proceedings of the Council must be entered in a book kept for such purpose by the secretary of the Community. They must be signed by the member of the Council who presided over the meeting and by the secretary.

Reading of
minutes

The minutes of a meeting must be read at a subsequent meeting, unless a copy of them has been given to each member of the Council not later than at the convening of the latter meeting. They must be approved by the Council at the latter meeting.”

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

11. Section 39 of the said Act is amended by adding, at the end, the following paragraph:

Exception

“However, where the study of the draft by-law is postponed until a subsequent meeting, a copy thereof is not required to be attached to the notice of convocation of the meeting.”

c. C-37.1, s.
63, replaced,
ss. 63.1-63.9,
added

12. Section 63 of the said Act is replaced by the following sections:

Standing committees	<p>“63. The following standing committees of the Council are established:</p> <ul style="list-style-type: none"> (1) the planning committee; (2) the environment quality committee; (3) the valuation and finance committee.
Composition	“63.1 Each committee is composed of such number of members as may be determined by the Council.
Chairman	The chairman of the Council is a member <i>ex officio</i> of each committee.
Appointment	“63.2 The members of a committee, including the chairman and the vice-chairman, are appointed by the Council from among its members.
Term of office	“63.3 The term of office of a member of a committee is four years.
Termination of office	However, if he ceases to be a member of the council of his municipality before the expiry of the four years, he ceases at the same time to be a member of the committee.
Continuance of office	For the purposes of the second paragraph, a person does not cease to be a member of the council of a municipality at the expiry of his term if he is elected to such an office at the next election in the municipality.
Function	“63.4 The function of a committee is to examine any question within its field of competence and to make such recommendations as it deems appropriate to the Council.
Function	A committee shall carry out its function at the request of the Council or of its own motion.
Public meeting	“63.5 Every sitting of a committee is a public meeting.
Number of meetings	Every committee must hold at least four sittings during each calendar year.
Notice of meeting	The secretary of the Community shall publish prior notice of the holding of each sitting of a committee in a newspaper circulated in the territory of the Community.
Question period	Every sitting of a committee must include a period in which the persons present may put oral questions to the members of the committee.
Duties of the chairman	“63.6 The chairman of a committee shall direct its activities and preside over its sittings.

Replacement The vice-chairman shall replace the chairman where the latter is absent or incapacitated or refuses to act, or where the office of chairman is vacant and the chairman is unable or unwilling to remain in office until his successor is appointed.

Replacement Where both the vice-chairman and the chairman are absent or incapacitated or refuse to act, or where the offices of chairman and vice-chairman are vacant and they are unable or unwilling to remain in office until their successors are appointed, the members present at a sitting of the committee shall designate one of their number to preside over the sitting.

Decisions “**63.7** Each member of a committee has one vote. The decisions of the committee are taken by a majority of votes. In case of a tie-vote, the decision is deemed to be rendered in the negative.

Report The committee shall report on its work and decisions by means of a report signed by its chairman or the majority of its members.

Report The report must be sent to the Council.

Effect “**63.8** No report of a committee has any effect unless it is confirmed or adopted by the Council.

Internal management “**63.9** The Council may make by-laws respecting the administration and internal management of any committee.

By-laws The Council may, in particular, in such by-law,

- (1) prescribe the length and time of the question period at sittings of a committee, and the procedure to be followed to put a question; and
- (2) require every committee to forward to it every year, at the time determined by the Council, a report of its activities for the last fiscal year.”

c. C-37.1, s. 64.1, added **13.** The said Act is amended by inserting, after section 64, the following section:

Special committee “**64.1** In addition to the committees contemplated in section 63, the Council may establish any standing or special committee.

Replacement The Council may replace any member of the committee as it sees fit.

Function The function of the committee is to examine any matter determined by the Council and within the competence of the Community, in any field other than those mentioned in section 63, and to make such recommendations as it deems appropriate to the Council.

Applicable provisions Sections 63.1, 63.2 and 63.5 to 64 apply to the committee.”

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

14. Section 65 of the said Act is amended

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

Appoint-
ments

“65. The Council shall appoint a director general, a secretary and a treasurer. It shall also appoint, in accordance with the Act respecting municipal taxation (R.S.Q., chapter F-2.1), an assessor who shall be the director of the valuation department.

Majority

The appointment of the director general requires a two-thirds majority of the votes cast.”;

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

Assistants

“The Council may also appoint an assistant director general, an assistant secretary and an assistant treasurer to replace the persons whose assistants they are whenever such persons are absent, unable to act or refuse to act or where their positions are vacant.

Ineligibility

No person may be appointed permanently to fill any position contemplated in this section or in section 66 if he remains a member of the Council of the Community or of the council of a municipality in the territory of the Community or an officer or employee of such a municipality.”

c. C-37.1, s.
66, replaced

15. Section 66 of the said Act is replaced by the following section:

Departments

“66. The Council, by by-law, may establish the various departments of the Community, including an economic promotion department, and determine the field of their activities; it shall appoint, by resolution, the heads of such departments and define their duties.”

c. C-37.1, s.
67.1, added

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

Administra-
tive
standards

“67.1 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. The by-law may give to the director general full or partial responsibility for applying the standards or plan, or for hiring personnel other than that contemplated in section 65 or 66. The delegation of responsibility may be made to the head of the department concerned where that head is not under the authority of the director general.”

c. C-37.1, ss.
69, 70,
replaced

17. Sections 69 and 70 of the said Act are replaced by the following section:

Removal or
demotion

“69. A two-thirds majority of the votes cast is required in order that the Council may remove, or reduce the salary of, a department

head or any other officer or employee of the Community who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held office for at least six months.”

c. C-37.1, s. 71, am. **18.** Section 71 of the said Act is amended by replacing the first paragraph by the following paragraphs:

Service of resolution “**71.** The resolution removing a department head or any other officer or employee of the Community contemplated in section 69, or reducing his salary, must be served on him by handing a copy thereof to him in person.

Appeal The person so removed or whose salary has been so reduced may appeal from such decision to the Commission municipale du Québec, which shall decide finally after inquiry.”

c. C-37.1, s. 72.1-72.3, added **19.** The said Act is amended by inserting, after section 72, the following sections:

Conflict of interest “**72.1** No officer or employee of the Community may, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting his personal interest in conflict with that of his department.

Succession or gift However, forfeiture is not incurred if such an interest devolves on him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

Immunity “**72.2** No head of a department of the Community may be prosecuted by reason of official acts done in good faith in the performance of his duties.

Employment prohibited “**72.3** No member of the council of a municipality may hold regular or permanent employment with the Community, under pain of forfeiture of office.

Sitting prohibited If such a member holds temporary or casual employment, he shall not sit on the Council.”

c. C-37.1, s. 73, am. **20.** Section 73 of the said Act is amended by replacing the third paragraph by the following paragraphs:

Minutes “The minutes of the Council make proof of their contents if they are approved and signed by the member of the Council who presided over the meeting, and by the secretary.

Documents Documents and copies emanating from the Community and forming part of its records make proof of their contents if they are certified true by the secretary.”

c. C-37.1, ss.
73.1, 73.2,
added

21. The said Act is amended by inserting, after section 73, the following sections:

Access to
books

“73.1 Books, registers and documents forming part of the records of the Community may be consulted during office hours by any person requesting to do so.

Copies

“73.2 The secretary must deliver to any person who so requests, on payment of the fees payable under the tariff fixed by the Council, copies or abstracts of the books, registers or documents forming part of the records of the Community.

Tariff

The Minister may determine by order the fees payable under the first paragraph. From the date of the order and within the limitations so fixed, the Council may prescribe such tariff as it considers appropriate, failing which the issue of the documents by the secretary is free of charge. At the request of the Council, the Minister may authorize it to prescribe a tariff including fees higher than those being the subject of the order.”

