



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 24

An Act respecting the remuneration of elected municipal officers

Introduction

**Introduced by
Mr André Bourbeau
Minister of Municipal Affairs**

**Québec Official Publisher
1988**

EXPLANATORY NOTES

This bill revises and consolidates the provisions which govern the main elements of the remuneration of members of local municipal councils, namely their basic salary, their expense allowance, the reimbursement of their expenses, and the transition allowance that may be paid to them when they leave office.

As regards the remuneration of elected municipal officers, the bill provides that each municipal council may fix the remuneration of its members within certain parameters. The remuneration thus fixed may take account of the various functions or duties exercised by the various council members in the municipality or in a paramunicipal or supramunicipal body that does not remunerate its members. The remuneration by-law adopted by the municipality may provide that the amounts fixed be adjusted each year according to the rate of increase in the Consumer Price Index. The adoption of the by-law is subject to a special procedure which will permit citizens to be informed in advance and express their views before the by-law is adopted; moreover, the mayor has an obligation to report to the citizens each year the remunerations paid to each member of the council.

The bill establishes the minimum remuneration that will be payable to a mayor or a councillor, and if a municipality has no by-law in that respect, the remuneration of the elected officers of the municipality is the minimum amount established under this bill. The minimum is twofold: a contingent minimum based on the number of inhabitants of the municipality and an absolute minimum applicable regardless of the population. Both amounts are subject to yearly adjustment according to the rate of increase in the Consumer Price Index.

The bill also allows the Government to fix, by regulation, the maximum remuneration an elected officer is entitled to receive from all municipal, paramunicipal or supramunicipal sources.

As regards the expense allowance, the bill provides that it is automatically paid to elected municipal officers as compensation for the

expenses attaching to their office that are not reimbursed to them. The allowance is equal to one-half of the remuneration. However, the aggregate of the allowances paid to an elected officer cannot exceed an amount adjusted annually according to the rate of increase in the Consumer Price Index.

With regard to the reimbursement of expenses incurred by elected officers, this bill reiterates existing provisions. As a rule, every elected officer must obtain the prior authorization of the council to perform any act and incur expenses in order to obtain the reimbursement of the actual amount of the expenses incurred. There are a few exceptions to this rule, however. First, the mayor needs no prior authorization to perform any act which pertains to his office. In addition, where a municipality has established a tariff of expenses or made appropriations therefor in the budget, the prior authorization is limited to authorization of the act itself. Finally, where there is an established tariff, the amount reimbursed is the amount listed in the tariff, and not the amount of expenses actually incurred.

Lastly, the bill introduces the transition allowance, and empowers a municipality to grant an allowance to a person who ceases to hold office as mayor after having held office for the preceding two years. The urban communities of Montréal and of Québec will be allowed to apply the same measure in respect of the chairman of their executive committee who was required to abandon his status of elected officer to be appointed chairman.

ACTS AMENDED BY THIS BILL:

- (1) Cities and Towns Act (R.S.Q., chapter C-19);
- (2) Municipal Code of Québec (R.S.Q., chapter C-27.1);
- (3) An Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- (4) An Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- (5) Charter of the city of Québec (1929, chapter 95);
- (6) Charter of the city of Montréal (1959-60, chapter 102);
- (7) Charter of the City of Laval (1965, 1st session, chapter 89);
- (8) An Act to amend the Charter of the City of Laval (1971, chapter 99);

(9) An Act to amend the charter of the City of Laval (1978, chapter 112);

(10) Charter of the city of Hull (1975, chapter 94);

(11) An Act to amend the Charter of the city of Charlesbourg (1977, chapter 87);

(12) An Act to amend the Charter of the city of Sainte-Foy (1981, chapter 38);

(13) An Act to amend the Charter of the city of Longueuil (1987, chapter 115).

Bill 24

An Act respecting the remuneration of elected municipal officers

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

1. This Act applies to all municipalities except regional county municipalities, northern village municipalities, Cree or Naskapi village municipalities or any municipality whose council, according to the Act establishing or governing it, is not composed of persons elected by its citizens.

