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# NATIONAL ASSEMBLY

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FIFTH SESSION

THIRTY-SECOND LEGISLATURE

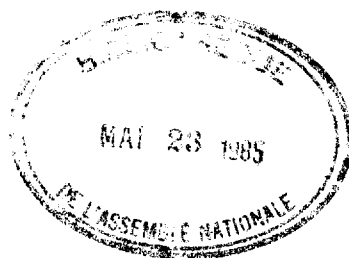
Bill 49

## **An Act to amend the Act respecting the Communauté urbaine de Montréal and other legislation**

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### **Introduction**

**Introduced by  
Mr Alain Marcoux  
Minister of Municipal Affairs**



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## EXPLANATORY NOTES

*The first object of this bill is to amend the Act respecting the Communauté urbaine de Montréal so that it is better adapted to the administrative needs of the Communauté urbaine de Montréal. New needs have appeared, for example, in respect of the authorization of the current expenditures of the Community, the awarding of certain contracts relating to work to be made on water conduits, to the installation of waterworks, sewer, electricity, gas or other equipment and contracts for the supply of software or the maintenance of computer systems.*

*Other provisions proposed in this bill are designed to clarify the regulatory powers and the inspection powers of the urban community in respect of its competence in matters of water purification in its territory. The Community will also be granted the power to allow other bodies to benefit from its expertise in the field of water purification. The bill also extends the competence of the Community in matters of public health by authorizing it to prescribe norms of hygiene in respect of food sold in vending machines.*

*Under the bill the Communauté urbaine de Montréal is allowed to postpone the final date for the adoption of its development plan under the Act respecting land use planning and development from 11 July 1985 to 17 September 1986.*

*The second object of this bill is to establish the Société de transport de la Communauté urbaine de Montréal which will succeed to the existing Commission de transport de la Communauté urbaine de Montréal.*

*The bill proposes to give the control of the new transportation corporation to the elected municipal officials.*

*The main changes in the organization of the new transportation corporation concern the composition of the board of directors. The board will consist of nine members, six of whom chosen by the Council of the Communauté urbaine de Montréal from among its members, two members chosen from among the citizens, and the chairman of the executive committee of the Community.*

*The bill also provides that the president and managing director, appointed for not over five years by the Council of the Community, will be responsible for the administration and direction of the corporation.*

*Under the bill, greater emphasis is put on the role of the corporation by providing that the meetings of the board of directors will be public and by requiring that a meeting be held every month, that a question period be scheduled at every meeting and that any specific subject be put on the agenda of a meeting of the board of directors if requested by two hundred and fifty residents.*

*Finally, the bill provides that the three-year program of capital expenditures of the corporation will require the approval of the Government.*

**ACTS AMENDED BY THIS BILL:**

(1) the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(2) the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(3) the Act to amend the Act respecting the Communauté urbaine de Montréal (1982, chapter 18);

(4) the Act respecting public elementary and secondary education (1984, chapter 39).



## Bill 49

### **An Act to amend the Act respecting the Communauté urbaine de Montréal and other legislation**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**1.** Section 1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by striking out paragraph *h*.

**2.** The said Act is amended by inserting, after section 12, the following sections:

**“12.1** Within sixty days of his appointment, the chairman shall table before the Council a written declaration stating the existence of the interests he has

(1) in legal persons, partnerships or undertakings;

(2) in immovables situated in the territory of the Community.

The declaration shall not mention the value of the interests listed therein, nor the extent of the chairman's interest in legal persons, partnerships or undertakings. The declaration shall not mention the existence of sums deposited with financial institutions, nor the possession of bonds issued by a government, a municipality or another public body.

**“12.2** Each year, within sixty days of the anniversary of his appointment, the chairman shall table an updated declaration before the Council.

In the meantime, the chairman shall disclose in writing any new interest that entails a conflict with the interest of the Community. The writing shall be tabled before the Council at the first sitting following the acquisition of that interest.

**“12.3** If he fails to table the declaration required by section 12.1 or 12.2, the chairman loses the right to sit on the Council or on the executive committee and the right to speak at a sitting of a committee of the Council, from the tenth day after the expiry of the time limit provided for tabling the declaration and until he has tabled it.

The decisions made and acts performed by the Council or the executive committee are not invalid by reason only of the chairman's sitting or voting in contravention of this section.

**“12.4** If he knowingly makes a false or incomplete declaration, the chairman is disqualified to hold any office in a supramunicipal body or in a municipality. The disqualification lasts until the expiry of a period of five years from the judgment in last instance in respect of proceedings in declaration of disqualification.

For the purposes of the first paragraph, the expression “supramunicipal body” has the meaning given to it in sections 41.2 and 41.3 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16).”

**3.** The said Act is amended by inserting, after section 33, the following section:

**“33.1** The executive committee, with the approval of the Council, may make a by-law delegating to any officer or employee of the Community the power to authorize expenditures and to make contracts accordingly, in the name of the Community.

The by-law shall indicate:

- (1) the area of competence to which the delegation applies;
- (2) the amounts of the expenditures the officer or employee may authorize;
- (3) the other conditions on which the delegation is made.

The rules for the awarding of contracts by the executive committee, adapted as required, apply to any contract awarded under this section. However, in any case where the authorization of the Minister of Municipal Affairs is required for the awarding of a contract to any other person than the person who made the lowest tender, only the executive committee may apply to the Minister for the authorization.

To be valid, an authorization to make expenditures granted pursuant to a delegation shall be the subject of a certificate of the treasurer establishing that there are sufficient appropriations for that purpose. No such authorization may be granted if it commits the credit of the Community for a period extending beyond the current fiscal year.

Every officer or employer who grants an authorization to make expenditures shall transmit a report thereof to the executive committee at the first regular sitting held after the expiry of five days following the authorization.”

**4.** Section 42 of the said Act is amended by replacing the second paragraph by the following paragraph:

“In the case of municipalities other than the city of Montréal, the mayor is a delegate *ex officio* to the Council of the Community. The council of the municipality may designate a substitute delegate among its members to replace the mayor if he is absent or incapacitated or refuses to act, or if the office of mayor is vacant; the designation is made by resolution and a copy thereof shall be sent to the Community before the first meeting the substitute delegate is to attend; the member of the council of the municipality who is designated as a substitute delegate shall so remain until the designation is revoked or for the term indicated in the designation provided he remains a member of the council of the municipality.”

**5.** Section 50 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“The Council may, however, order that the meeting be held *in camera* whenever it considers that the deliberations may be prejudicial to the reputation of a person or where, owing to public interest, the matter must be dealt with confidentially.”

**6.** Section 56 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“The by-law provided for in the first paragraph may determine the cases where the substitute delegate, rather than the delegate, receives the remuneration and allowance; the substitute delegate’s remuneration and allowance fixed in the by-law may be different from those fixed for the members of the Council who are referred to in the first paragraph of section 42.”

**7.** Section 57 of the said Act is repealed.

**8.** Section 82.9 of the said Act is amended

(1) by striking out, in the second and third lines of the first paragraph the words “and to make such recommendations as it deems appropriate to the Council”;

(2) by replacing the third paragraph by the following paragraphs:

“A committee shall make the recommendations it considers appropriate to the Council or to the executive committee. However, if a committee considers its recommendations to be confidential, it shall make them to the executive committee.

Moreover, the public safety committee shall give to the executive committee the advice and the results of the examination provided for in section 178.1.”

**9.** Section 82.10 of the said Act is amended

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

“The second paragraph of section 50, adapted as required, applies to the sittings of a committee.”;

(2) by adding, at the end of the fourth paragraph, the following sentence: “At a sitting, he has the right to speak but not the right to vote.”

**10.** Section 82.12 of the said Act is amended by replacing the third paragraph by the following paragraphs:

“The report shall be transmitted to the body for which the recommendations contemplated in the third paragraph of section 82.9 are intended.

Moreover, the public safety committee shall transmit the advice and the results of the examination provided for in section 178.1 to the executive committee.”

**11.** Section 87 of the said Act is amended by inserting, after the word “Council” in the fourth line of the third paragraph, the words “or to the executive committee”.

