



NATIONAL ASSEMBLY

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Bill 271
(Private)

An Act to amend the Charter of the city of Montréal

Introduction

Introduced by
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Member for Saint-Louis

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Bill 271

(Private)

An Act to amend the Charter of the city of Montréal

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Article 107 of the charter of the city of Montréal (1959-60, chapter 102), replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, by section 849 of chapter 57 of the statutes of 1987, by section 9 of chapter 87 of the statutes of 1981, by section 68 of chapter 27 of the statutes of 1992 and by section 5 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1993, is again amended by adding, after subarticle 10, the following subarticle:

“(11) This article does not apply to a contract for the supply of equipment or materials or the supply of services for which a tariff is fixed or approved by the government of Canada or Québec or by a minister or agency thereof, or to a contract for the supply of equipment between the city and another municipal corporation.”

2. The said charter is amended by inserting the following chapters after Chapter IV of Title II:

“CHAPTER IV.1

“BOROUGH COUNCILS

“DIVISION I

“ESTABLISHMENT AND COMPOSITION

“110.1 The council, by by-law, shall divide the territory of the city into as many boroughs as it determines.

The by-law shall determine the name and territorial limits of each of the boroughs.

“110.2 A borough council shall be established for each of the boroughs.

The borough council shall be composed of the city councillors whose electoral districts are within the territorial limits of the borough.

The council, by by-law, may prescribe, in respect of the borough in which the part of the territory designated by the city as the city centre is situated, that the borough council is to be composed otherwise than as provided in the second paragraph.

“110.3 A city councillor may not be a member of more than one borough council except in accordance with a by-law under the third paragraph of article 110.2.

A city councillor whose electoral district extends over two or more boroughs shall be a member of the council of the borough where the greatest number of electors of his electoral district are registered.

“110.4 A city councillor referred to in the second paragraph of article 110.3 may take part in, and vote at, a meeting of a borough council of which he is not a member where a matter of direct concern to his district is being discussed.

“110.5 A member of the executive committee may take part in the meetings of any borough council; however, he is entitled to vote only at meetings of the borough council of which he is a member pursuant to article 110.2 or 110.3 or at meetings at which he may vote pursuant to article 110.4.

“110.6 The council shall appoint a chairman and a vice-chairman, on the recommendation of the mayor, for each of the borough councils.

“DIVISION II

“MEETINGS

“110.7 The meetings of borough councils shall be called at the request of the executive committee.

“110.8 Every meeting of a borough council shall be preceded by a public notice specifying the place, date and time it is to be held and the matters to be discussed.

The notice shall be given at least 2 clear juridical days before the meeting.

“110.9 The agenda for the meeting of a borough council shall be drawn up by the executive committee and deposited in the clerk's office at least 3 days before the date of the meeting and a copy thereof shall be sent to each member of the borough council at the same time as a notice of meeting served in accordance with article 114, adapted as required.

The agenda shall contain a detailed enumeration of the matters to be submitted to the borough council.

“110.10 Only matters within the competence of a borough council may be placed on the agenda.

“110.11 The meetings of a borough council are public and shall be held within the borough. Article 116, adapted as required, applies to such meetings.

“110.12 A meeting of a borough council shall be presided over by the chairman of the borough council or if he is absent or unable to act or refuses to act, by the vice-chairman. The person presiding over the meeting shall maintain order and decorum. He may, in the case of a disturbance, order the suspension or adjournment of the sitting. He may also have any person causing a disturbance during a sitting removed from the premises.

The person presiding over the meeting may take part in the discussions and vote on any issue that is put to a vote.

“110.13 Every meeting of a borough council shall include a period during which the persons present may address questions directly to the members of the borough council.

The city council, by by-law, may fix the length of the question period, the stage of the meeting at which it is to be held and the

procedure to be followed to ask a question. The by-law may also provide for a period during which written questions may be considered and for the procedure to be followed to submit a written question.

“110.14 Every meeting of a borough council shall also include a period during which the persons present may make petitions concerning the administration of the city.

“110.15 A majority of the members of a borough council, including the chairman or vice-chairman, constitutes a quorum of the council.

“110.16 The matters on the agenda shall be disposed of by a majority of the members of the borough council present at the meeting.