CHAPTER II

REMUNERATION AND EXPENSE ALLOWANCE

DIVISION I

REMUNERATION FIXED BY THE MUNICIPALITY

2. The council of a municipality may, by by-law, fix the remuneration of its mayor and that of its councillors.

Such remuneration may include, in addition to the basic remuneration, additional remuneration for any special duty, specified by the council, that is performed by one of its members within the municipality, or within a mandatory body of the municipality or a supramunicipal body which pays no remuneration to its members.

In no case may the basic remuneration of a councillor be greater than one-third of that of the mayor.

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

For the purposes of this Act,

(1) “mandatory body of the municipality” means any body declared by law to be a mandatory or agent of the municipality and any body the majority of the members of the board of directors of which are members of the council of the municipality and whose budget is adopted by the council of the municipality;

(2) “supramunicipal body” means a supramunicipal body within the meaning of Division VIII.1 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16).

3. The remuneration may be fixed on an annual, monthly or weekly basis or on the basis of the attendance of the member at sittings of the council, of another organ of the municipality, of a mandatory body thereof or of a supramunicipal body of which he is a member.

4. In no case may the remuneration be less than the minimum applicable to the municipality under sections 12 to 16 or greater than the maximum applicable to it under section 21.

Notwithstanding the foregoing, the remuneration fixed by the council of a municipality having less than 500 inhabitants may be less than the minimum applicable to it but shall be equal to or greater than \$1 470 annually for the mayor and \$490 annually for a councillor.

5. The by-law may provide for the upward adjustment of the remuneration, where applicable, for each fiscal year from the year commencing after its coming into force.

The adjustment shall consist in increasing, for each fiscal year, the amount applicable for the preceding year by a percentage, of not over 6%, corresponding to the rate of increase in the Consumer Price Index for Canada established by Statistics Canada.

Where the product of the computation provided for in the second paragraph is not a multiple of 10, it shall be rounded off to the nearest multiple of 10.

The rate of increase in the index referred to in the second paragraph is established by

(1) subtracting from the index established for the month of December immediately preceding the fiscal year considered the index established for the month of December of the year before; and

(2) dividing the difference obtained under subparagraph 1 by the index established for the month of December of the year before.

Every year, the Minister of Municipal Affairs shall publish in the *Gazette officielle du Québec* a notice setting forth the percentage corresponding to the rate of increase in the index computed in accordance with the fourth paragraph and indicating whether the adjustment of the remuneration for the fiscal year considered, where prescribed by by-law of the council, shall be based on that percentage or 6%, as the case may be.

6. The by-law may prescribe that where the period during which the acting mayor replaces the mayor reaches a number of days specified in the by-law, the municipality shall pay to the acting mayor such additional remuneration as is required for him to receive, from that time until the end of the replacement period, a sum equal to the remuneration of the mayor during the same period.

7. The adoption of the by-law shall take place during a regular sitting of the council and shall be preceded by the tabling of a draft by-law and the publication of a public notice in accordance with sections 8 and 9.

8. The draft by-law shall be tabled at a sitting of the council by the member giving the notice of motion or, as the case may be, by the executive committee.

The notice shall include the following particulars:

(1) the present remuneration of the members of the council and the expense allowance under section 19 which is to be added thereto;

(2) the proposed remuneration and the expense allowance which is to be added thereto;

(3) the fact that the proposed remuneration will be adjusted for each fiscal year in accordance with section 5, where applicable;

(4) the fact that the by-law will have retroactive effect pursuant to the fourth paragraph of section 2, where applicable;

(5) particulars relating to the application of section 6, where applicable.

Where applicable, the draft by-law shall differentiate the basic remuneration, the additional remuneration and the expense allowance which is to be added to each; it shall indicate the special duties for which additional remuneration and an expense allowance is paid or proposed.

9. After the tabling of the draft by-law, the clerk or secretary-treasurer shall, in accordance with the Act governing the municipality, give a public notice containing a summary of the draft by-law and the particulars prescribed in section 8 and setting forth the date, time and place of the sitting at which the by-law is to be adopted.

The notice shall be published not later than 21 days before the sitting.

10. Any contravention of any of sections 7 to 9 entails the nullity of the by-law.

11. The mayor of a municipality in which a remuneration by-law is in force shall include in his annual report on the financial position of the municipality a list showing the remuneration and expense allowance each member of the council receives from the municipality, a mandatory body of the municipality or a supramunicipal body.