**12.** Section 113 of the said Act is amended by replacing the word “section” in the fourth line of paragraph *j* by the words and figures “sections 150.01 and”.

**13.** Section 120 of the said Act is amended

(1) by replacing subsection 4 by the following subsection:



“(4) The executive committee may award, without calling for tenders, any contract for carrying out work for the removal, shifting or reconstruction of conduits or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids, provided that the contract is awarded to the owner of such conduits or installations or to a public utility undertaking at a price generally required for work of that kind by an undertaking which generally carries out such work, or that it is awarded to a municipality.”;

(2) by inserting, after subsection 4, the following subsection:

“(4.1) The executive committee may award, without calling for tenders, any contract for the supply of software or for the maintenance of computer or telecommunications systems provided that the contract is awarded to an undertaking which generally carries out such work and at a price generally required for work of that kind by such an undertaking.”

**14.** Section 139 of the said Act is replaced by the following section:

“**139.** In this subdivision,

(1) “waste water” means water carrying solid, liquid or gaseous residue from a process, an establishment or a building, mixed or not with underground, cooling, rain or surface water and, unless the context indicates otherwise, underground water, cooling water, rain water and surface water;

(2) “cooling water” means water, from an air-conditioning apparatus or from a cooling or refrigeration process, which causes only thermal pollution;

(3) “domestic waste water” means waste water from the plumbing system of a building and not mixed with underground, surface, rain or cooling water nor with industrial waste water;

(4) “industrial waste water” means waste water from an industrial, manufacturing, commercial or institutional process or establishment, or any other process or establishment of the same nature, except domestic waste water;

(5) “purification works” means a sewer, a sewer system, a waste water pumping station, a water purification station or any other works used to collect, receive, carry, treat or drain waste water, or a part of any such equipment.”

**15.** Section 141 of the said Act is amended

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

“The executive committee may approve any project of a purely local nature. It may also approve a project that has repercussions in any territory larger than that of the municipality if it requires no alteration, if the municipalities involved in the project agree to the alterations required by the executive committee or if the project results from an order of the Minister or Deputy-Minister of the Environment.”;

(2) by replacing the words “If the executive committee decides that the project has intermunicipal repercussions” in the first and second lines of the third paragraph by the words “In any other case”.

**16.** Section 143 of the said Act is amended by replacing the figure “14” in the first line of the second paragraph by the figure “7”.

**17.** Sections 151.1 and 151.2 of the said Act are replaced by the following sections:

**“151.01** The Community is authorized to supply other persons, for remuneration, with any service, advice, matter, material and equipment relating to the study, construction, operation, supervision or management of a water purification system.

Every agreement made under this section requires the approval of the Minister of the Environment.

**“151.1** The Community may, by by-law,

(1) prescribe quantitative standards for the discharge of surface, rain, underground or cooling water or industrial waste water into a purification works; prohibit or regulate such discharge; impose conditions to control, reduce, regularize or spread out such discharge;

(2) prescribe, according to the source of contamination, the class of establishment or the industrial process, a maximum quantity or concentration of or limit to the acidity, alkalinity, temperature, chemical or biochemical requirement for oxygen, oil, grease, suspended matter, dissolved matter, toxic substances or substances that are harmful to the environment in waste water discharged into a purification works; prohibit or regulate the discharge, into a purification works, of waste water having a content of a substance in excess of the prescribed maximum or having characteristics not in conformity with such maximum;

(3) regulate the discharge of rain, surface or underground water into a domestic or unitary sewer; prohibit the discharge of domestic

waste water into a storm sewer; prescribe qualitative or quantitative standards for the discharge of water into a storm sewer;

(4) regulate the elimination of ground waste or residue in a purification works; prohibit or regulate the connection of a waste or residue grinder to such a works;

(5) determine the method of computing the quantity of water discharged into a purification works; prescribe the use of meters, and determine the conditions, including payment of the cost, for connection to the purification works of the Community;

(6) regulate the construction, maintenance and operation of a purification works and prescribe standards to prevent and control the supply of parasitic water through filtration or catchment;

(7) fix a tariff for the receiving by the Community of waste water from the municipalities;

(8) prohibit or regulate the discharge of waste water into a watercourse;

(9) prohibit or regulate the discharge into a purification works of a substance which may, by itself or by reaction with another substance,

(a) damage the works, affect its operation, overload it or clog it;

(b) have an unfavourable effect on a watercourse;

(c) constitute a danger to the life or health of humans, wildlife or vegetation;

(d) cause a fire, an explosion or any other material damage; or

(e) constitute a nuisance by the emission of toxic or foulsmelling gas;

(10) require any person or class of persons that discharges or intends to discharge industrial waste water or cooling water into a purification works to obtain a permit from the Community and prescribe the information that shall be furnished with permit applications; exempt any person or class of persons it determines from the requirement to obtain a permit;

(11) prescribe the conditions, procedures and fees relating to the issue, renewal, suspension or revocation of a permit.

**“151.2** A by-law passed under section 151.1 requires the approval of the Minister of the Environment.

**“151.2.1** The Community may, by order,

(1) fix the amount of the duties that shall be paid by any person who discharges industrial waste water into a purification works; the duties may be fixed on the basis of the volume of waste water, the quantity or concentration of suspended particles it contains, its biochemical or chemical requirement for oxygen, its chlorine requirement, the nature of its polluting agent or any other criterion;

(2) prescribe a tariff establishing the duties required for the use of a household waste or refuse grinder, for the receiving and treatment of residue or sediment from septic tanks, drain-tanks or industrial processes, and for the analysis and measuring of the waste water flow.

Every order shall be published and come into force in the same manner as a by-law but need not be approved by the Minister of the Environment.

**“151.2.2** The Community may prohibit the discharge into a purification works of a substance which may, by itself or by reaction with another substance, have any of the effects enumerated in paragraph 9 of section 151.1. The Community may claim, from any person who discharges waste water into a purification works in contravention of a by-law passed under section 151.1 or of a prohibition made under this section, the reimbursement of the costs incurred for the maintenance or repair of the purification works because of such discharge.

**“151.2.3** The Community may, in respect of a permit contemplated in paragraph 10 of section 151.1,

(1) require that any person applying for a permit comply with all or part of the following conditions:

(a) the construction of a man-hole in conformity with the requirements prescribed by the Community, to allow the inspection, sampling, measuring and registration of the quality and flow of the discharged waste water;

(b) the installation and maintenance in good repair of appropriate equipment for the sampling, analysis, measuring and registration of the quality and flow of the discharged waste water, in accordance with the methods prescribed by the Community;

(c) the installation and maintenance in good repair of equipment for the treatment or pre-treatment of industrial waste water, to regularize the flow of the discharged waste water or to bring it into conformity with the prescriptions of a by-law passed under section 151.1;

(d) the presentation, for approval, of the plans relating to the installation of the equipment contemplated in subparagraph *a*, *b* or *c*, and the procedures for the use of such equipment;

(e) the maintenance of the discharged waste water within an average or maximum concentration or mass of discharged pollutants according to the class of pollutants;

(f) the presentation of periodic discharge reports indicating the volume and the qualitative and quantitative characteristics of the discharged waste water;

(2) determine the schedule of execution of work required

(a) for the issue, renewal or retention of a permit; or

(b) for the prevention or cessation of an offence or a nuisance.

**“151.2.4** The Community may prescribe the devices and methods whose use is recognized for the purposes of analysis, sampling or computation of concentration.

The Community may also fix the duration of a sampling program, determine the analysis parameters and carry out its own sampling or analysis program at the expense of a permit holder if it considers that the data supplied by him are inaccurate.

**“151.2.5** The Community may require a person to take the necessary measures to prevent the accidental discharge into a purification works or a watercourse of a substance harmful to humans or to the works or watercourse and to submit the plans for the required work as well as the operation procedures, for approval.

The Community may also require a person to notify it in the event of an accidental discharge.

**“151.2.6** The Community may, by by-law, delegate

(1) the powers conferred on it by section 151.2.1 to the executive committee;

(2) the powers conferred on it by sections 151.2.2 to 151.2.5 to the executive committee or to the head of a department.