“110.17 The city council, by by-law, may make the internal management rules applicable to borough councils.

“110.18 The clerk of the city shall designate a secretary for each borough council from among the employees of the city.

The secretary of a borough council shall prepare the meetings and attend them by virtue of his office; he shall draw up the minutes of meetings and certify their authenticity.

“DIVISION III

“POWERS AND FUNCTIONS

“110.19 A borough council has the powers and functions conferred on it in accordance with the provisions of this Act.

“110.20 A borough council shall make recommendations to the executive committee within the time prescribed by the latter on any matter enumerated below that relates directly to its territory:

- (1) a draft zoning by-law;
- (2) a draft by-law under article 612a;
- (3) a proposal for the laying out and operation of a parking lot under article 649a;
- (4) a draft by-law authorizing the construction or alteration of a building under subparagraph *d* or *dd* of paragraph 2 of article 524, except where the authorization is for the purposes of providing assistance to persons in need of help, protection or lodging;

- (5) a proposed traffic plan.

Where any such matter is not submitted to a borough council, the executive committee shall present a report at the next meeting of the city council, explaining its decision.

In the case of a draft by-law referred to in subparagraph 1 or 2 of the first paragraph, the borough council may recommend that the public be consulted on the matter.

“110.21 In addition to the provisions of article 110.20, the executive committee may, before making a decision in an area within its exclusive competence or before submitting a report to the city council, request that the borough council make a recommendation to it within the time it prescribes if the decision or report relates directly to the territory of the borough.

A request under the first paragraph may pertain to a class of decisions or reports.

“110.22 The executive committee may delegate to the borough councils, without restriction or subject to the conditions it determines, the task of making recommendations to the city council on any matter enumerated below that relates directly to their territory:

- (1) a draft by-law to close a street, lane or public place under paragraph 1 of article 522;

- (2) a draft by-law or resolution to transfer lands acquired for the purposes of streets or lanes from the public domain to the private domain of the city under paragraph 1a of article 522;

- (3) a draft by-law to change the name of a street, lane or public place under paragraph 6 of article 522.

“110.23 The borough council concerned shall make recommendations to the executive committee on any petition made under article 110.14. The borough council may recommend

- (1) that the petition be referred to the competent department, to the city councillor for the district concerned or to the executive committee;

- (2) that the petition be granted; or

- (3) that the petition be rejected.

“110.24 Subject to the second paragraph of article 110.20, the executive committee may not make a decision concerning any matter

which is enumerated in the first paragraph of article 110.20 or in respect of which the advice of the borough council has been requested pursuant to article 110.21, until the borough council has made its recommendation.

However, if at the expiry of the time prescribed under article 110.20 or 110.21 the borough council has not made its recommendation, the executive committee may make a decision concerning the matter in respect of which the advice of the borough council has been requested.

“110.25 The executive committee may delegate to the borough councils, without restriction or subject to the conditions it determines, the exercise of its powers in respect of any matter enumerated below that relates directly to their territory:

(1) the proposed assignment of a name to a street, lane or public place under paragraph *e* of article 106;

(2) the proposed alteration or demolition of a residential building pursuant to a by-law under paragraph 18 of article 524;

(3) a draft resolution to temporarily suspend a by-law or ordinance or to establish special temporary norms for the duration of special events under article 519*b*;

(4) a draft resolution to temporarily close a street, lane or public place for the duration of special events.

“110.26 The executive committee may delegate to the borough councils, without restriction or subject to the conditions it determines, its responsibilities regarding city programs or plans of action in the areas of leisure activities, cultural activities, public works and parks.

“DIVISION IV

“SPECIAL PROVISION

“110.27 All communications between a borough council and the various departments of the city shall be through the secretary general.

“CHAPTER IV.2

“PERMANENT COMMITTEES OF THE COUNCIL

“DIVISION I

“ESTABLISHMENT AND COMPOSITION

“110.28 The following permanent committees of the council are hereby established:

- (1) the administration and service quality committee;
- (2) the planning and housing committee;
- (3) the environment and public works committee;
- (4) the economic development committee; and
- (5) the culture, leisure and community development committee.

“110.29 Each committee shall be composed of not fewer than 5 members including a chairman and a vice-chairman.

