



CHAPTER 81

An Act to amend the charter of the city of Longueuil

[Assented to 23 June 1982]

Preamble. WHEREAS it is in the interest of the city of Longueuil that its charter and the Acts amending it be again amended;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

R.S.Q.,
c. C-19,
s. 47, re-
placed for
the city.

1. Section 47 of the Cities and Towns Act (R.S.Q., chapter C-19) is replaced for the city of Longueuil by the following section:

Council
and execu-
tive com-
mittee.

“47. The city shall be represented and its affairs administered
(a) by a council consisting of the mayor and the councillors;
(b) by an executive committee consisting of the mayor as chairman and four councillors, one of whom acts as vice-chairman.”

R.S.Q.,
c. C-19,
s. 47.1,
added for
the city.

2. The said Act is amended for the city by inserting, after section 47, the following section:

Powers.

“47.1 The council may
(a) adopt the budgets and vote the appropriations necessary for the administration of the city, submitted by the executive committee;
(b) award contracts of the city in cases where the executive committee cannot do so;
(c) make every by-law of the city;
(d) create by by-law the different departments of the city and determine the scope of their activities;
(e) request reports from the executive committee on any matter respecting the administration of the city, the executive

committee being then required to submit the reports within thirty days after the resolution is passed;

R.S.Q.,
c. C-19,
s. 52, re-
placed,
ss. 52.1 -
52.14,
added for
the city.

(f) approve the job-classification plan and the scales of related wages and allowances.”

3. The said Act is amended for the city by replacing section 52 by the following sections:

Chairman. **“52.** (1) At the first sitting following a general election, the clerk presiding, the council shall elect one of its members to chair the sittings of the council.

Casting
vote. If the vote for the election of the chairman is tied, the mayor shall have a casting vote.

Council-
lors. Immediately after the election of the chairman of the council, the mayor may appoint the four councillors to the executive committee, one of whom is to act as vice-chairman. If he does not exercise such right, they shall be appointed by vote; each councillor must, under pain of nullity of his ballot, vote for four councillors as members of the executive committee.

Ballot. The ballot, prepared and initialed by the clerk, shall be a printed, alphabetical list of the names of the councillors.

Vote. For the vote, the clerk shall give each councillor such ballot after striking out the name of the chairman. The councillor shall retire to a booth and mark a cross in the square printed for that purpose opposite the name of each councillor for whom he votes.

Counting
of the
votes. Each of the ballots must be initialed by the clerk and remitted to him in a sealed envelope. Such envelopes shall be opened only at the counting of the votes, where the vote for each councillor shall be made public; if a single additional vote would entitle a councillor in a tie-vote to be declared elected, the chairman of the council may either request a new poll or give a casting vote.

Election of
councillors. The council shall not suspend or adjourn the sitting until the members of the executive committee are elected.

Vice-
chairman. (2) If the chairman is absent or if the office of chairman is vacant, all the powers vested in the chairman by law shall be exercised by the vice-chairman.

Clerk. (3) The city clerk is the secretary of the executive committee.

Vacancy. (4) Any vacancy on the executive committee other than the office of chairman shall be filled by the mayor for the next meeting of the committee. During such vacancy, the remaining members, if a quorum, may act.

Internal
manage-
ment. (5) The executive committee must make rules for its administration and internal management and may amend them whenever it

deems it expedient; however, in no case may such rules and amendments be contrary to those of the council or inconsistent with this Act.

- Vote.** (6) Each member of the committee is entitled to one vote.
- Quorum.** Three members constitute a quorum at the meetings of the committee.
- Meetings.** The chairman of the committee presides at the meetings; if he is absent or if the office of chairman is vacant, the vice-chairman presides at the meetings; if the latter is absent or unable to act, the members present shall designate a chairman from among themselves.
- Councillors.** (7) The councillors appointed or elected members of the executive committee retain their seat on the council and are entitled to vote on any motion, question or report submitted to the council.
- Term of office.** (8) Notwithstanding section 51, the members of the executive committee shall remain in office until they are replaced in accordance with this charter.
- In camera.** (9) The committee shall sit *in camera* unless it considers that, in the interest of the city, its proceedings must be held in public.
- Attendance.** (10) The term of office of a councillor as a member of the executive committee shall terminate if he has failed to attend the sittings of the executive committee for forty-five consecutive days following the last sitting which he attended; if he has not attended any sitting since he has become a member of the executive committee, the time shall be computed from the first sitting which he could legally have attended; the term of office shall end at the closing of the first sitting after such forty-five days, unless, at such sitting, the executive committee is of opinion that it was in fact impossible for the person concerned to attend the sittings. Nevertheless, if the person concerned does not attend any sitting of the executive committee within thirty days following the sitting at which the executive committee expressed such opinion, his term of office shall terminate on the thirtieth day; the clerk shall so inform the council at the first sitting following such thirtieth day.
- Duties of the executive committee.** “**52.1** The executive committee shall exercise the executive duties of city government which consist mainly in preparing and submitting to the council