**“151.2.7** In no case may the Community, the executive committee, the head of a department or an officer of the Community be prosecuted for an act done in good faith under sections 151.2.1 to 151.2.5.

**“151.2.8** Any decision of the Community or, in the case of a delegation, any decision of the executive committee or of the head of a department made under sections 151.2.1 to 151.2.5 may be appealed from before the Commission municipale du Québec. Division XI of Chapter I of the Environment Quality Act, adapted as required, applies to the appeal.

Notwithstanding the appeal, the decision remains executory unless the Commission municipale orders otherwise in accordance with section 99 of the said Act.”

**18.** Section 153.1 of the said Act is amended

(1) by inserting after the word “consumers” in subparagraph *b* of paragraph 1 the words “or in a vending machine”;

(2) by replacing the words “transporting or causing to be transported, in an establishment or vehicle” in the second and third lines of paragraph 2 by the words “giving, transporting or causing to be transported, in an establishment, vehicle or vending machine”;

(3) by replacing subparagraph *b* of paragraph 8 by the following subparagraph:

“(b) for any subsequent offence within two years, to a fine of not less than \$200 nor more than \$3 000 in the case of an individual and of not less than \$200 nor more than \$6 000 in the case of a corporation.”

**19.** Section 199 of the said Act is repealed.

**20.** Section 209 of the said Act is amended by replacing the last two sentences of the second paragraph by the following sentences:

“The treasurer shall file the certificate and the amendment thereto, where such is the case, in the office of the secretary. The secretary shall notify the executive committee thereof at the first sitting held after the filing.”

**21.** Section 221 of the said Act is amended by adding, at the end, the following paragraph:

“Where part of the revenue from the general real estate tax of the municipality is used for the purpose of paying its share of the expenses of the Community, the account of taxes sent to each ratepayer shall indicate what proportion of the rate of the general real estate tax payable by him is assigned to financing the payment of that share.”

**22.** The said Act is amended by inserting, after section 234.6, enacted by section 113 of chapter 38 of the statutes of 1984, the following section:

**“234.7** The Minister of Transport may cause a person he designates to examine the use of the subsidies granted by him to the Community and the nature of the expenditures related to those subsidies.”

**23.** The heading of Title II and that of Divisions I to V of the said Act, and sections 235 to 291, are replaced by the following:

“TITLE II

“SOCIÉTÉ DE TRANSPORT

“DIVISION I

“INCORPORATION AND ORGANIZATION

“§ 1.—*Incorporation*

**“235.** A public corporation is hereby established under the name of “Société de transport de la Communauté urbaine de Montréal”.

**“236.** The object of the corporation is to operate a public transport undertaking to provide passenger transportation by any means of public transportation on the surface, underground or above the ground, in the territory of the municipalities referred to in Schedule B; that territory is the territory of the corporation.

**“237.** The corporation shall have its head office in its territory, at the place it determines; it shall publish a notice of the location or of any change in the location of its head office in the *Gazette officielle du Québec*.

“§ 2.—*Organization*

**“238.** The corporation shall consist of the members of its board of directors.

**“239.** The board of directors shall consist of nine members, including a chairman and vice-chairman.

**“240.** The board of directors shall consist of:

(1) three members designated by the Council from among its members representing the city of Montréal;

(2) three members designated by the Council from among its members representing the other municipalities situated in the territory of the corporation;

(3) two members chosen by the Council from among the citizens who reside in the territory of the corporation, one on the proposal of a member of the Council representing the city of Montréal and the other on the proposal of a member of the Council representing the other municipalities situated in the territory of the corporation;

(4) the chairman of the executive committee.

**“241.** The term of office of a member of the board of directors contemplated in paragraph 1 or 2 of section 240, is four years and it may be renewed.

However, the term of office of a member of the board chosen from among the citizens is two years. His term of office is renewable but once.

**“242.** The board of directors shall appoint the chairman and vice-chairman from among the members contemplated in paragraphs 1, 2 and 4 of section 240.

**“243.** The term of office of the chairman and that of the vice-chairman shall be four years and may be renewed.

**“244.** Each member of the board of directors shall remain in office at the expiry of his term as a member of the board until he is replaced or reappointed.

**“245.** Every member of the board of directors shall cease to be a member when he ceases to be a member of the Council. A vacancy occurs in the office of a member when he ceases to be a member of the board of directors.

**“246.** The chairman of the board of directors shall remain in office, notwithstanding the vacancy in his office, until his successor is appointed.

**“247.** The resignation of a member of the board of directors entails a vacancy in the office of that member.

The resignation becomes effective from the day on which the secretary of the corporation receives a notice to that effect signed by the resigning member. The secretary shall immediately notify the Council.



The chairman and vice-chairman may resign their offices of chairman and vice-chairman in the manner prescribed in the second paragraph. The secretary shall notify the board of directors thereof without delay.

**“248.** Except in the case of resignation, every member of the board of directors shall remain in office, notwithstanding the vacancy in his office, until his successor is appointed.

**“249.** Any vacancy in the office of a member of the board of directors shall be filled by the Council within sixty days from the day on which the vacancy became effective.

Any vacancy in the office of the chairman or vice-chairman of the board shall be filled by the Council within sixty days of the day on which the vacancy became effective.

**“250.** If the chairman is absent or is unable or refuses to act or if a vacancy occurs in the office of the chairman where the chairman is unable or refuses to continue to perform his duties until his successor is appointed, the vice-chairman of the board of directors shall replace the chairman.

If the vice-chairman, where he is replacing the chairman, is absent or is unable or refuses to act or in the case of a vacancy in the office of vice-chairman, the members present at a meeting of the board of directors shall designate from among themselves a member to preside at the meeting. The secretary shall preside at the meeting for the purposes of the designation.

**“251.** The chairman of the board of directors shall preside at the meetings of the board and see that good order is maintained.

**“252.** Five members of the board of directors, including two representatives of the city of Montréal and two representatives of the other municipalities situated in the territory of the corporation, constitute a quorum.

**“253.** Each member of the board of directors is entitled to one vote.

**“254.** Subject to section 281, decisions of the board of directors are made by a majority of the votes cast.

**“255.** Each member of the board of directors present at a meeting has an obligation to vote. However, any member who has any direct or indirect interest in any undertaking putting his personal interest in conflict with that of the corporation shall disclose his interest to the board of directors and abstain from participating in the deliberations

and voting on any question relating to the undertaking in which he has an interest.

**“256.** The board of directors may hold its meetings anywhere in the territory of the corporation. The meetings of the board are public.

The board of directors may, however, order that the meeting be held *in camera* whenever it considers that the deliberations may be prejudicial to the reputation of a person or where, owing to public interest, the matter must be dealt with confidentially.

**“257.** The board of directors shall hold a regular meeting at least once every month. The board shall, at its first meeting of the year, adopt the schedule of the meetings for the whole year.

Within fifteen days after the first meeting of the year, the secretary of the corporation shall publish in a newspaper circulating in the territory of the corporation a notice stating the date, time and place of the regular meetings of the board of directors.

**“258.** The board of directors shall hold a special meeting at the written request of the chairman, of two members or of the president and managing director addressed to the secretary of the corporation.

**“259.** The board of directors shall put on the agenda of the first regular meeting held after the receipt by the secretary of the corporation of a written request signed by 250 or more residents of the territory of the corporation, the matter that is the subject of the request.

At the meeting, any resident who signed the request may address the members of the board of directors orally on the matter.

**“260.** The meetings of the board of directors shall be called by the secretary of the corporation.

In the case of a regular meeting, a copy of the agenda shall be sent by the secretary of the corporation to each member of the board of directors not later than three days before the holding of the meeting.

In the case of a special meeting, a copy of the notice setting out the matters to be debated shall be sent by the secretary of the corporation to each member of the board of directors not later than twenty-four hours before the time fixed for the holding of the meeting.

Every member present at a regular or special meeting of the board of directors may waive the calling notice.

**“261.** The board of directors shall schedule a question period at each meeting; the persons present may put oral questions to the members of the board.

The question period shall not exceed one hour unless the board of directors decides otherwise.