The committee members shall be appointed by the council, on the recommendation of the mayor, from among the council members who are not members of the executive committee.

“110.30 The council shall appoint a chairman and a vice-chairman, on the recommendation of the mayor, from among the members of each committee.

“110.31 The council may, when it deems it expedient, replace any member of a committee.

“110.32 With the authorization of the committee, members of the council who are not members of that committee may take part in its deliberations but without being entitled to vote.

The presence of a council member who is not a member of the committee is not taken into account for quorum purposes.

“110.33 The term of office of a committee member is 2 years. It may be renewed.

However, upon ceasing to be a member of the council, a person also ceases to be a member of a committee.

“110.34 The term of office of a resigning committee member ends on the date the clerk of the city receives a notice to that effect

signed by the member. The notice of resignation shall be presented to the council at its first ensuing regular meeting.

“110.35 In the case provided for in article 110.34, the committee member shall remain in office until a successor is appointed.

“110.36 The clerk of the city shall designate a secretary for each committee from among the employees of the city.

The secretary of a committee shall prepare the meetings and attend them by virtue of his office; he shall draw up the minutes of meetings and certify their authenticity.

“DIVISION II

“MEETINGS

“110.37 The meetings of a committee are public.

“110.38 The meetings of a committee shall be called by the secretary, at the request of the chairman or, if the chairman is absent or unable to act or refuses to act, by the vice-chairman. The notice of meeting shall be sent to each member of the committee at least 2 clear juridical days before the meeting and shall state the place, date, time and purpose of the meeting.

“110.39 Every meeting of a committee shall be preceded by a public notice specifying the place, date, time and purpose of the meeting.

“110.40 A committee may not meet at the same time as the council, the executive committee or a borough council on which a committee member sits.

“110.41 Every meeting of a committee shall include a period during which the persons present may address questions directly to the members of the committee.

The council, by by-law, may fix the length of the question period, the stage of the meeting at which it is to be held and the procedure to be followed to ask a question. The by-law may also provide for a period during which written questions may be considered and for the procedure to be followed to submit a written question.

“110.42 A majority of the members of a committee, including the chairman or vice-chairman, constitutes a quorum of the committee.

“110.43 The matters submitted for consideration at a meeting or sitting of a committee shall be disposed of by a majority of the members present.

“110.44 A meeting of a committee shall be presided over by the chairman or if he is absent, by the vice-chairman.

The person presiding over the meeting shall maintain order and decorum. He may, in the case of a disturbance, order the suspension or adjournment of the sitting. He may also have any person causing a disturbance during a sitting removed from the premises.

The person presiding over the meeting may take part in the discussions and vote on any issue that is put to a vote.

“110.45 During a meeting, interested persons may make representations to the committee.

“110.46 The city council, by by-law, may make the internal management rules applicable to a committee.

“DIVISION III

“POWERS AND FUNCTIONS

“110.47 The function of a committee is to examine any matter within its competence that is part of its program of activities provided for in article 110.50. It shall make the recommendations it deems appropriate to the council concerning such matters.

“110.48 It is also the function of a committee to consult the public, at the request of the council on the recommendation of the executive committee and within the time prescribed by the council, regarding the following matters within its field of competence:

- (1) policy proposals and general policy proposals of the city;
- (2) draft by-laws of general application with the exception of draft financial by-laws, of draft by-laws under subparagraph *d* or *dd* of paragraph 2 of article 524 and of a draft by-law referred to in article 110.20;
- (3) any other matter submitted to the committee by the council on the recommendation of the executive committee.

Where it is the recommendation of the executive committee not to submit such a matter to a committee, the executive committee shall present a report at the next meeting of the city council, explaining its decision.

“110.49 At the request of the council on the recommendation of the executive committee, a committee shall examine, within the time prescribed by the council, the budget estimates of municipal departments and paramunicipal corporations, as proposed by the executive committee.

“110.50 Each year, every committee shall prepare its program of activities and submit it to the council for approval. In the course of the year, a committee may propose changes to its program of activities to the council. The council shall approve the program or any proposed change thereto with or without amendments.

Every committee shall also submit annually to the council a summary of its activities during the preceding year.