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

22. Section 74 of the said Act is amended

(1) by replacing that part which precedes subparagraph *a* of the first paragraph by the following:

Duties of the
director
general

“74. Subject to this Act, the director general has the following functions and duties:”;

(2) by replacing subparagraph *b* and *c* of the first paragraph by the following subparagraphs:

“(b) as mandatary of the Council, to exercise authority over the department heads, except the secretary;

“(c) to ensure coordination between the Council and the department heads;”;

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

“(i) to obtain, examine and present to the Council projects prepared by the department heads on matters requiring the approval of the Council;”;

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

Communica-
tions

“All communications between the Council and the officers or employees of the Community must be made through the director general or through the head of the department concerned if the latter is not under the authority of the director general.”

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

23. Section 76 of the said Act is amended

(1) by replacing paragraphs *d* and *e* by the following paragraphs:

“(d) acquire by agreement, lease or use gratuitously or for a consideration, financial or otherwise, any movable or immovable property or any servitude;

“(e) sell, exchange, encumber, lease or alienate any movable or immovable property by observing, where necessary, the formalities prescribed by this Act, and, in particular, lease its central data processing system to third persons or perform, with that system, work for third persons on such conditions as it deems appropriate;”;

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

“(g) establish and maintain or assist in the establishment and maintenance of relief or retirement funds or pension plans for its officers and employees, or for their relatives and dependent persons, and pay premiums for them, subject to the Act respecting supplemental pension plans (R.S.Q., chapter R-17) as regards retirement funds and pension plans, and with the approval of the Inspector General of Financial Institutions on the recommendation of the Superintendent of Insurance, as regards relief funds;”.

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

24. Section 77 of the said Act is amended by adding, at the end, the following paragraph:

Applicable
provisions

“However, to enter into an agreement with any municipality in its territory, the Community shall proceed according to sections 87 to 87.2.”

c. C-37.1, s.
81, replaced

25. Section 81 of the said Act is replaced by the following section:

Copies to
municipali-
ties

“**81.** The secretary of the Community shall send forthwith to each municipality concerned a certified true copy of the resolution passed under section 80 or of a by-law or resolution imposing a reserve for public purposes under the Expropriation Act.”

c. C-37.1, s.
82, replaced

26. Section 82 of the said Act is replaced by the following section:

Alienation of
property

“**82.** In no case may the Community alienate movable property the value of which exceeds \$2 000 according to the director general's report, nor may it alienate immovable property, except by auction, by public tenders or in any other manner approved by the Commission municipale du Québec.”

c. C-37.1, s.
83.1, 83.2,
added

27. The said Act is amended by inserting, after section 83, the following sections:

Irresistible
force

“83.1 Notwithstanding section 83, the chairman of the Council may, in the case of irresistible force which might endanger the life or health of the population or seriously damage the equipment of the Community, order such expenditure as he considers necessary, and grant the necessary contract to remedy the situation upon the written request of the director general. The chairman must then give a substantiated report to the Council at the next meeting.

Signing of
contracts

“83.2 The chairman of the Council shall sign with the secretary every contract of the Community. However, the Council may designate another person to sign with the secretary every contract of the Community, a category of contracts or any special contract. That person is not authorized to sign a contract except where the chairman or the vice-chairman is unable or unwilling to do so, under the circumstances mentioned in section 20.”

c. C-37.1, s.
84, replaced,
ss. 84.1,
84.2, added
Competence
of the
Community

28. Section 84 of the said Act is replaced by the following sections:

“84. The Community has such competence as is provided in this Act in the following matters:

- (1) the billing and sending of tax accounts;
- (2) water purification and drinking water supply;
- (3) waste disposal, recovery and recycling;
- (4) public transportation.

Competence
of the
Community

“84.1 The Community has such competence as is provided by another Act, in particular,

- (1) the Act respecting land use planning and development (R.S.Q., chapter A-19.1), and
- (2) the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

Competence
of a county
corporation

“84.2 The Community has in respect of municipalities in its territory governed by the Municipal Code such competence as is conferred by law on a county corporation.

Interpreta-
tion

For the purposes of the first paragraph, the Community is, within the meaning of the Municipal Code, a municipal county corporation, and the territory of the municipalities governed by the said Code is a county municipality within the meaning of the said Code.

Sharing of
expenses

Expenses incurred by the Community for the exercise of the competence provided in the first paragraph are apportioned according to the rules provided in the Municipal Code or, as the case may be, in or under the Act conferring the competence on a county corporation.”

c. C-37.1, ss.
86, 87,
replaced, ss.
87.1, 87.2,
added

Delegation
of powers

Exercise

Agreements

Consent

Powers and
obligations

Supply of
services

Presumption

Vote

Division of
the vote

c. C-37.1,
heading and
ss. 88, 89,
repealed

c. C-37.1,
Subdiv. 2,
ss. 91-104,
repealed

29. Sections 86 and 87 of the said Act are replaced by the following sections:

“86. The Government or any of its ministers or agencies may delegate non-discretionary powers to the Community.

The Community may accept such delegation and exercise such powers.

“87. The municipalities entering into an agreement may provide therein, with the consent of the Community, that the latter shall be responsible for the carrying out of the agreement rather than any intermunicipal committee or board, as the case may be. In addition to containing the components required by the Act under which it is entered into, the agreement must specify in detail the powers and obligations of the Community.

The consent of the Community is given by by-law of the Council. The by-law is added to the by-laws of the municipalities which are sent to the Minister with the agreement for his approval.

If the agreement is approved, the Community has the powers and the obligations required for its carrying out and specified therein.

“87.1 The Community and a municipality may enter into an agreement, in accordance with the Act governing the latter, by which the Community undertakes to supply the municipality with a service or receives from the latter a delegation of competence.

In such a case, the Community is deemed to be a municipal corporation for the purposes of the provisions of the said Act concerning intermunicipal agreements on the supply of services or the delegation of competence.

“87.2 Except for the vote on the by-law by which the Community agrees to be responsible for the carrying out of an agreement or authorizes it to be made, by virtue of sections 87 and 87.1, respectively, only the representatives of the municipalities taking part in the agreement are entitled to vote in the Council on any matter relating to its carrying out.

The rules regarding the division of the votes among the representatives and the other rules relating to decisions to be taken by the Council are provided in the agreement.”

30. The heading of subdivision 1 of Division VI of Title I of the said Act and sections 88 and 89 are repealed.

31. Subdivision 2 of Division VI of Title I of the said Act, comprising sections 91 to 104, is repealed.

c. C-37.1,
Tit. I, Div.
IV, Subdiv.
3, heading,
replaced

32. The heading of subdivision 3 of Division VI of Title I of the said Act is replaced by the following heading:

“§ 1.—*Billing and sending of tax accounts*”.

c. C-37.1, s.
105,
repealed

33. Section 105 of the said Act is repealed.

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

34. Section 106 of the said Act is amended by replacing the first paragraph by the following paragraph:

Central
system

“**106.** The Community, by by-law, may establish a central system for making the collection roll and for billing and sending accounts of municipal taxes and determine the conditions thereof. It may fix a tariff for doing so.”

c. C-37.1, s.
108,
repealed

35. Section 108 of the said Act is repealed.

c. C-37.1,
Tit. I, Div.
VI, Subdiv.
4, 5, ss.
109-112,
repealed

36. Subdivisions 4 and 5 of Division VI of Title I of the said Act, comprising sections 109 to 112, are repealed.

c. C-37.1,
Tit. I, Div.
VI, Subdiv.
6, heading,
replaced

37. The heading of subdivision 6 of Division VI of Title I of the said Act is replaced by the following heading:

“§ 2.—*Water purification and drinking water supply*”.