**“262.** The board of directors may make by-laws for its internal management and that of the corporation.

**“263.** The minutes of the meetings of the board of directors shall be kept in a register by the secretary of the corporation.

After being read and ratified at the next regular meeting, the minutes shall be signed by the chairman of the board of directors and by the secretary of the corporation. The members present at the meeting may waive the reading of the minutes. The minutes are authentic.

A copy of the minutes shall be given to each member of the board of directors, free of charge.

**“264.** The Council shall fix, by by-law, the remuneration and expense allowances of the members of the board of directors and the attendance fees of the members of the board of directors who are chosen from among the citizens. It may also, in the by-law, fix additional remuneration and expense allowances for the chairman and the vice-chairman. The remuneration, allowances and fees are paid out of the revenues of the corporation.

The by-law may be retroactive to 1 January preceding its coming into force.

**“265.** The board of directors shall give prior authorization to any expense incurred by a member of the board on behalf of the corporation.

On the presentation of a statement of account accompanied with the vouchers required by the board of directors, the board shall authorize the reimbursement of the expenses.

**“266.** The board of directors may establish a tariff applicable where expenses are incurred by any of its members on behalf of the corporation.

On the presentation of a statement of account accompanied with the vouchers required by the board of directors, the board shall authorize the reimbursement of the amount provided for in the tariff in respect of an expense contemplated in the first paragraph.

**“267.** The budget of the corporation may provide sufficient appropriations for the reimbursement of a class of expenses which the members of the board of directors may incur on behalf of the corporation during the fiscal year, whether such expenses are actually incurred or provided for in the tariff contemplated in section 266.

The board of directors is not required to give prior authorization for an expense included in such a class, if it does not exceed the balance of the appropriations, after subtracting the sums already used or set aside to reimburse previous expenses.

If all the appropriations for a fiscal year have been used, the board of directors may appropriate, for the purposes provided in this section, all or part of the balance of the sums provided for in the budget to cover unforeseen administrative and operating expenses.

*“§ 3.—Committees of the board of directors*

**“268.** The board of directors may set up committees to study specific questions and require them to report their findings and recommendations to it at the time it indicates.

Each committee shall consist of not less than three nor more than seven members. It may consist wholly or in part of members of the board of directors.

The chairman of each committee shall be chosen from among the members of the board of directors.

**“269.** The meetings of a committee may be public.

The second paragraph of section 256, adapted as required, applies to the meetings of a committee.

**“270.** The secretary of the corporation shall publish a notice of the holding of each public meeting of a committee in a newspaper circulating in the territory of the corporation at least two days before the holding of the meeting.

**“271.** The board of directors may pass a by-law respecting the internal management of a committee.

The board of directors shall also fix, by by-law, the attendance allowance of the members of a committee who are not members of the board of directors. Sections 265 to 267 apply, adapted as required.

“§ 4.—*President and managing director and other officers*

“**272.** The Council shall appoint a president and managing director, on the recommendation of the board of directors, for a term that may in no case exceed five years. His term may be renewed.

“**273.** The board of directors shall fix the conditions of employment of the president and managing director.

“**274.** Unless expressly authorized by the board of directors, the president and managing director shall discharge the duties of his office on a full-time basis and have no other remunerated employment or occupation.

“**275.** The office of president and managing director is incompatible with that of member of the board of directors, of the Council or of the council of a municipality situated in the territory of the corporation and with that of officer or employee of the Community or of any municipality situated in the territory of the corporation.

“**276.** The president and managing director, under the authority of the board of directors and within the scope of the orientations established by it shall be responsible for the administration and direction of the corporation.

He shall, in particular, have the following duties:

(1) to direct the work of the directors general, the heads of departments and the other persons who perform similar duties, hire and direct the works of the treasurer, the assistant-treasurer and the employees of the corporation, and exercise in their respect a right of supervision and control;

(2) to ensure liaison between the board of directors and its committees, and the persons contemplated in paragraph 1;

(3) to see that the decisions of the board of directors are complied with and carried out;

(4) to perform any other duty entrusted to him by the board of directors.

“**277.** The president and managing director shall attend the meetings of the board of directors; at such meetings he has the right to speak but he is not entitled to vote.

“**278.** If the president and managing director is absent or if he is unable or refuses to act, or if a vacancy occurs in the office of the president and managing director, the board of directors shall appoint a person to perform the duties of the president and managing director.

**“279.** Any vacancy in the office of the president and managing director shall be filled without delay by the Council.

**“280.** The secretary, the assistant-secretary, every other officer that the corporation may decide to appoint as well as the treasurer and the assistant-treasurer are officers of the corporation.

The officers contemplated in the first paragraph shall perform the duties required of them by this Act and those that may be required of them by the by-laws and resolution of the corporation.

The board of directors shall appoint the secretary and the assistant-secretary. They may in no case be members of the board of directors.

The secretary shall have custody of the books, registers, plans, maps, records and other documents of the corporation or filed or kept by the corporation. Every document of the corporation and every copy certified by the secretary shall be authentic.

He shall attend all the meetings of the board of directors, draw up the minutes of the meetings and shall perform the other duties that are entrusted to him by the board of directors under this Act or the internal management by-laws.

The assistant-secretary shall perform the duties determined by the board of directors in accordance with the internal management by-laws.

**“281.** Two-thirds of the votes cast at a meeting of the board of directors are required to enable the board to dismiss or suspend without salary the secretary, the assistant secretary, a director general, the head of a department or any other person who performs similar duties and who is under the supervision of the president and managing director, if he has been in office for six months or more. The same rule applies in the case of a reduction of salary. Except in the case of the secretary or assistant-secretary, the dismissal, suspension without salary or the reduction of salary may be decided only upon the recommendation of the president and managing director.

The decision of the board of directors shall be served or sent by registered or certified mail to the person contemplated in the first paragraph.

Every person dismissed or suspended without salary or whose salary has been reduced under this section may appeal from the decision before the Commission municipale du Québec, which, after an inquiry, shall decide in last instance. The appeal shall be brought within fifteen days after the decision of the board of directors is served.

If the appeal is maintained, the Commission municipale du Québec may also order the corporation to pay the appellant the amount it determines as compensation for expenses incurred by him for the appeal; the order for that purpose shall be homologated by the Provincial Court or the Superior Court on a motion by the appellant, according to their respective jurisdictions; the appellant may then enforce the judgment against the corporation.

#### “§ 5.—*Immunity*

“**282.** In no case may the members of the board of directors, the president and managing director, the secretary, the assistant-secretary, the treasurer or the assistant-treasurer of the corporation be sued by reason of official acts done in good faith in the performance of their duties.

“**283.** Except on a matter of jurisdiction, none of the extraordinary recourses provided in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) shall be exercised and no injunction shall be granted against the corporation, the members of the board of directors, the president and managing director, the secretary, the assistant-secretary, the treasurer or the assistant-treasurer of the corporation acting in his official capacity.

The first paragraph shall not prevent the urban community or any municipality situated in the territory of the corporation from exercising any of such recourses or obtaining an injunction against the corporation or any of such persons acting in his official capacity.

“**284.** A judge of the Court of Appeal, upon motion, may annul summarily any writ, order or injunction issued or granted contrary to section 283.

#### “DIVISION II

##### “DUTIES AND POWERS

“**285.** The board of directors shall exercise the duties and powers of the corporation, except where the Act provides otherwise.

“**286.** The corporation shall devise development policies concerning the public transport services and plan and coordinate the development of the public transport network in its territory.

“**287.** The corporation shall organize, possess, develop and administer a public transport undertaking in its territory. The corporation may also provide links to points outside its territory.

**“288.** The corporation may organize, possess, develop and administer a public transport service between a point situated in its territory and the international airport situated at Mirabel.

**“289.** The corporation may make a contract with a municipality not included in its territory or an intermunicipal board of transport contemplated in the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) to supply that municipality, regional municipality or board with a public transport service.

**“290.** The corporation may make a contract for pupil transportation within the scope of the Education Act (R.S.Q., chapter I-14), the Act respecting private education (R.S.Q., chapter E-9) or the General and Vocational Colleges Act (R.S.Q., chapter C-29).