“110.51 Every committee shall render an account of its work and of its decisions and recommendations in a report signed by the chairman and secretary.

“110.52 The report of a committee shall be presented at a meeting of the council. The report shall then be transmitted by the council to the executive committee.

“110.53 No later than at the second regular meeting of the council following the presentation of the report of a committee, the executive committee shall return the report to the council with its own comments and recommendations.

“110.54 Where it is the recommendation of the executive committee to pass a draft by-law without amendment, the council may pass it forthwith provided that it is on the agenda for that sitting.

“DIVISION IV

“SPECIAL PROVISION

“110.55 All communications between a committee and the various departments of the city shall be through the secretary general.”

3. Article 179a of the said charter, enacted by section 23 of chapter 111 of the statutes of 1987 and amended by section 2 of chapter 89 of the statutes of 1990, is repealed.

4. The said charter is amended by inserting, after article 519a, the following article:

“519b. The council, by by-law and subject to the conditions it determines, may authorize the executive committee to suspend the application of any by-law or ordinance or to establish special temporary norms for the duration of special events for national, patriotic, religious, philanthropic, charitable, scientific, cultural, social, sports or public interest purposes.

The exercise of a right while the application of a by-law or ordinance is suspended or while temporary norms are in force does not confer any new acquired rights or affect any existing acquired rights.

A suspension or temporary norm comes into force on the day a notice is published in a newspaper circulated in the city specifying the object thereof and the date of the decision of the executive committee.”

5. The said charter is amended by inserting, after article 569, the following article:

“569.1 Notwithstanding article 1081, the city may sell to the Mount Royal Cemetery Company a parcel of land situated south-west of the lookout on the Camilien-Houde thoroughfare, comprising part of lot P-9 of the cadastre for the parish of Montréal and identified by the letters DEFWD on plan number C-373 Saint-Antoine prepared by the public works department of the city.”

6. The said charter is amended by inserting, after article 963b, the following article:

“963bb. The city is authorized to file a petition, in accordance with the procedure set out in article 964b, for the incorporation of a non-profit corporation to manage and operate city parking spaces both on streets and elsewhere and to see to the enforcement of all city by-laws relating to parking.

The city may delegate to the corporation its power to acquire by agreement, alienate, build or lease immovables.

The corporation may hold an interest, as a member, shareholder or special partner, in organizations, associations, partnerships or corporations engaged in the pursuit of the same objectives.

The employees of the corporation charged with seeing to the enforcement of city parking by-laws are deemed to be special officers within the meaning of article 1142. However, article 1143 does not apply in their respect.”

7. Article 964*f* of the said charter, enacted by section 45 of chapter 40 of the statutes of 1980 and amended by section 12 of chapter 112 of the statutes of 1987 and by section 12 of chapter 89 of the statutes of 1990, is again amended by inserting the figure “963*bb*,” after the figure “963*b*,”.

8. Article 964*g* of the said charter, replaced by section 66 of chapter 71 of the statutes of 1982, is amended by inserting the figure “963*bb*,” after the word “articles”.

9. Article 1105 of the said charter, replaced by section 33 of chapter 18 of the statutes of 1978 and amended by section 9 of chapter 82 of the statutes of 1991, is again amended

(1) by inserting the words “and an associate chief judge” after the word “judge” in the first paragraph;

(2) by inserting the words “and the associate chief judge” after the word “judge” in the second paragraph;

(3) by replacing the word “his” in the second paragraph by the word “their”;

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

“The chief judge and the associate chief judge shall remain in office until they are replaced, notwithstanding the expiration of their term of office.

They shall exercise, as regards municipal judges and the Municipal Court, all the powers vested, under the Courts of Justice Act (R.S.Q., chapter T-16), in the chief judge and associate chief judges of the Court of Québec as regards that court and judges thereof.”

10. Article 1106 of the said charter, replaced by section 34 of chapter 18 of the statutes of 1978, is amended

(1) by replacing the words “the Sessions of the Peace” in the first paragraph by the word “Québec”;

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

“The chief judge and the associate chief judge are also entitled to the additional salary attached to the office of chief judge and senior associate chief judge of the Court of Québec.”

11. This Act comes into force on (*insert here the date of assent to this Act*).