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

38. Section 114 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

Nature of
project

“Within thirty days after receiving the application, the Council shall determine whether the project is of a purely local nature or has any intermunicipal repercussions.

Intermunicipal
repercussions

If the Council decides that the project has intermunicipal repercussions, the Council may, by resolution, subject to the approval of the Deputy Minister of the Environment, order such alterations as it deems expedient to the plans and specifications of the proposed work and authorize the municipality to carry out such work. Failing an agreement between the Community and the municipalities involved concerning the apportionment of the cost of the work, the apportionment is fixed by the Minister of Environment, at the request of the Community or any municipality concerned.”

c. C-37.1, ss.
115-120,
replaced, ss.
120.1, 120.2,
added

39. Sections 115 to 120 of the said Act are replaced by the following sections:

Restricted
powers

“**115.** In no case may the Minister or the Deputy Minister of the Environment, as the case may be, as regards waterworks, sewers or plants or water treatment works, exercise in respect of a municipality any power provided in section 29, 32, 34, 35, 41 or 43 of the Environment Quality Act (R.S.Q., chapter Q-2) before calling upon the Community to make the representations to him it considers appropriate.

Execution of
intermunicipal
work

Where the Minister of the Environment exercises the powers provided in section 35 of the Environment Quality Act, he shall order the execution of intermunicipal work by such municipalities as he may designate, unless the Community has indicated to the Minister that it consents to execute it. If the Community consents to execute the work, the Minister shall not then order its execution except by the Community. The Minister shall not establish the apportionment of the cost of the works, and the cost of maintenance and operation thereof, determine the mode of payment or fix the indemnity, periodic or otherwise, payable by the municipalities for the use of the works or services provided before calling upon the Community to make its representations on this matter.

Order

“116. Subject to the Environment Quality Act, the Community may, by by-law, order the carrying out, even outside its territory, of works relating to water treatment plants or works or water mains or main sewers intended to serve more than one municipality in its territory.

Order

“117. Subject to the Environment Quality Act, the Community may, by by-law, order the carrying out of works contemplated in section 116 even if the plants, works or mains being the subject thereof are not intended to serve more than one municipality.

Exclusion

A by-law made by the Community under the first paragraph excludes the competence of a municipality over the works contemplated by the by-law.

Acquisition
of water
works

“118. The Community may, by by-law, acquire, with the approval of the Minister of the Environment, the ownership of any water treatment works or plant, or any water main or main sewer owned by a municipality serving or capable of serving one or more municipalities.

Exclusion

A by-law made by the Community under the first paragraph excludes the competence of a municipality over any plant, works or main acquired by the Community.

Intermunicipal
water
system

“119. The filtration plants and sewage treatment plants of the Community and the works located between the plants and the source of water supply, in the case of a filtration plant, and the works located between the plants and the place where purified water is discharged in the case of a sewage treatment plant, constitute intermunicipal parts of the drinking water supply system or, as the case may be, of the water purification system of the Community.

By-laws

The Community shall, by by-law,

(1) determine that part of its drinking water or waste water conduit system which is of an intermunicipal nature or which, owing to the importance of its main function within the system, must be subject to the same rules as the intermunicipal part;

(2) determine the other components of its drinking water or waste water conduit system which must be considered to be for the sole benefit of the municipality in which they are situated.

Vote Any by-law made under the second paragraph requires a three-quarters majority of the votes cast by the representatives of the municipalities served.

Second vote If, at the first meeting of the Council at which the voting is held, the majority provided for in the third paragraph is not obtained, the voting on the by-law must be postponed until the next meeting, and the same majority is required.

Notice to the Minister If, at the second meeting, the by-law is not adopted, the secretary shall inform the Minister thereof as soon as possible. The Minister may then give to the Commission municipale du Québec the responsibility of exercising for and on behalf of the Council the competence provided in the second paragraph.

Adoption of the by-law The fifth paragraph does not prevent the Council from adopting the by-law contemplated in the second paragraph at a meeting held after the second meeting mentioned in the fourth paragraph if the Commission municipale has not disposed of the matter submitted to it under the fifth paragraph.

Apportionment of expenses “**120.** The expenses of the Community incurred in the exercise of a power provided for in sections 116 to 118 and relating to the inter-municipal part of its system, and the expenses arising from the operation and maintenance of that part of the system are apportioned among the municipalities in proportion to the volume of water consumed by each of them, respectively, as regards expenses relating to drinking water supply, and in proportion to the volume of water discharged by each of them, respectively, as regards the expenses relating to water purification.

Payment of expenses The expenses of the Community relating to each component of its system contemplated in a by-law made under subparagraph 2 of the second paragraph of section 119 are payable by the municipality in which that component is situated.

Effect The first paragraph has effect even respecting a loan by-law made before 23 June 1983 as regards that part of the principal and interest that falls due.

Apportionment “**120.1** Notwithstanding section 120, the Community may, by by-law passed by a three-quarters majority of the votes cast by the representatives of the municipalities served, establish a different apportionment of the expenses contemplated in section 120.

Substitution “**120.2** Where a municipality, whose water treatment plants or works, water mains or main sewers are acquired by the Community,

has bound itself contractually with another municipality to supply it with drinking water or to collect its waste water, and such works, plants or mains acquired by the Community were necessary for the carrying out of such contract, the Community is substituted for such municipality in all the rights and obligations of that municipality resulting from the contract.”

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

40. Section 121 of the said Act is amended by replacing the second paragraph by the following paragraph:

Powers not
restricted

“This Act does not have the effect of restricting the power of a municipality to distribute in its territory drinking water supplied to it by the Community or to collect waste water from that territory to convey such waste water to the works of the Community.”

c. C-37.1, ss.
122-125,
replaced

41. Sections 122 to 125 of the said Act are replaced by the following sections:

Drinking
water

“**122.** The Community shall not supply drinking water to persons other than municipalities in its territory.

Treatment
of waste
water

“**123.** The Community may receive waste water for treatment purposes from a municipality which does not form part of its territory or persons other than a municipality.

Consent of
the
Community

“**124.** From the date of coming into force of a by-law made under section 118, no municipality which receives water from the Community or conveys waste water to the works of the Community, may supply water to another municipality or receive, for treatment purposes, waste water from any other municipality, without the consent of the Community.

Prior
contracts

“**125.** Nothing in section 124 is deemed to prevent any municipality from supplying water to another municipality, or receiving waste water from another municipality by virtue of contracts made before the date referred to in section 124 if the plants, works or conduits necessary to do so have not been acquired by the Community.”

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

42. Section 126 of the said Act is amended

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

“(1) supply drinking water to the municipalities, receive waste water from their territory; and dispose of sludge from septic installations;”;

(2) by replacing subparagraph 2 of the first paragraph by the following subparagraphs:

“(2) maintain, manage and operate its water treatment plants and works, water mains or main sewers;

“(2.1) maintain the municipal waterworks or sewer systems in its territory;

“(2.2) build, alter, maintain, supervise and protect individual or community septic installations;”;

(3) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) establish a tariff for the supply of a service to a municipality other than a municipality served, or to a person;”;

(4) by replacing the second and third paragraphs by the following paragraphs:

Approval “Any by-law made under this section requires the approval of the Minister of the Environment.

Vote Notwithstanding section 34.2, all representatives of the municipalities of the territory of the Community have a vote on a by-law contemplated in subparagraph 2.2.”

c. C-37.1, s. 127, repealed

43. Section 127 of the said Act is repealed.

c. C-37.1, Tit. I, Div. VI, Subdiv. 7, s. 128, replaced, 128.1, 128.2, added

44. Subdivision 7 of Division VI of Title I of the said Act, comprising section 128, is replaced by the following:

“§ 3.— *Waste disposal, recovery and recycling*

Waste disposal centres

“**128.** The Community may establish, possess and operate waste disposal centres within or outside its territory, regulate the use thereof and sell the energy resulting from the operation of the centre.