The corporation is empowered to carry out, outside its territory, a contract entered into with a regional school board, a school board or a school corporation, provided that the territory of the regional school board, school board or school corporation coincides with the territory of the corporation, of a municipality or of an intermunicipal board of transport served by the corporation pursuant to a contract.

**“291.** The corporation may provide a special transportation service for handicapped persons who are unable to use its public transport service. The special service may provide links to points outside the territory of the corporation.

For that purpose the corporation may

(1) directly possess, organize, develop and administer such a service;

(2) make, with any public transport undertaking for passenger transportation or with any non-profit organization, a contract to provide for the operation of the whole or part of the service;

(3) make any contract considered necessary to provide for the operation of the whole or part of the transportation service by taxi.

The corporation may also make, with a municipality not situated in its territory, an intermunicipal management board or an intermunicipal board of transport, a contract to provide, in the territory of such a municipality or board, a special transportation service for handicapped persons.

**“291.1** The corporation may make a contract with a public transit permit holder or a school bus carrier for the supply of certain public transport services.



**“291.2** The corporation may make an agreement with another public body providing public transport to extend its public transport service to the territory of that public body.

**“291.3** The corporation may, with a view to organizing shared transportation by taxi, make a contract for the supply of certain public transportation services.

**“291.4** The corporation may provide special or charter trips in its territory and from its territory to an outside point.

**“291.5** The corporation may operate, inside its territory and from its territory to outside points, any sightseeing service or seasonal transport service.

**“291.6** Before operating a sightseeing service, the corporation shall submit its tariffs to the Commission des transports du Québec for approval.

**“291.7** The corporation may operate, outside its territory, any sightseeing service or seasonal transport service for which it has come to hold a permit through the acquisition of a public transport undertaking.

**“291.8** The corporation may, with the approval of the Minister of Transport, make any agreement considered expedient with any transport undertaking for passengers or any other undertaking engaged in related or similar activities.

**“291.9** The corporation may perform any other activity accessory or related to a public transport undertaking and may, in particular,

- (1) acquire, possess and operate businesses in or on its immovables;
- (2) lease space in or on its immovables for the businesses it determines;
- (3) lease advertising space in or on its immovables and vehicles;
- (4) alienate, without any permission or special formality, any movable or immovable property the value of which is not over \$10 000;
- (5) perform the work it considers necessary for the better operation of its services, and build, possess and operate grounds or garages for parking, boarding platforms and bus-stop shelters, perform any work it considers necessary or useful for the efficient operation of its services;
- (6) with the approval of the Minister of Transport and without any other permission or special formality, alienate all or part of a public transport undertaking situated outside its territory that it has acquired and the permits related thereto;

(7) take the measures it considers appropriate to promote the setting up and operation of public transport services not operated by it and provide support services to the users of such transport services and to those who organize them.

**“291.10** In respect of property the value of which is over \$10 000, the alienation shall be made by auction or public tenders, failing which the corporation shall publish every month in a newspaper circulating in the territory of the corporation, a notice mentioning any property otherwise alienated by the corporation during the preceding month, the person to whom it was alienated and the price of alienation, and it shall send a copy of the notice to the Minister of Transport and the Minister of Municipal Affairs.

**“291.11** In no case may the corporation alienate, except with the authorization of the Minister of Transport, any property of a value of \$25 000 or over and for which it was granted a specific subsidy.

Subject to section 291.10, the corporation shall notify the Minister of Transport of the alienation of any other property for which it was granted a specific subsidy, within fifteen days of the alienation.

**“291.12** The corporation may entrust to any other public body providing public transport the mandate to acquire equipment for the corporation.

The corporation, where it intends to acquire equipment for itself, may accept such a mandate from another public body providing public transport. The Minister of Transport may authorize the corporation to make the joint purchase of equipment without a call for tenders.

**“291.13** The corporation shall also

- (1) prepare its staffing requirements;
- (2) determine the wage policy, the social benefits and the other conditions of employment applicable to the directors general, heads of departments and persons who perform similar duties, and to the other officers and employees of the corporation;
- (3) hire, on the recommendation of the president and managing director, the directors general, the heads of departments and the persons who perform similar duties;
- (4) adopt a master plan for the middle term and the long term;
- (5) subject to section 291.14, establish a tariff of passenger fares according to the classes it determines;

(6) establish and maintain or assist in establishing or maintaining an emergency fund, a retirement fund or a pension fund for the benefit of the directors general, the heads of departments and the persons who perform similar duties and the employees of the corporation and their spouses and dependents and, for that purpose, pay the required premiums for their benefit, subject to the Act respecting supplemental pension plans (R.S.Q., chapter R-17).

**“291.14** The tariffs contemplated in paragraph 5 of section 291.13 and applicable in the territory of the corporation and the tariff relating to the public transport service contemplated in section 288 shall be approved by the Council.

The secretary of the corporation shall transmit without delay to the Council and to the municipalities served by the corporation a copy of the decision of the corporation rendered pursuant to paragraph 5 of section 291.13.

The secretary of the corporation shall cause a copy of the decision to be published in a newspaper circulating in the territory of the corporation and posted up in the vehicles used by the corporation to provide its public transport service.

The Council shall approve the tariff on or after the thirtieth day following the publication of the decision in the newspaper. The tariffs shall come into force on the day of their approval or on any later date fixed by the Council.

**“291.15** The tariffs not contemplated in section 291.14 shall be published by the secretary of the corporation in a newspaper circulating in the territory of the corporation and posted up in the vehicles used by the corporation to provide its public transport service.

The tariffs shall come into force on the thirtieth day following their publication in the newspaper or on any later date fixed therein.

**“291.16** The corporation may cause the studies it considers necessary for the exercise of its powers to be made in respect of its territory or another territory.

**“291.17** The corporation may make by-laws respecting

- (1) the conduct of users in or on its vehicles and immovables;
- (2) the tickets, transfers and passes used in respect of a public transport service organized by the corporation;
- (3) the use of shop windows and show cases of establishments which have leased commercial space from the corporation;

(4) the putting up for sale of any article lost and found in or on its immovables or vehicles, and which has remained unclaimed for two months.

The by-laws shall be published by the secretary of the corporation in a newspaper circulating in the territory of the corporation.

The by-laws shall come into force on the fifteenth day after their publication in the newspaper or on any later date fixed therein.

**“291.18** The corporation may establish, change or cancel lines, replace lines of a means of public transport by lines of another means of public transport or change the routes and, for any of these purposes, use any public street of its territory that it considers expedient.

The secretary of the corporation shall send a notice of the decision of the corporation made under the first paragraph to the Council and cause the notice to be published in a newspaper circulating in the territory of the corporation.

Where the president and managing director is of opinion that the public transport service of the corporation is in danger of being seriously disturbed, he may replace a means of public transport by another means of public transport or change the route of a means of public transport.

In such a case, he shall make a substantiated report to the board of directors of the corporation at the next meeting.

**“291.19** Every decision of the corporation made under the first paragraph of section 291.18 becomes effective on the fifteenth day after the date of the publication of the notice in the newspaper or on any later date fixed in the notice.

**“291.20** After obtaining the authorization of the Council, the corporation may acquire, by agreement, within or outside the limits of its territory, all or part of any immovable or real right it may require for the carrying out of its objects.

**“291.21** After obtaining the authorization of the Council, the corporation may also acquire by expropriation all or part of an immovable or real right it may require for the carrying out of its objects in accordance with the Expropriation Act (R.S.Q., chapter E-24).

**“291.22** After obtaining the authorization of the Council, of the Minister of Transport and of the Minister of Municipal Affairs, the corporation may acquire by agreement the whole or part of the property or capital stock of any public transport undertaking operating in whole or in part within its territory.

After obtaining the authorization of the Council, the corporation may also acquire all or part of the property or capital stock contemplated in the first paragraph by expropriation. The expropriation is made in the manner provided in the Expropriation Act, adapted as required. However, the notice of expropriation shall not indicate any lot number and the amount of the provisional indemnity shall be at least 70% of the offer by the expropriating party.

Should the expropriated party refuse to hand over to the expropriating party the share certificates and the expropriated property, the expropriating party may institute proceedings pursuant to article 565 of the Code of Civil Procedure.