Where applicable, he shall differentiate the basic remuneration, the additional remuneration and the expense allowance which is added to each; he shall indicate the special duties for which additional remuneration and an expense allowance is paid.

Where the city of Montréal is concerned, the information referred to in the first paragraph shall be transmitted to the citizens in a manner which ensures that it is communicated to them as effectively as information subject to the publicity measures provided for in sections 474.1 to 474.3 of the Cities and Towns Act (R.S.Q., chapter C-19).

DIVISION II

MINIMUM AND SUPPLETIVE REMUNERATION

12. The minimum annual remuneration which a mayor is entitled to receive is established in relation to the number of inhabitants of the municipality included in the following population brackets:

- (1) 1 to 5 000 inhabitants;
- (2) 5 001 to 15 000 inhabitants;
- (3) 15 001 to 50 000 inhabitants;

- (4) 50 001 to 100 000 inhabitants;
- (5) 100 001 to 300 000 inhabitants;
- (6) 300 001 inhabitants or more.

An amount is attributed for each inhabitant included in a population bracket. The amount shall be adjusted upwardly, where applicable, for each fiscal year, in accordance with the second and fourth paragraphs of section 5.

Where the result of the adjustment is a number that includes a decimal fraction, only the first three digits after the decimal point are retained.

Every year, the Minister of Municipal Affairs shall publish a notice in the *Gazette officielle du Québec*, setting forth the amount per inhabitant applicable to each population bracket for the fiscal year considered.

13. For the purposes of section 12, the population figure of the municipality is increased, where applicable, by adding to it the product obtained by multiplying the number of vacation dwellings situated in the territory of the municipality and used intermittently for recreation purposes, by 1.25.

The number of vacation dwellings is determined and recorded by the clerk or secretary-treasurer of the municipality.

Notwithstanding the first paragraph, any amount by which the minimum annual remuneration of the mayor exceeds the amount that would be computed on the basis of the population figure before the increase is limited to an amount which is adjusted upwardly, where applicable, for each fiscal year in accordance with the second, third and fourth paragraphs of section 5.

Every year, the Minister of Municipal Affairs shall publish in the *Gazette officielle du Québec* a notice setting forth the maximum excess amount for the fiscal year considered.

14. The excess amount referred to in the first paragraph of section 20 is added to the amounts established under sections 12 and 13 to determine the minimum annual remuneration of a mayor who is not entitled to receive additional remuneration under the first paragraph of section 18.

15. The minimum annual remuneration which a councillor is entitled to receive is equal to one-third of the minimum annual remuneration which the mayor is entitled to receive under sections 12 and 13.

16. Notwithstanding sections 12 and 13, the annual remuneration which the mayor is entitled to receive shall not be less than a minimum amount, which is adjusted upwardly, where applicable, for each fiscal year in accordance with the second, third and fourth paragraphs of section 5.

Notwithstanding section 15, the annual remuneration which a councillor is entitled to receive shall not be less than a minimum amount which is equal to one-third of the minimum amount applicable to a mayor.

Every year, the Minister of Municipal Affairs shall publish in the *Gazette officielle du Québec* a notice setting forth the minimum amount applicable to a mayor and to a councillor for the fiscal year considered.

17. Unless it is fixed in a by-law in force adopted under section 2, the basic remuneration of the members of the council of a municipality is equal to the minimum annual remuneration applicable to them under sections 12 to 16.

18. In addition to the basic remuneration fixed in a by-law in force adopted under section 2 or, as the case may be, provided for in section 17,

(1) a member of the council who is a member of the executive committee is entitled to additional remuneration equal to the basic remuneration of a councillor, except if he is a person referred to in subparagraph 2 or 3;

(2) a councillor who is chairman of the executive committee is entitled to additional remuneration equal to twice the basic remuneration of a councillor;

(3) a member of the council who is vice-chairman or interim chairman of the executive committee of the city of Montréal, Québec or Laval is entitled to additional remuneration equal to one and one-half times the basic remuneration of a councillor.

