



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 200
(Private)

An Act to amend the charter of the city of Montréal

Introduction

Introduced by
Madam Violette Trépanier
Member for Dorion

**Québec Official Publisher
1986**

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(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 Article 101 of the charter of the city of Montréal (1959-60, chapter 102) is repealed.

2. Title II of the said charter is amended by adding, after article 131*a*, the following chapter:

“CHAPTER VII

“SECRETARY GENERAL

“**131*b*.** The council may, by resolution, on the recommendation of the executive committee, appoint a secretary general.

“**131*c*.** The secretary general is responsible, under the authority of the executive committee, for the general administration of the city and, for that purpose, he shall plan, organize, direct and supervise the activities of the city.

He is the administrator of the human, material and financial resources of the city and he has authority over all the departments and services considered to be administrative departments under the charter.

However, the authority of the secretary general may in no case hinder the performance of the duties of a commission or of an officer to whom the charter, another Act or a by-law expressly grants a power.

“131*d*. In application of articles 131*b* and 131*c*, the secretary general shall, in particular, perform the following duties:

(1) he shall ensure communications between the executive committee and the administrative departments of the city. He shall have access to every document of the city and may require any officer or employee to supply any document or information which he may need in the performance of his duties;

(2) with the collaboration of the heads of departments, he shall coordinate the preparation of the budget and of the triennial programme of capital expenditures and of any other plan, project or programme for the orderly management of the city;

(3) he shall report to the executive committee on any subject or matter prepared by the departments and he may submit his own recommendation;

(4) he shall attend the meetings of the executive committee and, with the permission of the chairman of the meeting, give his advice on the matters debated, without having the right to vote;

(5) subject to the powers conferred by law upon the mayor and the executive committee, he shall see to it that the by-laws, resolutions and contracts are implemented and that the funds are used for the purposes for which they were voted.

“131*e*. The secretary general may appoint, with the approval of the executive committee, deputies and other officers to assist him.

He may also, without any approval, appoint an officer or employee to an authorized position on his staff and fix his salary.

“131*f*. With the exception of the positions of heads of departments, the secretary general shall approve appointments, promotions, transfers, suspensions, demotions and removals and fix the salary of officers and employees after the staffing procedure has been complied with.

“131*g*. The secretary general shall authorize the travelling and training expenses of the officers and employees.

“131h. The secretary general shall authorize the payment of all sums due by the city, observing the formalities and conditions provided by law.

“131i. The powers provided for in articles 131f to 131h may be delegated by the secretary general to the head of a department or another officer.

The delegation must be approved by the executive committee.

“131j. The executive committee may, without restriction or subject to the conditions it determines, delegate to the secretary general or to another officer the exercise of a power granted to him by the charter, another Act or a by-law.

In the case where the exercise of said delegated power entails an expenditure, the appropriations are made after a certificate of the head of the competent department has been produced establishing that appropriations are available for that purpose.”

3. Article 133 of the said charter, amended by section 18 of chapter 97 of the statutes of 1960-61 and by section 29 of chapter 77 of the statutes of 1977, is replaced by the following article:

“133. All heads of departments are appointed, suspended or dismissed by the council on a recommendation of the secretary general and on a report of the executive committee. Such report cannot be amended; it can only be rejected by an absolute majority of the members of the council.

The city auditor shall not be suspended or dismissed except by a resolution of the council adopted by the vote of two-thirds of its members, upon a report of the executive committee approved by the vote of two-thirds of its members.

Whenever the charter or a city by-law does not provide for the temporary replacement of the secretary general or of a head of department who is absent, or whose position becomes vacant, or when the persons, designated by the by-laws to replace them in such circumstances, are physically unable to act, the executive committee has the power to authorize someone temporarily to replace them during such absence, vacancy or physical incapacity, but in no case for a period exceeding ninety days, which may be renewed for another period of ninety days at the most.”

4. Article 134 of the said charter is replaced by the following article:

“134. The heads of departments, unless otherwise provided by the charter, shall be directly responsible to the secretary general for the administration of their respective departments.

They shall choose, appoint and replace their deputies and assistants, with the approval of the executive committee, on the recommendation of the secretary general, and the other members of their staff with the approval of the secretary general or his delegate.

They must furnish to the executive committee or to the secretary general, at their request, all reports as well as their oral or written advice on any question concerning their departments.”

5. Chapter II and articles 137 to 142 of the said charter are repealed.

Such repeal does not affect persons holding office at the time of the coming into force of this Act.

6. Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-61, by section 54 of chapter 59 of the statutes of 1962, by section 19 of chapter 70 of the statutes of 1963 (1st session), by section 9 of chapter 71 of the statutes of 1964, by section 23 of chapter 86 of the statutes of 1966-67, by section 47 of chapter 77 of the statutes of 1977, by section 16 of chapter 22 of the statutes of 1979 and by section 20 of chapter 71 of the statutes of 1982, is again amended by replacing paragraph 44 by the following paragraph:

“(44) Prohibit the parking or the leaving of a vehicle on any land without the authorization of the owner or of the occupant of the said land; determine the conditions and methods of towing and impounding, by the city or any person, of the vehicles, at the expense of their owners, and determine a maximum amount for these costs.”

7. Article 612*a* of the said charter, enacted by section 7 of chapter 76 of the statutes of 1972, amended by section 62 of chapter 77 of the statutes of 1977, by section 17 of chapter 40 of the statutes of 1980 and by section 32 of chapter 71 of the statutes of 1982, is amended by replacing the first paragraph by the following paragraph:

“612*a*. The council may, by by-law, approve a plan of construction or alteration or allow the occupancy of one or more buildings or other works under, above or on any land of an area of at least 8000 m² for an industrial project, 4000 m² for a commercial or a commercial and housing project and 2000 m² for a housing project; these area requirements do not apply in the case of contiguous parcels of land bounded on all sides by streets, of a project for the erection of an

educational institution, of any establishment contemplated in the Act respecting health services and social services (R.S.Q., chapter S-5), of public administration or public service buildings, of residential buildings under a municipal or governmental housing program, of abandoned public buildings and of buildings classified or recognized as cultural property or situated wholly or in part in the protected area of a classified cultural property, in a historic or natural district or on a classified historic site."

8. Article 675 of the said charter, amended by section 13 of chapter 76 of the statutes of 1972, by sections 28 and 80 of chapter 22 of the statutes of 1979, by section 35 of chapter 40 of the statutes of 1980 and by section 46 of chapter 71 of the statutes of 1982, is again amended by replacing the second paragraph by the following paragraph:

"Notwithstanding the first paragraph, in the case of article 670*a*, the budget, by-laws and resolutions referred to in article 670, which have not been adopted within fifteen days after their deposit in the clerk's office, become automatically in force at the expiry of the said period and have effect from the preceding 1 January."

9. Article 708 of the said charter, amended by section 47 of chapter 71 of the statutes of 1982, is replaced by the following article:

"708. The secretary general and the head of each department are responsible for the management of the appropriations put at their disposal, as prescribed by this charter, under the authority of the executive committee or the council."

10. Article 722.1 of the said charter, enacted by section 149 of chapter 27 of the statutes of 1985, is repealed.

11. Article 808 of the said charter, amended by section 17 of chapter 76 of the statutes of 1972, by section 60 of chapter 71 of the statutes of 1982 and by section 13 of chapter 59 of the statutes of 1983, is replaced by the following article:

"808. (1) The council may, by by-law, impose a water-rate and service tax, decide the method of payment, when the tax is payable and the manner in which it may be imposed or collected.

(2) The water-rate and service tax may be established according to the various categories of occupation based on

- (a) a fixed rate;
- (b) a rate established according to consumption;
- (c) a rate based on the rental value.

(3) The council may exempt from the water-rate and service tax any category of occupants.”

12. Article 956*c* of the said charter, enacted by section 48 of chapter 86 of the statutes of 1966-67 and amended by section 43 of chapter 40 of the statutes of 1980 and by section 227 of chapter 38 of the statutes of 1984, is replaced by the following articles:

“956*c*. The city may, by by-law, adopt an urban renewal programme for part of its territory and acquire, by agreement or expropriation, any immovable affected by the said programme.

It may hold and administer the immovable and may carry out thereon any development, construction, restoration, demolition or clearing work. It may also, on such conditions as it may determine, dispose of it in accordance with article 1079.

“956*d*. The city may acquire, by agreement or expropriation, any immovable included in a plan approved under article 612*a* subject to the following conditions:

- (1) the recipient of the approval must be the owner or the holder of a promise of sale of immovables having an area representing two-thirds of the land shown on the plan;
- (2) the immovable must be situated within the territory designated by by-law as the centre of the city.

Any immovable so acquired by the city may be alienated in accordance with article 1079 or leased to the said recipient.”

13. For its fiscal year 1987, the city may, by by-law, impose and levy a surtax at a rate not exceeding \$ 0.10 per hundred dollars of assessment on immovables having a taxable value entered on the assessment roll in excess of \$ 200 000 and classified under categories I and II as determined and defined pursuant to regulation 1976-1 of the Commission municipale du Québec made on 29 December 1976 and amended by regulation 1977-1 of the Commission made on 21 January 1977 pursuant to the Act respecting the Olympic deficit of the City of Montréal and amending the Charter of the City of Montréal (1976, chapter 52). The surtax shall apply only to the amount of the taxable value which exceeds \$ 200 000.

The city may designate the areas where it intends to levy the said tax in the case of immoveables of category I.

The surtax is guaranteed by privilege on the said immoveables and the owners are personally liable therefor.

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