Contracts

From the time when such a waste disposal centre is in operation, no municipality in the territory of the Community shall grant or renew a contract for waste collection unless the method of disposal thereof has been approved by the Community.

Continued operation

Those municipalities may continue to operate, maintain and repair all the waste disposal centres already in operation or under construction on 1 January 1970 to such extent as may be provided in the regulations for carrying out the Environment Quality Act. They shall not, however, without authorization of the Community, allocate public funds to the enlargement of centres already existing on that date, or develop new ones.

Access to disposal centres

The Community may, by by-law, compel the municipalities in its territory which possess waste disposal centres to make them available

to other municipalities for a compensation fixed by the Community and approved by the Commission municipale du Québec.

Powers of
the
Community

“**128.1** The Community may, within or outside its territory,

(1) establish, possess and operate

(a) a waste recovery and recycling establishment;

(b) a site for disposing of residue from the operation of such an establishment and of waste owned by the Community for such operation, which cannot be used for that purpose;

(c) a site for disposing of residue from the operation of a waste water purification plant of the Community;

(d) a site for burying sludge from septic installations;

(2) regulate the use of any establishment or site contemplated in paragraph 1.

Apportion-
ment of
expenses

“**128.2** The operating and maintenance costs and the expenses resulting from the payment of interest and amortization of loans for a waste disposal, recovery or recycling centre and a site for burying sludge from septic installations are apportioned among the municipalities using them in proportion to the volume of waste or sludge coming from each of the municipalities.

Apportion-
ment

The costs and expenses contemplated in the first paragraph relating to each centre or site may be apportioned separately.”

c. C-37.1, a.
129-131,
repealed

45. Subdivision 8 of Division VI of Title I of the said Act, comprising sections 129 to 131, is repealed.

c. C-37.1, ss.
133.1-133.3,
added

46. The said Act is amended by inserting the following sections after section 133:

Financial
situation

“**133.1** Not later than the day the budget of the Community is submitted to the Council, the chairman shall report on the financial situation of the Community, at a meeting of the Council.

Report

The chairman shall deal with the latest financial statements, the latest report of the auditor and the latest three-year fixed assets program, with preliminary instructions regarding the financial statements for the fiscal year preceding that for which the next budget is made, and with the general direction of the next budget and the next three-year fixed assets program.

Distribution

The text of the chairman's report is distributed free of charge to each address in the territory of the Community. In addition to or instead

of the distribution, the Council may order that the text be published in a newspaper circulated in the territory.

Public notice “**133.2** The secretary shall give public notice of the meeting at which the budget or the three-year fixed assets program must be submitted to the Council, not later than eight days before it takes place.

Agenda At that meeting, the deliberations of the Council and the question period deal exclusively with the budget or the three-year program.

Distribution of documents “**133.3** The adopted budget or three-year program or any explanatory document therefor, is distributed free of charge to each address in the territory of the Community. In addition to or instead of the distribution, the Council may order that the budget, the three-year program or the explanatory document be published in a newspaper circulated in the territory.”

c. C-37.1. ss. 134-136, replaced **47.** Sections 134 to 136 of the said Act are replaced by the following sections:

Preparation of the budget “**134.** The director general, under the direction of the Council, shall draw up the budget of the Community and deposit it in the office of the secretary of the Community. The secretary shall transmit a copy of the budget and of that of the Transit Commission to each municipality and each member of the Council, not later than 15 October.

Appropriations Not later than 15 September each year, the treasurer shall determine in a certificate the appropriations he considers necessary for the next fiscal year for payment of the interest on securities issued or to be issued by the Community, for repayment or redemption of such securities and for the requirements of their sinking funds and any other charge related to the debt of the Community, except, however, the amounts required in principal, interest and accessories in relation to the issue of treasury bills, loans contracted in anticipation of revenue and renewable loans falling due during the fiscal year covered by the budget. The treasurer shall also determine in such certificate the appropriations necessary to meet, during the next fiscal year, the obligations undertaken by the Community during previous fiscal years. The treasurer may amend the certificate until 31 December preceding the fiscal year to which it applies, if the appropriations mentioned therein have not been adopted by the Council. The treasurer shall file such amendment with the office of the secretary. The secretary shall give notice of the amendment to the Council at the first meeting following the filing.

Appropriations The treasurer shall also include in the certificate contemplated in the second paragraph the appropriations necessary, during the next fiscal year, to pay the obligations of the Community under the collective agreements then in force, or, under legislative or regulatory

provisions adopted by the Gouvernement du Québec or the Government of Canada or one of its ministers or bodies.

Inclusion in the budget The amounts shown in the certificate shall be included in the budget of the Community for the fiscal year covered by the budget.

Unforeseen expenses The budget shall also appropriate an amount of a least 1½% of the expenses of the Community to cover expenditures not provided for in the budget, the settlement of claims and the payment entailed by court sentences.

Budget of the Transit Commission The second, third, fourth and fifth paragraphs apply *mutatis mutandis* with respect to the budget of the Transit Commission. However, in respect of that budget, the certificate contemplated in the second paragraph or an amendment to it is transmitted to the office of the secretary of the Community by the treasurer of the Transit Commission, within the period provided in the said paragraph.

Budget submitted to the Council “**135.** The budget of the Community and the budget of the Transit Commission shall be submitted to the Council not later than 15 November at a special meeting called for such purpose.

Adjournment Such meeting shall be adjourned as often as necessary and shall not be closed until the budgets have been adopted. If there is not a quorum, the meeting shall be automatically adjourned to eight o'clock in the evening on the following juridical day.

Amendment The Council may, on its own motion, amend the budgets.

Separate adoption The Council is not bound to adopt simultaneously all the appropriations of the budget and thus may adopt every appropriation separately.

Adoption of fractions of the budget The Council may also, before 1 January, adopt temporarily, for a period of three months, one-quarter of every appropriation provided for in the budget. The same applies before each period beginning 1 April, 1 July and 1 October. The Council may thus adopt at the same time

(1) three-quarters of every appropriation if it does so before 1 April; and

(2) one-half of every appropriation, if it does so before 1 July.

Presumption of adoption If, on 1 January, the budget of the Community or of the Transit Commission has not been adopted, one-quarter of each of the appropriations provided for in the budget of the preceding fiscal year, with the exception of those mentioned in the seventh paragraph, is deemed adopted and shall come into force. The same applies on 1 April, 1 July and 1 October if on each of those dates the budget has not been adopted.

Restriction The presumption of adoption and the coming into force provided for in the sixth paragraph do not apply to the appropriations provided for in the budget for the preceding fiscal year, which correspond

(1) to those mentioned in the certificate of the treasurer contemplated in section 134;

(2) to those then adopted separately under the fourth paragraph; and

(3) to those one-quarter of which has then been adopted under the fifth paragraph for the same period of three months.

Presumption of adoption In the hypothesis mentioned in the sixth paragraph, the appropriations mentioned in the certificate of the treasurer contemplated in section 134 and included in the budget that is being studied are deemed to be adopted on 1 January and shall then come into force.

Retroactive effect The adoption, after 1 January, of the budget or one of its appropriations in accordance with the fourth paragraph is retroactive to that date. The same rule applies to the by-laws and resolutions arising therefrom.

Vote “**135.1** A resolution of the Council respecting the adoption of a budget or one of its appropriations or part of an appropriation requires a two-thirds majority of the votes cast.