The excess amount referred to in the second paragraph of section 20 is added to the amount established under the first paragraph of this section to determine the additional remuneration of a person referred to therein.

Where the additional remuneration for an office referred to in one of the subparagraphs of the first paragraph is fixed in the by-law in force adopted under section 2, the said subparagraph does not apply.

DIVISION III

EXPENSE ALLOWANCE

19. Every member of the council of a municipality shall receive, in addition to any remuneration fixed in a by-law in force adopted under section 2 or provided for in section 17 or 18, an expense allowance of an amount equal to one-half of the amount of that remuneration, regardless of the excess amount referred to in section 20, up to the maximum prescribed under section 22.

The allowance shall be paid as compensation for that part of the expenses attaching to the office that is not reimbursed to the member of the council under Chapter III.

20. In the case of a mayor who is not entitled to additional remuneration under the first paragraph of section 18, where the amount equal to one-half of the remuneration prescribed under sections 12 and 13 exceeds the maximum prescribed under section 22, the excess amount is paid as remuneration rather than as an expense allowance.

The same applies to a member of the council who is entitled to such additional remuneration, where the amount equal to one-half of the aggregate of the additional remuneration and the remuneration prescribed under sections 12 and 13 or under section 15 exceeds the maximum prescribed under section 22.

DIVISION IV

MAXIMUM REMUNERATION AND EXPENSE ALLOWANCE

21. No member of the council of a municipality may receive annual remuneration greater than the maximum applicable to him prescribed by government regulation under section 31.

Where a member is entitled to receive remuneration from a mandatory body of the municipality or a supramunicipal body, the first paragraph applies to the total remuneration which the member is entitled to receive from the municipality and from such a body.

22. No member of the council of a municipality may receive an annual expense allowance greater than an amount adjusted upwardly, where applicable, for each fiscal year, in accordance with the second and fourth paragraphs of section 5. However, the adjustment is not limited to an increase of 6%. Where the result of the adjustment is a number that includes a decimal fraction, the fraction is disregarded.

Where a member is entitled to receive an expense allowance from a mandatory body of the municipality or a supramunicipal body, whether the allowance is referred to as such or by any other name, the first paragraph applies to the aggregate of the allowances which the member is entitled to receive from the municipality and from such a body.

Every year, the Minister of Municipal Affairs shall publish in the *Gazette officielle du Québec* a notice setting forth the maximum amount of the expense allowance for the fiscal year considered.

23. If the total amount of remuneration or expense allowances which a member would, but for section 21 or 22, be entitled to receive is greater than the maximum prescribed, the excess amount is subtracted from the amount which the member would be entitled to receive from the mandatory body of the municipality or the supramunicipal body.

Where the member would be entitled to receive an amount from several bodies, the excess amount is subtracted, proportionately, from each amount.

DIVISION V

TERMS AND CONDITIONS OF PAYMENT OF REMUNERATION AND EXPENSE ALLOWANCE

24. The remuneration fixed under section 2 or provided for in section 17 or in section 18 and the expense allowance provided for in section 19 is paid by the municipality according to the terms and conditions determined by resolution of the council.

The council may delegate the power to determine such terms and conditions to the executive committee.

CHAPTER III

REIMBURSEMENT OF EXPENSES

25. No member may, as part of his duties, perform any act involving expenses chargeable to the municipality except with the prior

authorization of the council to perform the act and, consequently, incur expenses which do not exceed the amount fixed by the council.

Notwithstanding the foregoing, the mayor is not required to obtain prior authorization when acting in his capacity as mayor. The same applies to a councillor designated by the mayor, in case of an emergency, to replace him as the representative of the municipality.

26. A member of the council who, as part of his duties, has incurred expenses chargeable to the municipality may, on presentation of a statement accompanied with the vouchers prescribed in the by-law, obtain the reimbursement of the actual amount of the expenses by the municipality.

27. The council of the municipality may, by by-law, establish a tariff applicable where expenses chargeable to the municipality are entailed by particular classes of acts performed in Québec for a purpose other than travel outside Québec, and prescribe what vouchers must be presented to prove that such an act was performed.

If such a by-law is in force, the prior authorization under section 25 in respect of an act covered by the tariff is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed.