(a) every report on any matter within the jurisdiction of the council;

(b) its decisions and suggestions by means of reports signed by its chairman;

(c) every by-law;

(d) the annual budget of revenues and expenses, not later than 1 December each year, including the by-laws imposing taxes, licences, permits or other municipal dues;

(e) every demand for the allocation of the proceeds of loans or for any other appropriation required;

(f) every demand for the transfer of funds or appropriations already voted;

(g) every report recommending the granting of franchises and privileges;

(h) every report respecting the alienation of any moveable or immovable belonging to the city and, in addition, the leasing of its moveables or immovables, where the term of the lease exceeds one year;

(i) any other demand the object of which is not declared to be of the exclusive jurisdiction of the executive committee;

(j) any job-classification plan and the salaries related thereto.

Majority
decisions.

“52.2 Every demand, by-law or report submitted by the executive committee must, unless otherwise prescribed, be approved, rejected, amended or returned by the vote of the majority of the members of the council present at the sitting.

Budget.

“52.3 After having taken account of the estimates of revenues of the city and after having studied the estimates of expenditures submitted by the heads of departments and their reports and suggestions as presented by the manager, the executive committee shall prepare and submit the budget for the next fiscal year; it shall also prepare and submit the by-laws and resolutions imposing taxes, permits and licences for payment of expenditures, taking into account all the other revenues of the city.

Appropriations.

“52.4 Unless otherwise prescribed, the appropriations voted by the council, by way of a budget, out of the proceeds of loans, or otherwise, must remain at the disposal of the executive committee, which shall see that they are used for the purposes for which they have been voted, without any other approval by the council.

Awarding
of con-
tracts.

“52.5 The executive committee may award any contract involving an expenditure that is less than that requiring public tenders by complying with section 573.1 in the case of a contract contemplated in the said section.

Signing of
contracts.

“52.6 Every contract must be signed, in the name of the city, by the mayor and the clerk. The mayor may, however, in writing,

generally or specially, authorize another member of the executive committee to sign the contracts in his place.

Day
labour.

“52.7 The executive committee may, without the consent of the council, cause to be carried out by day labour work the cost of which does not exceed the amount requiring the formality of public tenders; however, the council may authorize the executive committee to cause to be carried out by day labour specified work of any nature the cost of which exceeds the said amount.

Observance of by-law.

“52.8 The executive committee must see that the law, and the by-laws, resolutions and contracts of the city are faithfully observed.

Plans and specifications.

“52.9 The executive committee shall see to the preparation of plans and specifications and to the calling for tenders.

Authorization of payments.

“52.10 The executive committee shall authorize the payment of all sums due by the city, observing the formalities, restrictions and conditions prescribed by law.

Communication.

“52.11 Every communication between the council and the departments shall be through the executive committee; in its dealings with the executive committee, the council must always act by resolution.

Department heads.

“52.12 The executive committee may, at any time, call before it any head of a department to obtain the information it desires.

Appointments.

“52.13 The clerk, the treasurer and the heads of departments and their assistants, except the manager, shall be appointed by the council on report of the committee. Such report may be altered or rejected by the majority of all the members of the council. On report of the executive committee, the council may, by the majority vote of all its members, suspend such officers, reduce their salary or dismiss them.

Personnel.

The council shall also appoint, upon report of the committee, the other officers or permanent employees.

Temporary employees.

Temporary employees shall be appointed by the executive committee.

Oath.

“52.14 Every member of the executive committee must take the oath of office.”

R.S.Q.,
c. C-19,
s. 112, re-
placed for
the city.

4. Section 112 of the said Act is replaced for the city by the following section:

Manager.

“112. The council may, by the majority vote of all its members, appoint the manager and fix his salary.

Full time office. The manager must devote his time to the duties of his office on a full time basis and is prohibited from hiring his services or working for any other employer but the city.

Dismissal. The council alone has, by the majority vote of all its members, the right to suspend or dismiss the manager or reduce his salary.”