Management of the budget “**136.** The head of each department shall be responsible for the management of the budget of his department, according to the provisions of this Act, under the supervision of the Council.”

c. C-37.1, s. 137, am. **48.** Section 137 of the said Act is amended by adding the following paragraphs at the end:

Preparation and deposit “The supplementary budget is prepared, filed and forwarded according to the rules applicable to the annual budget, *mutatis mutandis*. A copy of the budget must be sent to the municipalities and the members of the Council not less than fifteen days before it is submitted to the Council.

Supplementary budget submitted to the Council The supplementary budget is submitted to the Council at a special meeting called for that purpose. Such meeting may close without the budget being adopted.

Amendment The Council may, on its own motion, amend the supplementary budget.

Presumption of adoption If the supplementary budget is not adopted within fifteen days from the day it is submitted, the appropriations mentioned in the certificate of the treasurer contemplated in section 134 and included in the budget are nevertheless deemed to be adopted and shall come into force on the expiry of that period.

Applicable provision	Section 135.1 applies to the adoption of a supplementary budget.”
c. C-37.1, s. 141, replaced	49. Section 141 of the said Act is replaced by the following section:
Budget surplus	“ 141. During a fiscal year, the Community on report of the treasurer may appropriate to expenses for such fiscal year or for a subsequent fiscal year, as it determines, any estimated budget surplus for the current fiscal year.
Budget surplus	It may also appropriate to expenditures for such current fiscal year any surplus for the preceding fiscal year, certified true by its auditor.
Amendment	The appropriation of a surplus to expenditures for a fiscal year amends the budget for that fiscal year accordingly.
Surplus and 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 made his report for the first mentioned fiscal year.”
c. C-37.1, s. 149, replaced	50. Section 149 of the said Act is replaced by the following section:
Authorized investments	“ 149. The securities issued by the Community are authorized investments as if they were mentioned in subparagraph <i>a</i> of the first paragraph of article 981 <i>o</i> of the Civil Code.
Ranks of commitments	The commitments included in the securities issued by the Community constitute direct and general obligations of the Community and of the municipalities and rank concurrently and <i>pari passu</i> with all other general bonds of the Community and of the municipalities.”
c. C-37.1, s. 152, am.	51. Section 152 of the said Act is amended by adding, at the end, the following paragraph:
Validity	“Although a person whose signature or a facsimile thereof has been affixed to a bond, a note, another security of the Community or a coupon in that person’s capacity as chairman or vice-chairman of the Council, secretary of the Community or person designated for such purpose by the Council of the Community, has ceased to act in such capacity before the said bond, note, security or coupon is issued and delivered, such signature shall nevertheless be valid and shall bind the Community in the same manner as if such person had continued to act in such capacity on the date of the said issue and delivery and the signature or facsimile of the signature of the persons acting in such capacity on the date on which such signature or facsimile was affixed to a bond, note, coupon or other security of the Community shall bind it even though the said person was not acting in such capacity on the date of such bond, coupon, note or security.”
c. C-37.1, ss. 159-169, replaced, 169.1-169.12, added	52. Sections 159 to 169 of the said Act are replaced by the following sections:

Composition	<p>“159. The Transit Commission shall consist of the following members, including a chairman and vice-chairman:</p> <ol style="list-style-type: none">(1) the chairman of the Council of the Community; and(2) a representative of each of the municipalities served by the transport network of the Transit Commission.
Appoint-ments	<p>“160. The Council of the Community shall appoint the representatives contemplated in paragraph 2 of section 159 and, among them, the chairman and vice-chairman of the Transit Commission.</p>
Vote	<p>For the purposes of the first paragraph, only the members representing a municipality served by the transport network of the Transit Commission may vote.</p>
Qualification	<p>The representatives mentioned in the first paragraph must be members of the Council of the Community.</p>
Terms of office	<p>“161. The term of office of every member contemplated in paragraph 2 of section 159 coincides with his term of office as member of the Council of the Community.</p>
Continuance in office	<p>“162. Notwithstanding section 161, a member of the Transit Commission continues to exercise his duties until the appointment of his successor.</p>
Duties of the chairman	<p>“163. The chairman of the Commission shall preside over the meetings of the Commission. He shall maintain order and decorum at the meetings and may expel any person causing a disturbance. He shall sign the by-laws and the minutes of the meetings over which he presides.</p>
Duties of the chairman	<p>He shall represent the Commission generally in any public function and in the negotiation of any matter concerning the Commission.</p>
Replacement	<p>“164. The vice-chairman of the Transit Commission shall replace the chairman if he is absent or unable or unwilling to act, or if the office of vice-chairman is vacant and he is unable or unwilling to remain in office until the appointment of his successor.</p>
Replacement	<p>If both are absent or unable or unwilling to act or if the offices of chairman and vice-chairman are vacant and they are unable or unwilling to remain in office until the appointment of their successors, the members present at a meeting of a Commission shall designate one of their number to preside over the meeting.</p>
Decisions	<p>“165. The decisions of the Transit Commission are taken by a majority of the votes cast and every member of the Commission has one vote.</p>
Quorum	<p>A majority of the members constitutes a quorum at a sitting of the Commission.</p>

Agenda
paper

“**166.** The agenda paper for each regular meeting of the Transit Commission shall be prepared by the secretary of the Commission and include the matters referred to him in due time or, in accordance with the internal management by-laws of the Commission, by

- (1) the chairman;
- (2) the chairman of the Council; or
- (3) a group of three members of the Commission.

Content

The agenda paper of any regular meeting of the Commission must also include any matter required by law to be discussed at such meeting.

Special
meetings

“**167.** The special meetings of the Transit Commission are called by the secretary of the Commission upon the request of the chairman of the Commission, of the chairman of the Council, or upon the written request of not fewer than three members of the Commission. The notice of convocation must mention the matters to be discussed, according to the request, and stands in lieu of an agenda paper.

Number of
sittings

“**168.** The Transit Commission shall hold at least four sittings per calendar year during which it sits as a standing committee of the Council, and sections 63.4, 63.5, 63.7, 63.8 and 64 apply to it at such sittings.

Internal
management

“**169.** The Transit Commission may make by-laws respecting its administration and internal management.

Question
period

The by-laws may, in particular, prescribe the length and time of the question period at any of the meetings where it sits as a standing committee of the Council, and the procedure to be followed to put a question.

General
manager

“**169.1** The Transit Commission shall appoint the general manager of the Commission and fix his salary. His salary is paid by the Commission.

Powers and
duties

“**169.2** Subject to this Act, the general manager of the Transit Commission has the following powers and duties:

(a) under the Commission's authority, to manage the affairs of the Commission;

(b) to have charge of the officers and employees of the Commission and exercise over them the right of supervision and direction;

(c) to provide liaison between the Commission and its officers and employees; and

(d) to ensure faithful and impartial observance and administration of this Act, and of the by-laws, resolutions and decisions of the Commission.

In addition to his powers and duties under the first paragraph, the general manager shall have any other function that the Commission may determine by by-law.

Personnel “**169.3** The Commission shall also appoint a secretary, treasurer or secretary-treasurer and such other officers as the Commission sees fit to appoint.

Duties Such officers shall perform the duties assigned to them by this Act and those which may be assigned to them by the by-laws or resolutions of the Commission.

Secretary “**169.4** The secretary of the Commission shall be the custodian of the seal and records of the Commission. He shall sign the minutes and all contracts of the Commission.

Minutes The minutes of the Commission, approved and signed by the chairman of the meeting and by the secretary, shall be authentic; the same shall apply to documents and copies emanating from the Commission or forming part of its records, when they are certified true by the secretary.

Assistant The assistant secretary, if one is appointed, may perform all the duties of the office of secretary, with the same rights, powers and privileges.