Notwithstanding section 26, a member of the council who, as part of his duties, has performed an act covered by the tariff in force may, on presentation of a statement accompanied with the vouchers prescribed in the by-law, receive from the municipality the amount prescribed in the tariff for that act.

28. The council of the municipality may delegate all or some of its powers under sections 25 and 27 to the executive committee.

29. The council may provide sufficient appropriations in the budget of the municipality for the reimbursement, pursuant to section 26 or 27, of expenses entailed by particular classes of acts that the members of the council may perform on behalf of the municipality as part of their duties.

The prior authorization provided for in section 25 in respect of an act of a class for which appropriations are provided in the budget is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed. The maximum amount is deemed to be the balance of the appropriations for acts of that class, after deducting all previous reimbursements.

If no appropriations are available, the council may appropriate sums of money out of the general fund of the municipality for the purposes of the first paragraph; the sums so appropriated are deemed to be appropriations.

CHAPTER IV

TRANSITION ALLOWANCE

30. The council of a municipality may, by by-law, provide for the payment by the municipality of a transition allowance to any person who ceases to hold office as mayor after having held office as mayor during not less than 24 months preceding the end of his term.

The amount of the allowance is equal to the product obtained by multiplying the amount of the person's bi-monthly remuneration at the date of the end of his term by the number of full years during which he held office as mayor; the amount of the allowance is increased by that part of his bi-monthly remuneration that is proportional to any part of a year during which he held office as mayor beyond the full years. The amount of the allowance shall not exceed four times that of his bi-monthly remuneration at the date of the end of his term.

The council shall fix the terms and conditions of payment of the allowance. It may delegate that power to the executive committee.

Sections 7 to 10, adapted as required, apply to a by-law adopted under the first paragraph.

CHAPTER V

REGULATION OF THE GOVERNMENT

31. The Government may, by regulation, fix the maximum annual amount of the total remuneration which any member of the council of a municipality is entitled to receive for all duties performed by him within the municipality, a mandatory body of the municipality or a supramunicipal body.

The regulation may establish classes of municipalities, of bodies or of offices and fix a different maximum amount for each class.

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

CHAPTER VI

MISCELLANEOUS, TRANSITIONAL AND
FINAL PROVISIONS

DIVISION I

LEGISLATIVE AMENDMENTS

32. Sections 65 to 65.15 of the Cities and Towns Act (R.S.Q., chapter C-19) are repealed.

33. Articles 94 to 106 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) are repealed.

34. Sections 20 and 21 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) are replaced by the following sections:

“20. In no case may the chairman of the executive committee receive from the Community and the Société de transport total annual remuneration greater than the maximum amount which the Government may fix by regulation.

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

“21. In no case may the chairman of the executive committee receive from the Community and the Société de transport a total annual expense allowance greater than the maximum amount established under the Act respecting the remuneration of elected municipal officers (1988, chapter *insert here the chapter number of this Act*).”

35. The said Act is amended by inserting, after section 22, the following section:

“22.1 The Council may, by by-law, provide for the payment by the Community of a transition allowance to any person who ceases to hold office as chairman of the executive committee after having held office as such during not less than 24 months preceding the end of his term.

The amount of the allowance is equal to the product obtained by multiplying the amount of the person’s bi-monthly remuneration at the date of the end of his term by the number of full years during which he held office as chairman of the executive committee; the amount of the allowance is increased by that part of his bi-monthly remuneration that is proportional to any part of a year during which he held office

as chairman of the executive committee beyond the full years. The amount of the allowance shall not exceed four times his bi-monthly remuneration at the date of the end of his term.

The Council shall fix the terms and conditions of payment of the allowance. It may delegate that power to the executive committee.”

36. Section 241 of the said Act is amended by replacing the figure “12.6” in the first line of the third paragraph by the figure “12.11”.

37. Sections 6.5 and 6.6 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) are replaced by the following sections:

“6.5 In no case may the chairman of the executive committee receive from the Community and the Transit Commission total annual remuneration greater than the maximum amount which the Government may fix by regulation.

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

“6.6 In no case may the chairman of the executive committee receive from the Community and the Transit Commission a total annual expense allowance greater than the maximum amount established under the Act respecting the remuneration of elected municipal officers (1988, chapter *insert here the chapter number of this Act*).”