R.S.Q., c. C-19, s. 113, replaced for the city. **5.** Section 113 of the said Act is replaced for the city by the following section:

Powers and duties of the manager. **“113.** The manager has the following powers and duties:

(a) to administer the affairs of the city under the supervision of the executive committee;

(b) to exercise authority, as the mandatary of the executive committee, over the heads of departments, except over the clerk and the head of the legal department;

(c) to ensure communications between the executive committee and the heads of departments and supervise the work in the departments;

(d) to forward to the executive committee any communication he receives from the city departments and add his recommendations;

(e) to attend the meetings of the executive committee and take part in the deliberations, but without the right to vote;

(f) to add his own conclusions, if he deems it proper, in the record of any affair submitted to the executive committee or the council;

(g) to attend the meetings of the council and give it all information and advice it requires from him;

(h) to report to the council on any matter on which, in his opinion, he must inform the council;

(i) to have access to all the records of the city;

(j) to compel any officer or employee of the city to give him all the information and documents he has required;

(k) to provide to the councillors all information they may require;

(l) to ensure the carrying out of the plans and programs of the city, under the authority of the executive committee;

(m) to have the plans and programs for the repair and maintenance of buildings and equipment of the city prepared under the authority of the executive committee;

(n) to have the plans and programs to improve the operation and efficiency of the departments of the city prepared and ensure their carrying out;

(o) to obtain, study and forward to the executive committee, and even to the council, if he deems it expedient, the plans prepared by the heads of department on any matter requiring the approval of the executive committee or that of the council, and recommend to the executive committee or the council to take, within the scope of their respective jurisdictions, such measures as he deems in the interest of the city;

(p) to coordinate the budgetary estimates of the various departments and submit them to the executive committee and, if he deems it proper, make to the executive committee or even to the council such recommendation as he deems necessary;

(q) to ensure the efficiency of every department of the city;

(r) to ensure that the moneys of the city are used in conformity with the appropriations specified in the budget, by-laws and resolutions;

(s) to forward without delay to the executive committee the list of the accounts to be paid.”

R.S.Q.,
c. C-19,
s. 412, am.
for the
city.

6. Section 412 of the said Act is amended for the city by replacing paragraph 14 by the following paragraph:

Games.

“(14) To regulate or prohibit games or amusements on or in streets, alleys, sidewalks, public squares and public property;”.

1971,
c. 101,
s. 19, am.

7. Section 19 of chapter 101 of the statutes of 1971 is amended by replacing paragraph 4 of the fourth paragraph by the following paragraph:

Notice.

“(4) The notice provided for in paragraph 3 shall, during the month following each of its publications in the *Gazette officielle du Québec*, be inserted in a daily or weekly newspaper circulated in the city.”

1971,
c. 101,
s. 30, re-
placed.

8. Section 30 of chapter 101 of the statutes of 1971 is replaced by the following section:

“snow re-
moval ex-
penses sta-
bilization
fund”.

“**30.** (1) The council, by by-law, may establish a fund called the “snow removal expenses stabilization fund” to place at its disposal the amounts which it may need to meet snow removal expenses.

Five-year
budget.

(2) For this purpose, the council shall prepare a five-year budget of snow removal expenses and appropriate each year, out of

the revenues derived from the general real estate tax, an amount equal to the portion established in such five-year budget to pay the expenses provided for the year concerned.

«snow re-
moval ex-
penses».

(3) For the purposes of this section, the expression “snow removal expenses” includes all direct expenses incurred for snow removal and street and sidewalk maintenance during the period from the first of October in any year to the first of May the next year.

Expenses.

In particular, such expenses include

(a) salaries and social benefits of employees;

(b) purchase of material, supplies and fuel;

(c) lease of equipment and tools;

(d) job contracts;

(e) cost of repairing and maintaining of vehicles and equipment;

(f) other expenses relating to the use of vehicles and equipment;

(g) annual payment into the working fund for renewal and purchase of equipment and tools;

(h) debt service of the loans contracted for the purchase of equipment and tools;

(i) claims for damage to persons and property during snow removal.

Surplus or
deficit.

(4) Any annual surplus or deficit is carried forward from one year to the next, until the five-year budget expires.

General
budget.

At the end of such period, the accumulated surplus or deficit forms part of the general budget for the next year.”

1977, c. 82,
s. 10, re-
placed.

9. Section 10 of chapter 82 of the statutes of 1977 is replaced by the following section:

Machinery.

“10. (1) The council, by by-law, may establish a fund called the “stabilization fund for the purchase and replacement of machinery and vehicles” to place at its disposal the amounts which it may need to meet expenses for the purchase and replacement of machinery and vehicles.

Five-year
budget.

(2) For this purpose, the council shall prepare a five-year budget of expenses for the purchase and replacement of machinery and vehicles and appropriate each year, out of the revenues derived from the general real estate tax, an amount equal to the portion

established in such five-year budget to pay for the expenses provided for the year concerned.

Surplus or deficit.

(3) Any annual surplus or deficit is carried forward from one year to the next, until the five-year budget expires. At the end of such period, the accumulated surplus or deficit forms part of the general budget for the next year."