Treasurer “**169.5** The treasurer and the assistant treasurer of the Commission, if one is appointed, shall have the same powers, privileges and duties, *mutatis mutandis*, as those provided by the Cities and Towns Act (R.S.Q., chapter C-19) for a treasurer or an assistant treasurer.

Exclusive duties “**169.6** The general manager shall devote himself exclusively to the work of the Transit Commission and his duties of office; he shall not hold any other remunerated employment or occupation.

Incompatibility of office “**169.7** The office of general manager is incompatible with the office of member of the Transit Commission, the Council or of a council of a municipality or of officer or employee of the Community or a municipality.

Conflict of interest “**169.8** Under pain of forfeiture of his office, no member of the Commission shall have any direct or indirect interest in an undertaking which puts his personal interest in conflict with that of the Transit Commission.

Succession or gift Such forfeiture, however, shall not be incurred if such interest devolves to him by succession or gift and he renounces or disposes of it with all possible dispatch.

Dismissal “**169.9** A majority of two-thirds of the votes cast is required for the Commission to dismiss the general manager, the secretary, the

treasurer or any other officer or employee of the Commission who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held office for not less than six months, or reduce his salary.

Applicable provisions

Sections 71 and 72 apply, *mutatis mutandis*, to persons mentioned in the first paragraph.

Immunity

“169.10 The members of the Transit Commission, the general manager and the secretary cannot be sued by reason of official acts done in good faith in the exercise of their functions.

Prohibited recourses

“169.11 No extraordinary recourse contemplated in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) shall be exercised and no injunction shall be granted against the Transit Commission, the members of the Commission, the general manager or the secretary acting in their official capacities, unless applied for by the Government, the Community or any municipality thereunto authorized by the Community.

Inapplicable provision

“169.12 Article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) does not apply to the Transit Commission, except on an application by the Government, the Community or a municipality authorized to that effect by the Community.”

c. C-37.1, s. 171, am.

53. Section 171 of the said Act is amended by replacing the first paragraph by the following paragraph:

Applicable provisions

“171. Sections 3, 4, 50, 73.1, 73.2, 76, 78, 79, 82, 83, 235, 236, 240 to 242 and 247 apply, *mutatis mutandis*, to the Transit Commission.”

c. C-37.1, s. 174, replaced
Sole directors

54. Section 174 of the said Act is replaced by the following section:

“174. As soon as the Transit Commission acquires all of the capital stock of a public transport undertaking, the functions of the directors of the undertaking then in office shall cease and the members of the Commission shall become the sole directors of such undertaking, without remuneration, and without personally being shareholders of such undertaking, notwithstanding any inconsistent provision of any law, charter or by-law.”

c. C-37.1, s. 178, am.

55. Section 178 of the said Act is amended by replacing the second paragraph by the following paragraph:

Cancellation of hypothecs and guarantees

“The cancellation of the registration of such hypothecs and guarantees shall be effected by the presentation and deposit, for purposes of cancellation, in the office of the registration division contemplated, of a requisition therefor, signed by the chairman and the secretary of the Commission, attesting that it has acquired the ownership and final possession of the pertinent movable and immovable property, designating

the immovable property affected by such registration and specifying the registration numbers of the hypothecs and guarantees to be cancelled. Such requisition shall make *prima facie* proof of its contents without its being necessary to prove the authority of the signatories."

c. C-37.1, s.
188,
replaced

56. Section 188 of the said Act is replaced by the following section:

Supplement-
ary budget

"**188.** The Transit Commission, during a fiscal year, may submit to the Council for adoption any supplementary budget it considers necessary. The last five paragraphs of section 137 apply to the supplementary budget."

c. C-37.1, s.
189,
replaced

57. Section 189 of the said Act is replaced by the following section:

Administra-
tion of the
budget

"**189.** The members of the Transit Commission shall be responsible for the administration of the budget of the Commission in accordance with the requirements of this Act."

c. C-37.1, s.
190,
replaced

58. Section 190 of the said Act is replaced by the following section:

Applicable
provisions

"**190.** Sections 132, 140 and 141 apply, *mutatis mutandis*, to the Transit Commission."

c. C-37.1, ss.
191, 192,
replaced

59. Sections 191 and 192 of the said Act are replaced by the following sections:

Transfer of
funds

"**191.** Any transfer of funds of the Transit Commission must be approved by the Council which, by by-law, may delegate to the Transit Commission the approval of any transfer of funds within an amount determined by such by-law.

Shares of
expenses

"**192.** The Transit Commission, by by-law approved by the Council, shall establish the rules respecting the terms and conditions of the payment by the municipalities served by its transport network of their share of the anticipated net amount of expenses to be apportioned for the fiscal period contemplated in the budget.

Payment and
interest

The by-law may, in particular, prescribe for every situation contemplated in sections 135 and 188,

(1) the prescribed time for determining each share and informing the municipalities of it;

(2) the prescribed time for payment of the share or the dates when the instalments granted to pay it are due;

(3) the rate of interest payable on each share or any instalment outstanding;

(4) the adjustments that may arise from the deferred adoption of all or part of the budget or the successive use of provisional and final

data in the computation of the basis of apportionment provided in section 193.

Rate of interest

Instead of fixing the rate of interest on a share or an instalment outstanding, the by-law may provide that such rate be fixed by resolution of the Commission when its budget is transmitted."

c. C-37.1, s. 193, am.

60. Section 193 of the said Act is amended

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

Payment of net amount of expenses

"**193.** The payment of the net amount of the expenses of the Transit Commission to be apportioned, including the part which results from the payment of interest on and amortization of the loans of the Commission, shall be charged to the municipalities served by the Transit Commission's public transport network either by the circulation of vehicles of the Transit Commission in their territory, or by any other indirect manner that the Transit Commission decides to take into account with the approval of the Government. Such net amount of expenses shall be apportioned among those municipalities in proportion to the number of kilometres travelled in the territory of each municipality during the preceding fiscal period, the sum of the number of hours during which each vehicle of the Transit Commission ran in the territory of each municipality during the preceding fiscal period, the population of each municipality or the fiscal potential of each, or any other criterion fixed by the Transit Commission and approved by the Government, or in proportion to several of those criteria.";

(2) by replacing the fourth and fifth paragraphs by the following paragraph:

Mode of apportionment

"The Transit Commission is not required to apportion the net amount of expense connected with the various means of public transport or that connected with various lines of a single means of public transport among the same municipalities or according to the same criteria."

c. C-37.1, s. 234, repealed

61. Section 234 of the said Act is repealed.

c. C-37.1, s. 238, am.

62. Section 238 of the said Act is amended by replacing the second paragraph by the following paragraph:

Judgments

"The above-mentioned sections apply in the case of judgments rendered against the Transit Commission as regards municipalities liable for the payment of the net amount of expenses to be apportioned."

c. C-37.1, s. 243, repealed

63. Section 243 of the said Act is repealed.

c. C-37.1, s. 246, replaced

64. Section 246 of the said Act is replaced by the following section:

Facsimile of
signature

“**246.** The facsimile of the signature of the director general, secretary, treasurer or head of the valuation department of the Community on a document he is authorized to sign has the same effect as the signature itself, if the use of the facsimile is authorized by the Council.

Originals

The first paragraph does not apply in respect of the original of a by-law or resolution adopted by the Council.

Applicability

The first two paragraphs apply, *mutatis mutandis*, to the chairman, secretary, treasurer and general manager of the Transit Commission.”

c. C-37.1, s.
248, replaced,
s. 248.1,
added

65. Section 248 of the said Act is replaced by the following sections:

Community
deemed a
municipality

“**248.** The Community is a municipality within the meaning of the Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22), the Act respecting the Commission municipale (R.S.Q., chapter C-35), and the Municipal Aid Prohibition Act (R.S.Q., chapter I-15). It is a municipal corporation within the meaning of the Public Health Protection Act (R.S.Q., chapter P-35) and the Labour Code (R.S.Q., chapter C-27).