38. The said Act is amended by inserting, after section 6.8, the following section:

“6.8.1 The Council may make a by-law to provide for the payment by the Community of a transition allowance to any person who ceases to hold office as chairman of the executive committee after having held office as such during not less than 24 months preceding the end of his term.

The amount of the allowance is equal to the product obtained by multiplying the amount of the person’s bi-monthly remuneration at the date of the end of his term by the number of full years during which he held office as chairman of the executive committee; the amount of the allowance is increased by that part of his bi-monthly remuneration that is proportional to any part of a year during which he held office as chairman of the executive committee beyond the full years. The amount of the allowance shall not exceed four times his bi-monthly remuneration at the date of the end of his term.

The Council shall fix the terms and conditions of payment of the allowance. It may delegate that power to the executive committee.”

39. Section 17*a* of the Charter of the city of Québec (1929, chapter 95), enacted by section 4 of chapter 116 of the statutes of 1986, is replaced by the following section:

“**17*a*.** For the purposes of this Charter, a member of the executive committee other than the mayor may be recognized as performing his duties on a full-time basis.

To be so recognized, he must perform his duties as councillor and member of the committee on a full-time basis with the mayor’s consent and file with the clerk a written declaration stating that fact, accompanied with the authorization of the mayor.

If he ceases to perform his duties on a full-time basis, he shall file a written declaration stating that fact with the clerk as soon as practicable. If the mayor withdraws his consent, he shall file a written declaration to that effect with the clerk as soon as practicable. Upon the filing of either declaration, the member of the executive committee ceases to be recognized as performing his duties on a full-time basis.

The clerk shall table before the council any document filed with him pursuant to this section at the first sitting after the filing.”

40. Section 17*c* of the said charter, enacted by section 4 of chapter 116 of the statutes of 1986, is repealed.

41. Article 76 of the Charter of the city of Montréal (1959-60, chapter 102), amended by section 10 of chapter 97 of the statutes of 1960-61, by section 6 of chapter 59 of the statutes of 1962, by section 12 of chapter 70 of the statutes of 1963 (1st session), by section 4 of chapter 84 of the statutes of 1965 (1st session), by section 4 of chapter 96 of the statutes of 1971, by section 7 of chapter 77 of the statutes of 1977, by section 4 of chapter 40 of the statutes of 1980, by section 95 of chapter 16 of the statutes of 1980 and by section 3 of chapter 111 of the statutes of 1987, is again amended by striking out the fifth paragraph.

42. Article 79*b* of the said charter, enacted by section 1 of chapter 112 of the statutes of 1987, is repealed.

43. Article 122*a* of the said charter, enacted by section 13 of chapter 111 of the statutes of 1987, is repealed.

44. Article 179*b* of the said charter, enacted by section 3 of chapter 112 of the statutes of 1987, is repealed.

45. Section 16 of the Charter of the City of Laval (1965, 1st session, chapter 89) is repealed.

46. Section 2 of the Act to amend the Charter of the city of Laval (1971, chapter 99) is repealed.

47. Section 2 of the Act to amend the charter of the City of Laval (1978, chapter 112) is repealed.

48. Section 6 of the Charter of the city of Hull (1975, chapter 94) is repealed.

49. Section 4 of the Act to amend the Charter of the city of Charlesbourg (1977, chapter 87) is repealed.

50. Section 2 of the Act to amend the Charter of the city of Sainte-Foy (1981, chapter 38) is repealed.

51. Section 1 of the Act to amend the Charter of the city of Longueuil (1987, chapter 115) is repealed.

52. Section 3 of the said Act is repealed.

DIVISION II

TRANSITIONAL AND FINAL PROVISIONS

53. The provisions of Chapters II and V take precedence over any inconsistent provision of a general law or special Act in force on *(insert here the date of the day before the coming into force of this Act)*.