Valid sale.

10. Notwithstanding section 5 of the Industrial Funds Act (R.S.Q., chapter F-4), the sale made between the city of Longueuil and the Entreprises de Constructions de Mackayville Limitée on 5 May 1977 before J.-P. Hardy, notary, is validated on being approved by the Minister of Municipal Affairs.

Business tax.

11. (1) The business tax imposed by by-law 73-412 of the city regarding the business tax and the annual dues imposed on businesses, occupations or activities carried on or operated in the city as amended by by-laws 75-630, 76-773, 77-1063, 78-1108, 78-1149, 79-1374 and 79-1440 is deemed to have been imposed on all categories or classes.

Business tax.

(2) In no case may the business tax imposed by the city for the financial years 1980 and 1981 be declared null on the ground that its rate was fixed annually by resolution.

Effect.

(3) Subsections 1 and 2 have effect from the coming into force of those by-laws, but do not affect pending cases, if any.

Reserve fund.

12. The council may establish, out of the revenues provided for in each annual budget, a reserve fund of up to five million dollars for the purposes of financing its self-insurance program; the annual amounts to be levied must not exceed 1% of the annual budget.

Pension.

13. The council of the city of Longueuil, by by-law, may grant to every person who has held office as a member of the council for eight years or more on 31 December 1974, who was a member of the council on that date and ceased to hold that office from that date, an annual pension of \$12 000 in the case of the mayor and \$6 000 in the case of the other members of the council, payable at 60 years of age in equal and consecutive instalments. The repeal of such a by-law cannot be set up against persons respecting whom it applies or has already applied.

Pension.

The council, by by-law, may grant to every person who has held office as a member of the council for eleven years or more on 31 December 1974, who was a member of the council on that date and ceased to hold that office from that date, an annual pension of \$12 000 in the case of the mayor and \$6 000 in the case of the other members of the council, payable in equal and consecutive instalments on the first day of each month. The repeal of such a by-law

cannot be set up against persons respecting whom it applies or has already applied.

Suspension of pension. The payment of such pension shall be suspended during any period when the beneficiary holds, temporarily or permanently, any charge, office or situation involving remuneration paid by the municipality.

Computation. In computing any such period of eight or eleven years, a part of a year shall be counted as a full year; any year or part of a year before or after 31 December 1974 must be included in the computation.

Pension. **14.** The council may grant, by by-law, to every person who held office as mayor or as member of the council for not less than eight years and who has ceased to hold that office after the coming into force of this Act an annual pension equal to fifty per cent of his annual remuneration. The pension shall be payable at sixty years of age, in equal and consecutive instalments, on the first day of each month.

Contribution. In order to benefit from such pension payments, the members of the council must pay into the general administration fund a contribution equal to five per cent of their annual remuneration for each year during which the members of the council have been in office.

Reimbursement. If a member does not hold office for eight years, the amounts paid shall be reimbursed to him without interest.

Computation. In computing any such period of eight years, a part of a year shall be counted as a full year.

Suspension of pension. The payment of the pension is suspended during any period when the beneficiary holds, temporarily or permanently, any charge, office or employment involving remuneration paid by the municipality.

Death of beneficiary. If the beneficiary dies after acquiring the right to a pension but has collected pension payments for fewer than fifteen years, the city shall pay the pension to the heirs until that period of fifteen years expires. The pension granted is payable in advance in equal monthly instalments on the first day of each month. To entitle the heirs to benefit from pension payments, the members of the council must pay into the general administration fund a total contribution equal to six per cent of their annual remuneration for each year they have been in office.

Limits. This section does not, however, apply to persons who have become members of the council after 31 December 1974.

Notice. The council members contemplated by this section may avail themselves of it by notifying the council thereof in writing. In such a case, section 13 of this Act does not apply to them.

1945, c. 82,
s. 1, re-
pealed.

15. Section 1 of chapter 82 of the statutes of 1945, amended by section 1 of chapter 65 of the statutes of 1958-1959, is repealed. Furthermore, the by-laws of the city creating and increasing its working fund cannot be declared null on the ground that they were passed or amended under the charter of the city or the Cities and Towns Act (R.S.Q., chapter C-19).

1950,
c. 102,
s. 16, 1956-
1957, c. 85,
s. 4, 1971,
c. 101,
s. 4, par.
d, *e*, s. 7,
repealed.

16. The following sections and paragraphs are repealed:

(a) section 16 of chapter 102 of the statutes of 1950;

(b) section 4 of chapter 85 of the statutes of 1956-1957;

(c) paragraphs *d* and *e* of section 4 and section 7 of chapter 101 of the statutes of 1971.

Coming
into force.

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