Copy to the
Community

“**248.1** A person making an application to a municipality of the territory of the Community under section 58 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) shall send an additional copy of it to the Community.

Powers

The Community may exercise in respect to such application the same powers as a municipal corporation under section 59 of the said Act and, where such is the case, it is subject to the same obligations.

Joint action

The Community may act under this section jointly with the municipality contemplated in the first paragraph.”

c. C-37.1, s.
250,
replaced

66. Section 250 of the said Act is replaced by the following section:

Replacement

“**250.** In the case of absence or inability to act of the chairman or any other member of the Commission, each of them may be replaced while he is absent or unable to act by another person appointed for such purpose, in the same manner as the person to be replaced.”

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

67. Section 251 of the said Act is amended by replacing the first paragraph by the following paragraph:

Special tax

“**251.** For the purposes of paying its aliquot share of the expenses of the Community, including those relating to any service governed by a special tariff and those the apportionment of which is based on any criterion other than fiscal potential, or for the purposes of paying its aliquot share of the net anticipated amount of expenses of the Transit Commission to be apportioned, every municipality by whatever law

governed may impose a special tax on the bases contemplated in section 487 of the Cities and Towns Act (R.S.Q., chapter C-19) or require of any owner or tenant of immovables in the municipality a compensation according to such tariff as it deems suitable.”

c. C-37.1, ss.
251.1-251.3,
added **68.** The said Act is amended by inserting the following sections after section 251:

Payment of
share **“251.1** Each municipality shall pay its share according to the terms and conditions provided by the by-law contemplated in section 192 or 268.

Interest Any instalment unpaid when due bears interest, without formal notice, at the rate provided by the by-law or, where such is the case, by the resolution contemplated in section 192 or 268.

Formal
notice **“251.2** The Council or, as the case may be, the Transit Commission, may have any municipality advised by formal notice that it must pay its aliquot share within ninety days of the day the formal notice is sent.

Declaration
of default If a municipality fails to comply with the formal notice within the prescribed period, the Commission municipale du Québec, upon the request of the Council or, as the case may be, of the Transit Commission, may present a petition to have such municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale (R.S.Q., chapter C-35).

Adjustments **“251.3** Where the Community or the Transit Commission makes an adjustment to the shares of the municipalities in accordance with the regulations under section 192 or 268, the tax accounts of the municipalities must take such adjustment into account. If the accounts have been sent before the adjustment, new accounts must be sent which cancel the first. If, by virtue of the first account, a taxpayer has paid a sum greater than the sum he must pay by virtue of the second account, the municipality shall refund the difference to him within thirty days of the sending of the second account.

Supplement
and
overpayment Notwithstanding the first paragraph, the municipality may decide to exact the tax supplement by adding it to the account for the ensuing fiscal year or refund any overpayment by giving to the taxpayer an equivalent credit on his account for the ensuing fiscal year.

Interest The amount of the supplement bears interest from the date on which it is exigible following the sending of a demand for payment, in accordance with the law governing the municipality. The amount of any overpayment bears interest at the same rate as the tax contemplated, from the date the overpayment was made.”

c. C-37.1, ss.
252-259,
repealed **69.** Sections 252 to 259 of the said Act are repealed.

c. C-37.1, ss.
264, 265,
repealed

70. Sections 264 and 265 of the said Act are repealed.

c. C-37.1, s.
268,
replaced

71. Section 268 of the said Act is replaced by the following section:

Apportion-
ment of
expenses

“268. The expenses of the Community, except expenses relating to a service governed by a special tariff or those of which the apportionment is otherwise fixed by law, shall be apportioned among the municipalities in proportion to their respective fiscal potentials.

Municipali-
ties bound to
pay

For the purposes of the first paragraph, when an expense to be apportioned in proportion to the fiscal potential of the municipalities is related to a water purification, drinking water supply or waste disposal, recovery and recycling service, only the municipalities served are bound to pay for the expense.

Terms and
conditions of
payment

The Council shall establish by by-law the rules respecting the terms and conditions of payment of the share of those expenses, including those relating to a service governed by a special tariff and those the apportionment of which is otherwise fixed by law, for the fiscal period contemplated in the budget.

The by-law may, in particular, prescribe for every situation contemplated in section 135 or 137,

(1) the prescribed time for determining each share and informing the municipalities of it;

(2) the prescribed time for payment of the share or the dates when the instalments granted to pay it are due;

(3) the rate of interest payable on each share or instalment outstanding;

(4) the adjustments that may arise from the deferred adoption of all or part of the budget or the successive use of provisional and final data in the computation of the fiscal potential of a municipality.

Instead of fixing the rate of interest on a share or an instalment outstanding, the by-law may provide that such rate be fixed by resolution of the Council when its budget is examined.

For the purposes of this section, the words “fiscal potential” have the meaning assigned to them in the second paragraph of section 193.”

c. A-19.1, s.
264.3, added

72. The Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting, after section 264.2, the following section:

Applicable
provisions

“264.3 The Preliminary Title, Divisions II and VI of Chapter I of Title I, Chapters VI and VII of Title I, Division II of Chapter II of Title II, Title III and Chapter I of Title IV apply to the Communauté

régionale de l'Outaouais and to municipalities mentioned in Schedule A of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) as if the Community were a regional county municipality.

Applicable
provisions

Divisions III to V and VII of Chapter I of Title I apply thereto also, only to the extent that the provisions mentioned in the first paragraph refer thereto.

Adaptations

The provisions mentioned in the first two paragraphs apply with the following adaptations:

(1) the secretary of the Community is deemed to be the secretary-treasurer of the regional county municipality;

(2) the by-law by which the Council of the Community adopts, amends or revises its development plan and the by-law or the resolution by which it adopts or amends its interim control by-law, must be adopted by the majority provided for in section 34.1 of the Act respecting the Communauté régionale de l'Outaouais;

(3) in addition to the items mentioned in section 5, the development plan of the Community must also include the following:

(a) the approximate density of occupation permissible in the various parts of its territory, including those parts within the urbanization perimeters;

(b) the approximate layout and the type of the main thoroughfares;

(c) the other items contemplated in section 91 of the Act respecting the Communauté régionale de l'Outaouais as it existed on 23 June 1983;

(4) within six months of receiving the resolution adopting the revised development proposal provided in section 55, the Minister shall give the notice contemplated in section 16 to the Council of the Community;

(5) the public meetings for consultation on the amended or revised final version of the development plan of the Community, pursuant to section 20, shall be held by the development committee formed by section 63 of the Act respecting the Communauté régionale de l'Outaouais;

(6) the opinion provided for in section 46 or 74, respecting the advisability of a loan by-law of a municipality, must be transmitted to the municipality within sixty days from the adoption of the by-law by the Community;

(7) government regulations made under subparagraph 6 of the first paragraph of section 241 and the second, third and fourth paragraphs

of that section, do not apply to the members of the Council of the Community;

(8) the Community must have revised its development plan not later than 23 June 1986."

Interpreta-
tion

73. For the purposes of sections 74 to 90,

"Act"

(1) "Act" means the Act respecting the Communauté régionale de l'Outaouais amended by this Act;

"existing
Act"

(2) "existing Act" means the Act respecting the Communauté régionale de l'Outaouais as it existed before 23 June 1983.

Continuance
in office

74. The chairman of the Council of the Communauté régionale de l'Outaouais, in office on 23 June 1983, continues to hold office until the expiry of the term for which he was appointed under section 6 of the existing Act or until he ceases to hold office.

Salary and
pension

The salary of the chairman contemplated in the first paragraph shall not be reduced and he continues to be entitled to the pension fixed for him under section 36 of the existing Act.