54. For the computation of any amount referred to in the second paragraph of section 12 for the fiscal year 1989, the amounts per inhabitant applicable to each population bracket for the fiscal year 1988 are the following:

- (1) 1 to 5 000 inhabitants: \$0.687;
- (2) 5 001 to 15 000 inhabitants: \$0.617;
- (3) 15 001 to 50 000 inhabitants: \$0.382;

- (4) 50 001 to 100 000 inhabitants: \$0.167;
- (5) 100 001 to 300 000 inhabitants: \$0.069;
- (6) 300 001 or more: \$0.004.

55. For the computation of the amount referred to in the third paragraph of section 13 for the fiscal year 1989, the maximum excess amount referred to in that paragraph for the fiscal year 1988 is \$1 470.

56. For the fiscal year 1989, the minimum annual remuneration provided for in section 16 is \$2 000 in the case of the mayor and \$667 in the case of a councillor.

57. Until it is fixed by a regulation of the Government under section 31, the maximum annual remuneration prescribed under section 21 is the following:

- (1) for the mayor of the city of Montréal: \$93 935;
- (2) for the mayor of a municipality of 100 000 inhabitants or more, except the mayor of the city of Montréal: \$87 445;
- (3) for any member of the council of the Communauté urbaine de Montréal, except the mayor of the city of Montréal: \$86 565;
- (4) for any member of the council of the Communauté urbaine de Québec, except the mayor of the city of Québec: \$79 195;
- (5) for any other member of the council of a municipality: \$71 835.

Until it is fixed by a regulation of the Government under section 20 of the Act respecting the Communauté urbaine de Montréal or under section 6.5 of the Act respecting the Communauté urbaine de Québec, as the case may be, the maximum annual remuneration of the chairman of the executive committee of the Communauté urbaine de Montréal is \$86 565 and that of the chairman of the executive committee of the Communauté urbaine de Québec is \$79 195.

58. The maximum expense allowance prescribed under section 22 is \$9 215 for the fiscal year 1988.

59. Every by-law, regulation, resolution and order adopted, passed or issued under a provision repealed by this Act and in force on (*insert here the date of the day before the coming into force of this Act*) shall remain in force until they are repealed or replaced under this Act.

They are deemed to be adopted, passed or issued under the corresponding provision of this Act.

60. Any reference, in another Act or in an instrument referred to in section 59, to a provision repealed by this Act is deemed to be a reference to the corresponding provision of this Act.

61. Any remuneration provided for by or under a provision repealed by this Act, or fixed by an instrument referred to in the first paragraph of section 59 is deemed to include both the remuneration and the expense allowance within the meaning of this Act.

Any amount of remuneration which, under a provision repealed by this Act, is paid as an indemnity for part of the expenses attaching to the office of a member of the council is deemed to be an expense allowance within the meaning of this Act. The balance of that remuneration is deemed to be remuneration within the meaning of this Act.

The first two paragraphs do not apply where the said provision or instrument, or their context, indicates that the remuneration does not include an indemnity for expenses.

62. The remuneration taken into account for the purposes of any pension plan is the aggregate of the remuneration and the expense allowance within the meaning of this Act.

63. Where, on (*insert here the date of the day before the coming into force of this Act*), the remuneration or the expense allowance of a member of the council of a municipality provided for an office under a provision repealed, struck out or replaced by this Act, exceeds the remuneration or the expense allowance that becomes payable to him under sections 17 to 19, he retains the right to receive, as remuneration or allowance, an amount at least equal to the amount he is receiving at that date, for as long as he remains in office.

He shall not be deemed to have ceased to hold office as a member of the council at the expiry of his term, provided that he is re-elected in the election in progress when the expiry occurs or held thereafter, according as he is a councillor or the mayor, and that he makes the required oath within the prescribed time after his re-election.

64. Every member of the council of a municipality who, pursuant to section 115 of chapter 16 of the statutes of 1980, is entitled to receive as an indemnity for a portion of the expenses attaching to his office

an amount greater than the amount prescribed under section 22 of this Act may continue to receive that amount as an expense allowance for as long as he remains in office. The second paragraph of section 63 applies to him.

65. For the purposes of section 12, the population of a municipality is that established under section 654 of the Act respecting elections and referendums in municipalities (1987, chapter 57).

The first paragraph ceases to apply on 1 January 1989.

66. The Minister of Municipal Affairs is responsible for the administration of this Act.

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