



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 72

An Act to again amend the Act respecting the Commission municipale

Introduction

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

**Québec Official Publisher
1987**

EXPLANATORY NOTES

The object of this bill is to amend the Act respecting the Commission municipale to enable the Commission to act as arbitrator, at the request of the parties, in any dispute involving two or more municipal bodies. The bill also enables the Government to order, at the end of the trusteeship of a municipality which follows an investigation conducted by the Commission at the request of the Government that certain provisions peculiar to trusteeship be maintained or that the power to disallow certain of the council's decisions be reserved to the Commission. The Government shall decide on the duration of the Commission's control.

This bill grants the Commission the same powers in respect of officers and employees of municipalities under trusteeship regarding suspensions without pay as it has regarding dismissals.

This bill defines more clearly the powers of the Commission in respect of a municipality whose council can no longer sit validly.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 22 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by adding, after the second paragraph of subsection 1, the following paragraphs:

“The Commission may make recommendations in the report of its investigation.

It may recommend in particular that disciplinary action in the form of a warning, reprimand, suspension with or without pay for a fixed period, reduction of salary or dismissal be taken against a person, according to the nature and gravity of his conduct.

In no case may the Commission in a report reproach a person's conduct or recommend that disciplinary action be taken against him unless it has informed him of the facts reproached against him and given him an opportunity to be heard. This condition is fulfilled if the person has been invited to appear before the Commission within a reasonable time and has refused or neglected to do so. The invitation shall be served in the same manner as a summons under the Code of Civil Procedure (R.S.Q., chapter C-25).”

2. Division IV of the said Act is replaced by the following division:

“DIVISION IV

“VOLUNTARY ARBITRATION BY THE COMMISSION

“24. Two or more municipal bodies may agree to refer any existing or prospective dispute to the Commission for arbitration.

“24.1 No dispute which, pursuant to an Act, must be decided by an authority other than a court of justice may be referred for arbitration under this division.

“24.2 Notwithstanding section 7, arbitration under this division shall take place before a member of the Commission who shall be designated by the president within 30 days of a written application submitted by the parties.

The arbitration proceedings shall commence on the date of sending of the application.

“24.3 Articles 940 to 940.6, 943 to 943.2 and 944.1 to 947.4 of the Code of Civil Procedure (R.S.Q., chapter C-25) and the provisions of such Code referred to in the said articles apply, adapted as required, to arbitration proceedings under this division.

“24.4 For the purposes of this division, the words “municipal body” mean

(1) any municipality whether incorporated by general law or special Act, including any regional county municipality and any body established as the agent of any of such municipality or otherwise answerable to its authority;

(2) the Communauté urbaine de Montréal, the Communauté urbaine de Québec, the Communauté régionale de l'Outaouais, any body established under their constitutive Acts as well as the Société de transport de la Ville de Laval, the Société de transport de la rive sud de Montréal and the Kativik Regional Government.”

3. Section 45 of the said Act is amended

(1) by inserting, after the third paragraph, the following paragraph:

“The Government, within 30 days of receipt of the report or, as the case may be, at the same time as it takes a decision pursuant to the third paragraph, may order, for the time it determines after the municipality ceases to be under the control of the Commission, that certain provisions of Division VIII shall continue to apply to the municipality or that the Commission shall have the power to disallow any decision of the council in accordance with the second paragraph of section 57. The Government may curtail or extend such time or otherwise modify its decision.”;

(2) by inserting, after the word “control” in the third line of the fourth paragraph, the words “and of any decision of the Government taken pursuant to the fourth paragraph”.

4. Section 48 of the said Act is amended

(1) by striking out paragraph *e*;

(2) by inserting, after the word “appointment” in the first line of the first paragraph of paragraph *g*, the words “, the suspension without pay by the council”;

(3) by inserting, after the word “employee” in the second line of the second paragraph of paragraph *g*, the words “or to suspend him without pay”;

(4) by replacing the words “dismissed person” in the first and second lines of the third paragraph of paragraph *g* by the words “person dismissed or suspend without pay”;

(5) by inserting, after the word “dismissed” in the second line of the fourth paragraph of paragraph *g*, the words “or suspended without pay”;

(6) by inserting, after the word “dismissed” in the fourth line of the fifth paragraph of paragraph *g*, the words “or suspended without pay”;

(7) by inserting, after the word “dismissing” in the second line of the eighth paragraph of paragraph *g*, the words “, suspending without pay”;

(8) by inserting, after paragraph *g*, the following paragraph:

“(g.1) A mayor or a director general who exercises the power to suspend provided for in section 52 or 113 of the Cities and Towns Act (R.S.Q., chapter C-19) shall transmit a copy of his report to the Commission.

If the Commission has reserved to itself the exclusive power of appointing, dismissing, suspending without pay and replacing officers and employees, the report must be transmitted to the Commission immediately. A suspension in such a case shall be for thirty days unless the Commission decides otherwise before the expiry of that time;”.

5. Section 100 of the said Act is amended

(1) by inserting, after the first paragraph, the following paragraph :

“In the case provided for in the first paragraph, where the mayor and the acting mayor are unable to act or where the offices of mayor and acting mayor are vacant, the Commission or a person designated for that purpose may perform the functions of the mayor.”;

(2) by inserting, after the word “itself” in the second line of the second paragraph, the words “or the mayor himself”.

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