Member of
the Council

75. Until the chairman of the Council of the Communauté régionale de l'Outaouais is appointed under the Act, the Council of the Community includes in addition to the members mentioned in section 6 of the Act, the chairman contemplated in section 74.

Continuance
in office

76. The vice-chairman of the Council of the Communauté régionale de l'Outaouais, in office on 23 June 1983, continues to hold office until the expiry of the term of the chairman contemplated in section 74 or until the expiry of the term for which he was appointed under the existing Act, whichever occurs first.

Term of
office

The term of a vice-chairman appointed during the term of the chairman contemplated in section 74 may not be extended beyond the term of the chairman.

Remunera-
tion
continued

77. Until the Council of the Communauté régionale de l'Outaouais fixes by by-law a remuneration and allowance pursuant to section 16 or 36 of the Act, those fixed by the Government under section 27 or 36 of the existing Act shall continue to be paid, taking into account, however, article 77j of the Municipal Code or section 65.12 of the Cities and Towns Act (R.S.Q., chapter C-19) and sections 114 and 115 of the Act to amend certain provisions of law respecting democratic procedure and the remuneration of elected officials, in municipalities (1980, chapter 16).

Appropriation
of funds

78. For the fiscal year 1983, the Council of the Communauté régionale de l'Outaouais may appropriate, out of the moneys not

otherwise appropriated from its general fund, sums sufficient for the purposes provided for in section 36.3 of the Act.

Presumption For the application of that section, such sums are deemed to be appropriations provided for in the budget.

Effect **79.** The second paragraph of section 27 of the Act and the fourth paragraph of section 63.5 of the Act enacted by sections 6 and 12, respectively, have effect from 1 October 1983.

By-laws maintained **80.** The by-laws establishing the departments of the Communauté régionale de l'Outaouais and the field of their activities and the functions of their heads not provided for by the Act, adopted under sections 65, 66 and 88 of the existing Act, continue to have effect as if they had been adopted under sections 65 and 66 of the Act, until they are replaced or repealed.

Continuance in office **81.** The secretary, assistant secretary, the treasurer, the assistant treasurer, the assistant manager, the valuation commissioner and the other permanent or temporary department heads of the Communauté régionale de l'Outaouais, in office on 23 June 1983, continue to hold office until they are replaced pursuant to sections 65, 66 and 68 of the Act, as the case may be.

Tariff **82.** The tariff adopted by the Council of the Communauté régionale de l'Outaouais under section 246 of the existing Act continues to have effect as if it had been adopted under section 73.2 of the Act, until it is replaced or repealed.

Order The order of the Minister of Municipal Affairs made under section 91 of the Cities and Towns Act has effect in respect of the Community as if it had been made under section 73.2 of the Act. However, the order does not apply in respect of a tariff mentioned in the first paragraph.

Relief fund **83.** A relief fund established and maintained by the Communauté régionale de l'Outaouais under paragraph *g* of section 76 of the existing Act, or which the Community has assisted in establishing or maintaining under that section, continues to exist as if it had been established or maintained or the assistance furnished under paragraph *g* of section 76 of the Act and had received the approval of the Inspector General of Financial Institutions.

Apportionment of expenses **84.** Expenses of the Community concerning the payment of interest on and amortization of the loans contracted with a view to the acquisition or construction of works related to the drinking water supply system or water purification system, other than the plants and works contemplated in the first paragraph of section 119 of the Act, and expenses relating to their operation and maintenance are apportioned according to the rules applicable under the existing Act until a by-law

made under the second paragraph of section 119 of the Act comes into force or until the competence is exercised by the Commission municipale du Québec under the fifth paragraph of the said section.

Continuance
in office

85. The chairman and general manager of the Transit Commission of the Communauté régionale de l'Outaouais and its other members, in office on 23 June 1983, continue to hold office until they are replaced pursuant to sections 159 and 160 of the Act.

Pension

86. Every person who was a member of the Transit Commission of the Communauté régionale de l'Outaouais before 23 June 1983, continues to be entitled to the pension fixed for him under section 166 of the existing Act.

General
manager

87. From the appointment of the chairman of the Transit Commission of the Communauté régionale de l'Outaouais under section 160 of the Act, the chairman and general manager contemplated in section 85 becomes, until the expiry of the term and without any reduction in salary, the general manager of the Commission.

Applicable
provisions

88. Sections 46 to 49, 59, 60, 67, 68 and 71 apply in respect of the budgets and three-year fixed assets programs of the Communauté régionale de l'Outaouais and the Transit Commission of the Communauté régionale de l'Outaouais applicable to the fiscal year 1984 and subsequent fiscal years.

Applicable
provision

89. Section 192 of the existing Act continues to apply in respect of the net amount of expenses to be apportioned of the Transit Commission of the Communauté régionale de l'Outaouais for its fiscal year 1983 as if it had not been replaced.

Loan by-law

Municipalities that, as a result of the application of this section and section 192 of the Act, must pay two aliquot shares in 1984, may enact a loan by-law to apportion over a period not greater than ten years the cost of one of those aliquot shares. The loan by-law requires only the approval of the Minister and comes into force in accordance with the Act governing the municipality. .

Effect of
acts

90. Generally, unless otherwise provided for by this Act, an act performed under the existing Act preserves its effects to the extent that it is not inconsistent with the Act.

Development
plan

91. The development plan of the Communauté régionale de l'Outaouais in force on 23 June 1983 is deemed to be a plan adopted and put into force in accordance with the Act respecting land use planning and development.

Conformity

The content of the plan must be brought into conformity with the said Act from its first amendment or revision under the latter. The complementary document must be adopted at the same time.

Government bound The plan binds the Government, its departments and mandataries in accordance with section 2 of the said Act only from the coming into force of its first revision under the said Act.

Interim control by-law An interim control by-law adopted by the Council of the Community does not bind the Government nor its ministers and bodies in accordance with section 2 of the said Act if it precedes the by-law adopted in relation to the interim control that applies under section 48 of the said Act from the adoption of the resolution contemplated in that section in respect of the first revision of the plan.

Certificate of conformity The zoning, subdivision and construction by-laws of municipalities mentioned in Schedule A to the Act respecting the Communauté régionale de l'Outaouais, approved in accordance with section 98 of the said Act as it existed before the date mentioned in the first paragraph and which are in force on that date, are deemed to have been issued a certificate of conformity required by the Act respecting land use planning and development. The same applies to by-laws adopted under section 116 of the said Act and by-laws to the same effect adopted under another Act which are in force on the date mentioned in the first paragraph.

Applicable provisions Notwithstanding section 31, sections 98 to 104 of the Act respecting the Communauté régionale de l'Outaouais as they existed before the date mentioned in the first paragraph, continue to apply to a municipality which, on that date, did not have its by-laws approved under that section 98. Those sections, and section 6 of chapter 85 of the statutes of 1974 as it exists on that date, apply until the zoning, construction and subdivision by-laws of the municipality come into force after they are approved or adopted by the Community, as the case may be. The by-laws are then deemed to be the subject of a certificate of conformity required by the Act respecting land use planning and development.

Interpretation: **92.** In any other Act or in any by-law, ordinance, resolution or other document of the Communauté régionale de l'Outaouais or respecting the Community,

"manager" (1) the expression "manager" means the general manager; and

"valuation commissioner" (2) the expression "valuation commissioner" means the head of the valuation department.

Report **93.** Every five years from the coming into force of this Act, the Community shall make a report to the Minister on the advisability of maintaining or, if required, amending the rules provided in the Act respecting the Communauté régionale de l'Outaouais regarding the composition of the Council and the sharing of the expenses of the Community.

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Exception

94. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into
force

95. This Act comes into force on the day of its sanction.