This section has effect notwithstanding section 38 of the Expropriation Act.

**“291.23** Notwithstanding any inconsistent provision of any law, articles of incorporation, by-law or convention, as soon as the corporation acquires all of the capital stock of a public transport undertaking, the powers of the directors of the undertaking then in office shall cease and the members of the board of directors of the corporation shall become the sole directors of the undertaking, without remuneration, and without personally being shareholders of the undertaking.

**“291.24** Every issue of shares or bonds made by a public transport undertaking after the date of the resolution of the corporation ordering the expropriation of the capital stock of the undertaking shall be null and void.

**“291.25** Notwithstanding any law, agreement, trust deed or other provision, none of the provisions of this Act or the exercise of any of the powers which it assigns to the corporation, or any of the acts which it authorizes shall have the effect of placing a public transport undertaking in default under the terms of the agreements and trust deeds relating to bonds, or of making the payment exigible before maturity, or of enabling the creditors, their representatives or the trustees to exercise the powers and recourses contemplated in the case of default of the public transport undertaking as regards such bonds, except in the case where payment of the debt has not been assumed by the corporation.

**“291.26** In the case of acquisition by agreement or expropriation by the corporation of the capital stock of a public transport undertaking, the corporation shall assume the obligations of the undertaking and all hypothecs and guarantees relating thereto and encumbering the property of such undertaking shall be extinguished.

The cancellation of the registration of the hypothecs and guarantees shall be effected by the presentation and deposit, for purposes of cancellation, at the office of the registration division contemplated, of a requisition therefor, signed by the chairman of the board of directors and the secretary of the corporation.

The requisition shall

(1) attest that the corporation has assumed the obligations of the public transport undertaking at the time of the acquisition, by agreement or expropriation, as the case may be, of the capital stock thereof;

(2) designate the immovable property affected by such registration;

(3) specify the registration numbers of the hypothecs and guarantees to be cancelled.

The requisition shall make *prima facie* proof of its contents without having to prove the authority of the signatories.

**“291.27** In the case of acquisition by agreement or expropriation of the capital stock of a public transport undertaking, the property, rights and obligations of such undertaking shall devolve upon the corporation.

The Government may, by order, whenever the total amount of the price or indemnity payable for the shares has been paid to those entitled thereto or deposited according to law cancel the articles of incorporation of the public transport undertaking. The cancellation shall take effect from the date fixed in the order.

If there then remains any claims or judicial proceedings pending between such undertaking and third parties, the corporation, from the cancellation of the articles of incorporation of such undertaking, shall be subrogated to the rights and obligations of the undertaking. Upon such cancellation, the corporation, in all cases pending, shall be substituted for the undertaking of right and without proceedings in continuance of suit, and the judgments obtained shall be executory by or against the corporation, as the case may be.

**“291.28** The corporation may, without any special formality, award any contract for professional services of whatever amount and any other contract involving an expenditure of less than \$50 000.

However, no insurance contract and no contract for the execution of works or the supply of vehicles, equipment or materials or for the supply of services other than professional services and involving an expenditure of more than \$5 000 and less than \$50 000 may be awarded

unless a call for tenders has been issued and is made by inviting in writing at least two contractors, two suppliers or two insurers, as the case may be, to tender.

For the purposes of the second paragraph, a contract for the supply of vehicles or equipment includes any leasing contract with an option to purchase.

**“291.29** The corporation may award, after a call for public tenders published in a newspaper circulating in its territory, a contract contemplated in the second and third paragraphs of section 291.28 that involves an expenditure of not less than \$50 000.

The time prescribed for the receipt of tenders shall not be less than eight days.

Tenders shall not be called for nor shall the contracts resulting therefrom be awarded except on one or the other of the following bases:

- (1) for a fixed price;
- (2) at unit prices.

**“291.30** All tenders contemplated in section 291.29 must be opened publicly in the presence of at least two witnesses, on the day and at the time and place mentioned in the call for tenders.

The tenderers may be present at the opening of the tenders.

The names of the tenderers and their respective prices must be mentioned aloud at the opening of the tenders.

**“291.31** The corporation shall not, except with the prior authorization of the Minister of Transport, award the contract to any person other than the person who submitted the lowest tender within the prescribed time.

If, however, to comply with the conditions governing the granting of a Government subsidy, it is necessary that the contract be awarded to a person other than the person who made the lowest tender within the prescribed time, the corporation may, without the authorization of the Minister of Transport, award the contract to the person whose tender is the lowest among the persons fulfilling those conditions, if that tender was made within the prescribed time.

If there is only one tenderer, the corporation shall not, except with the prior approval of the Council, award the contract where the amount exceeds \$500 000.

**“291.32** The chairman of the board of directors or, in his absence, the president and managing director may, in case of irresistible force of such a nature as to imperil the life or health of the population, seriously damage the equipment of the corporation or seriously disturb the public transport service, order any expenditure he considers necessary to remedy the situation.

Where an expenditure is ordered under the first paragraph, the chairman or the president and managing director is not required to obtain the treasurer’s certificate contemplated in section 306.14 but he shall make a substantiated report to the board of directors of the corporation and to the Council at the next meeting.

**“291.33** The board of directors may pass a by-law to delegate to the president and managing director or to any officer or employee of the corporation the power to authorize expenditures and to make contracts accordingly in the name of the corporation.

The by-law shall indicate:

- (1) the area of competence to which the delegation applies;
- (2) the amounts of the expenditures the president and managing director, officer or employee may authorize;
- (3) the other conditions on which the delegation is made.

The rules for the awarding of contracts, adapted as required, apply to any contract awarded under this section. Notwithstanding the foregoing, in any case where the authorization of the Minister of Municipal Affairs is required for the awarding of a contract to any other person than the person who made the lowest tender, only the president and managing director may apply to the Minister for the authorization.

Every authorization of expenditures granted pursuant to a delegation requires, to be valid, a certificate of the treasurer indicating that sufficient appropriation is available for that purpose. No authorization may be granted if it entails engagements of the funds of the city for a period extending beyond the current fiscal year.

Every person who authorizes expenditures shall transmit a report thereof to the board of directors at the next sitting held after the expiry of a five-day period following the authorization.”

**24.** The said Act is amended

- (1) by inserting, before section 292, the following:



“DIVISION III

“METRO”;

(2) by repealing section 296.1;

(3) by replacing the figure “278” in the eighth line of the fourth paragraph of section 297 by the figure “306.1”.

**25.** Division VI of the said Act is replaced by the following:

“DIVISION IV

“FINANCIAL PROVISIONS

**“299.** The fiscal year of the corporation ends on 31 December each year.

**“300.** All revenues of the corporation, including subsidies, shall be used to fulfil the obligations of the corporation and to organize, possess, develop and administer its public transport undertaking.

**“301.** The property of the corporation shall belong to the corporation as the mandatary of the Community.

**“302.** For the purposes of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), an immovable is deemed to belong to the corporation as soon as the corporation takes possession of it in accordance with the Expropriation Act.

**“303.** Each year the corporation shall prepare its budget for the ensuing fiscal year and transmit it to the secretary of the Community before 1 October.

**“304.** Sections 210.1, 212 and 212.1, adapted as required, apply.

**“305.** The secretary of the corporation shall transmit the budget of the corporation and any supplementary budget to the Minister of Municipal Affairs and to the Minister of Transport within thirty days of their adoption by the Council.

**“306.** The interest on and amortization of the loans by bonds contracted by the city of Montréal for the construction and equipping of the Metro and the payment of the corporation’s operating deficits, including those resulting from payment of the interest on and amortization of the loans of the corporation, shall be charged to the municipalities of the territory of the corporation.

**“306.1** The interest on and amortization of all loans of the city of Montréal contemplated in section 306 and payable by it in a fiscal

year of the Community shall be certified by the director of finance of the city not later than 1 September of the year preceding that fiscal year.

The expenditure provided for in the certificate shall form part of the budget of the Community for the said fiscal year. It shall be apportioned by the treasurer of the Community within the time fixed in section 220 and shall be payable to the Community by the municipalities situated in the territory of the corporation in accordance with that section.

The Community shall pay the amount of the expenditure to the city of Montréal in four instalments, the last of which may be lesser, on 1 March, 1 June, 1 September and 1 November each year.

**“306.2** The treasurer of the Community shall apportion among the municipalities of the territory of the corporation in accordance with section 220, the estimated portion of the operating deficit provided for in the budget of the corporation for a fiscal year and determined as payable by the municipalities.

**“306.3** The Community shall pay to the corporation, not later than the tenth of each of the months of March, June, September and November of the year corresponding to the fiscal year contemplated in the budget of the corporation, the amount of the payments of the aliquot shares determined by the treasurer of the Community and falling due on the first of each of the months mentioned above.

**“306.4** The sum representing the difference, for a given fiscal year, between the amount mentioned in the certificate contemplated in section 306.1 and the actual expenditures of the city of Montréal, is, as the case may be,

(1) paid by the Community to the city of Montréal, within thirty days of receipt by the treasurer of the Community of a certificate of the director of finance of the city attesting the difference;

(2) reimbursed by the city of Montréal to the Community at the time of the sending of the certificate.

**“306.5** The sum representing the difference, for a given fiscal year, between the estimate and the actual amount of the operating deficit of the corporation shall be paid to the corporation by the Community, if the estimate is less than the actual amount, within thirty days of receipt by the treasurer of the Community of a certificate of the treasurer of the corporation attesting the difference.

If the actual amount is less than the estimate, the corporation shall keep the excess amount which is considered to be a revenue for the following fiscal year.

**“306.6** If the Community is required, under section 306.5, to pay to the corporation a sum greater than the sum it received from the municipalities situated in the territory of the corporation in accordance with section 306, the treasurer of the Community shall, not later than 21 December of the current fiscal year, apportion the additional deficit among the municipalities.

The treasurer of the Community shall notify each municipality not later than the tenth day following the determination of the additional aliquot share, and the municipality shall pay the required amount not later than 1 March of the following fiscal year.

**“306.7** The Community may use any surplus contemplated in section 217 for the payment of all or part of the additional deficit contemplated in section 306.6.

**“306.8** The apportionment of the additional deficit contemplated in section 306.6 shall be made in proportion to the fiscal potential of each municipality for the current fiscal year.

**“306.9** Any instalment, payment of aliquot share or reimbursement made under sections 306.4 to 306.6 shall constitute an expenditure or a revenue of the Community for the fiscal year during which it is made.

The budget for that fiscal year shall be amended accordingly and the corresponding appropriations shall be deemed to be adopted.

**“306.10** The seventeenth paragraph of section 220, adapted as required, applies.

**“306.11** If, on 1 January, the budget of the corporation is not adopted, the treasurer of the Communauté urbaine de Montréal shall determine provisional aliquot shares on 1 January, 1 April, 1 July or 1 October on the basis of one-quarter of the estimated deficit of the budget of the corporation for the preceding fiscal year, until the budget is adopted.

The amounts thus apportioned shall be taken into account in the computation of the difference contemplated in section 306.5.

**“306.12** The corporation may transfer appropriations from one item to another of the budget up to the amount determined by by-law of the Council.

The corporation shall report the transfer of appropriations to the Council at the next regular meeting of the Council.

**“306.13** The funds appropriated by a budget for specified financial commitments during a fiscal year shall remain available during the ensuing fiscal year for the execution of the commitments whether or not the execution has begun.

**“306.14** Any by-law or resolution of the board of directors authorizing an expenditure has effect only if it is accompanied with a certificate of the treasurer indicating that the corporation disposes of sufficient funds for the purposes of the expenditure.

Where a convention made pursuant to a by-law or resolution to which this section applies has effect over more than one fiscal year, a certificate shall be produced in accordance with the first paragraph for that portion of the expenditures that will be made during the first year and thereafter at the beginning of each year during which the convention has effect.

**“306.15** The corporation may, by by-law, order a loan for a purpose within its competence. The term of such a loan shall in no case exceed fifty years.

The by-law need only mention the total amount of the principal of the loan that it orders, the purposes for which the proceeds of the loan are to be used and the maximum term for which it may be contracted.

The by-law requires the approval of the Minister of Municipal Affairs.

**“306.16** The corporation may order, by resolution, temporary loans for the payment of current administrative expenses of the corporation and contract them on the conditions and for the term it determines.

The corporation may also contract temporary loans for the payment of all or part of the expenses made under a loan by-law the term of which exceeds one year. However, if the amount of temporary loans exceeds 90% of the approved amount, the corporation shall obtain the prior authorization of the Minister of Municipal Affairs.

**“306.17** Where a loan is ordered by by-law and approved, the secretary of the corporation shall advise the executive committee of the probable conditions for making the loan.

The corporation may effect the loan by issuing securities or by contract, up to the total amount of principal indicated in the by-law.

The corporation shall then determine

- (1) the interest rate on the loan or securities or the manner of fixing that rate;
- (2) the time the loan is effected;
- (3) the content of the securities or of the contracts;
- (4) the conditions of issue of the securities.

**“306.18** The corporation may effect a loan for a term shorter than that indicated in the by-law contemplated in section 306.15 and determine the part of the loan that shall be renewable at maturity and the maximum term of the renewal.

Any loan made for purposes of a renewal may be effected within twelve months preceding the date of maturity of the loan to be renewed, provided that the term prescribed by the corporation for the renewal does not exceed the maximum term determined in the by-law contemplated in section 306.15.

**“306.19** The corporation may designate a place outside Québec where a register shall be kept to register the securities and appoint a person to keep it.

It may set down rules on any matter respecting its loans.

**“306.20** Sections 7 and 8 and Divisions V, VI and VIII to X and XII of the Act respecting municipal and school debts and loans, adapted as required, apply to the corporation. The treasurer of the corporation or any other officer designated by it for that purpose shall fulfill the obligations mentioned in sections 24 and 32 of the said Act.

The Minister of Municipal Affairs may cause the seal and the certificate contemplated in section 12 of the said Act to be affixed to any security issued by the corporation to effect a loan contemplated in section 306.15. The validity of a security bearing such seal and certificate may in no case be contested.

Division IX of the said Act does not apply to a security that is not subject to registration under the conditions of its issue.

A loan of the corporation or a security issued by it may be repaid or redeemed in advance, of its own accord, according to the terms of the contract or security. The date of advance repayment or redemption may be other than a date of payment of interest if the prior notice stipulated in the contract or security is given.

**“306.21** The bonds, notes and other securities issued by the corporation shall be authorized investments as if they were mentioned in subparagraph *a* of the first paragraph of article 9810 of the Civil Code of Lower Canada.

The commitments attaching to the securities issued by the corporation and the contracts entered into by it constitute direct and general obligations of the corporation and of the municipalities mentioned in Schedules A and B ranking concurrently and without preference with the other general obligations of the corporation and of those municipalities.

**“306.22** The corporation and the municipalities situated in its territory shall be liable toward the holders of bonds, notes and other securities issued by the corporation for the repayment of such bonds, notes and other securities, in principal, interest and other incidental cost, and for all other obligations contracted by the corporation.

**“306.23** When a by-law authorizes the corporation to borrow a certain amount either in the legal tender of Canada or in the currency of one or more foreign countries, the total amount of the loan thus authorized shall be that expressed in the legal tender of Canada.

The amount in Canadian dollars of a loan effected in another currency is obtained by multiplying the amount of the principal of the loan by the value of the unit of the other currency in relation to the Canadian dollar.

For the purposes of the computation contemplated in the second paragraph, the value of the unit of the other currency in relation to the Canadian dollar is as it stands

(1) at the time of the conversion into Canadian dollars of all or part of the proceeds of the loan paid to the corporation;

(2) at noon on the day on which all or part of the proceeds of the loan is paid to the corporation, if it is not converted into Canadian dollars.

Where all or part of the proceeds of a loan are used to renew a loan already effected by the corporation, for all or part of its unexpired term, the amount used for the renewal is not deducted from the balance of the amount of the loan authorized by by-law, whatever the value of the currency in which the loan is effected.

**“306.24** Notwithstanding any inconsistent legislative provision, the second paragraph of section 306.20 does not apply to a security issued by the corporation to effect a temporary loan.

**“306.25** Notwithstanding any inconsistent legislative provision, the securities of the corporation may be issued in one of the following forms or as a combination thereof:

- (1) fully registered securities;
- (2) securities that may be registered for the principal only;
- (3) securities payable to the bearer.

The corporation may prescribe the mode of transfer or negotiation of its securities and the formalities to be fulfilled for that purpose. However, a bearer security is negotiable by mere delivery and is not subject to registration unless otherwise stipulated.

**“306.26** The bonds and coupons issued by the corporation shall be signed by the chairman of the board of directors and by the secretary of the corporation or, if either is absent or unable to act, by any person designated for that purpose by the corporation to replace him.

The signature of the chairman or of the secretary of the corporation affixed on any bond or coupon of the corporation not issued or delivered before these persons cease to act is nevertheless valid and binds the corporation.

**“306.27** The cheques, notes, orders of payment or other negotiable instruments issued by the corporation shall be signed by the president and managing director and by the treasurer of the corporation or, if either is absent or unable to act, by any person designated for that purpose by the corporation to replace him.

**“306.28** The facsimile of the signature of the chairman of the board of directors, of the president and managing director, of the secretary or of the treasurer of the corporation may be engraved, lithographed or printed on the documents contemplated in section 306.26 or on cheques or orders of payment, and the facsimile has the same effect as if the signature itself had been affixed thereto.

**“306.29** Where the corporation effects a loan in a foreign country, it may elect domicile in that country or elsewhere, for the purposes of receiving a notice or proceeding respecting that loan.

In the same circumstances, the corporation may order that the securities issued by it or the contracts entered into by it in a foreign country for the purposes of the loan be governed by the law of that country, provided that sections 306.15 to 306.29 are complied with.

## “DIVISION V

## “PROGRAM OF CAPITAL EXPENDITURES

**“306.30** The corporation shall, each year, adopt a program of capital expenditures for the next three fiscal years and have it approved by the Council.

**“306.31** The program shall be divided into annual phases. It shall describe, for the period coincident therewith, the object, the cost and the mode of financing of the capital expenditures or expenses that the corporation plans to make or to incur, and for which the financing period exceeds twelve months.

The program shall also mention the capital expenditures the corporation plans to make beyond the period contemplated by it if the expenditures result from commitments made during that period.

**“306.32** The program approved by the Council shall be transmitted to the Minister of Municipal Affairs and to the Minister of Transport not later than 31 October preceding the beginning of the first fiscal year contemplated in the program.

Upon sufficient proof that the corporation is in fact unable to transmit the program within the prescribed time, the Minister of Municipal Affairs may grant to it any extension he may fix.

The Government shall approve the program upon the recommendation of the Minister of Municipal Affairs and of the Minister of Transport. The approval may be total or partial.

The Minister of Municipal Affairs may, by order, require that the program be transmitted by means of the form provided by him for that purpose.

The Minister may also require the board of directors to furnish him with any information on the program that is not provided for in section 306.31.

**“306.33** No loan and no financial commitment made in view of the financing of capital expenditures may validly be ordered except in accordance with the program of capital expenditures in force. However, the loan or financial commitment approved according to law is deemed to have been ordered in accordance with the program.

The corporation may amend the program in accordance with this division. The amendment shall be transmitted within thirty days of its adoption.



The provisions applicable to the procedure preceding the adoption of the budget of the corporation, adapted as required, also apply to the procedure preceding the adoption of the program of capital expenditures of the corporation to the extent that they are consistent with the first and second paragraphs.

## “DIVISION VI

### “AUDIT AND REPORT

**“306.34** During the period extending from 1 December to 1 May, the corporation shall appoint an auditor for the fiscal year beginning during that period. If no appointment has been made on 1 May, the auditor appointed for the preceding fiscal year shall remain in office.

**“306.35** If a vacancy occurs in the office of the auditor before the expiry of his term, the corporation shall fill the vacancy at the next meeting of the board of directors.

**“306.36** The corporation shall inform the Minister of Municipal Affairs of the name of the auditor appointed for the current fiscal year, as soon as it is known.

**“306.37** In no case may the following persons act as an auditor for the corporation:

- (1) a member of the board of directors or his associate;
- (2) the president and managing director, a director general, the head of a department or any other person who performs similar duties, or an employee of the corporation, or his associate;
- (3) a person who, during the fiscal year for which the audit is carried out, has, directly or indirectly, personally or through his associate, any interest in a contract with the corporation, receives a commission pursuant to the contract or derives any benefit from the contract, unless his connection with the contract arises from the practice of his profession.

**“306.38** The Minister of Municipal Affairs may, if he considers it necessary, appoint an auditor other than the auditor appointed under section 306.34 or 306.35 and require a report from him.

**“306.39** The auditor shall, for the fiscal year for which he is appointed, audit the financial statements and any other document the Minister of Municipal Affairs determines by regulation published in the *Gazette officielle du Québec*.

Every regulation under the first paragraph comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

**“306.40** The auditor shall transmit his report to the secretary of the corporation not later than 31 March following the expiry of the fiscal year for which he was appointed or for which he remained in office.

He shall state in his report, in particular, whether the financial statements of the corporation faithfully represent the financial position of the corporation on 31 December and indicate the results of the operations of the corporation for the fiscal year ending on that date.

**“306.41** The corporation may require any other audit it considers necessary and require a report from the auditor.

**“306.42** At the end of the fiscal year, the treasurer shall draw up the financial report for the past fiscal year and he shall certify it.

The report shall include the financial statements of the corporation and any other information required by the Minister of Municipal Affairs.

The report shall be drawn up on the forms furnished by the Minister of Municipal Affairs, where that is the case.

**“306.43** The financial report shall be filed at a meeting of the board of directors, at the same time as the auditor's report.

The secretary of the corporation shall send the reports to the Minister of Municipal Affairs and to the Council not later than 1 May.

**“306.44** The corporation shall, not later than 1 May each year, transmit to the Minister of Transport a certified copy of the report produced by the auditor for the preceding fiscal year, accompanied with a report of the activities of the corporation for that fiscal year.

The corporation shall transmit to the Minister of Transport any other information required by him.

**“306.45** The Minister of Transport may cause a person he designates to examine the use of subsidies granted by him to the corporation and the nature of the expenditures related to the subsidies.

## “DIVISION VII

## “PENAL PROVISIONS

“**306.46** Except with the authorization of the corporation, no person shall in any manner use the name of the “Société de transport de la Communauté urbaine de Montréal” or of any one of its departments, or its emblem or graphic symbol.

“**306.47** Every person who contravenes section 306.46 is guilty of an offence and liable, for each offence, in addition to costs, to a fine of not more than \$500.

“**306.48** The corporation may, in the by-laws contemplated in subparagraphs 1, 2 and 3 of the first paragraph of section 291.17, define contraventions and prescribe for each offence, in addition to costs, a fine of not more than \$500.

In the case of a subsequent offence within two years of the conviction, the fine is not less than \$200 nor more than \$1 000.

“**306.49** Proceedings for an offence contemplated in section 306.47 or for an offence against a by-law shall be instituted by the corporation or by a person generally or specially authorized in writing for that purpose by the corporation.

“**306.50** Proceedings for an offence contemplated in section 306.47 or for an offence against a by-law shall be instituted before the Municipal Court having jurisdiction in the territory of the corporation, or, where the offence has been committed outside the territory, before the Municipal Court having jurisdiction in the territory where the offence was committed.

“**306.51** The fines contemplated in sections 306.47 and 306.48 belong to the corporation and the costs belong to the municipality under the jurisdiction of the Municipal Court that has heard the case.

## “DIVISION VIII

## “GENERAL PROVISIONS

“**306.52** The corporation has sufficient interest to appear before a judicial, quasi-judicial or administrative court to make or have made any representations it considers necessary respecting any application for a permit made by a carrier of passengers and covering all or part of the territory of the corporation, respecting routes, stops or any other conditions which may affect the permit.

Notice of the hearing of permit applications under the first paragraph shall be transmitted to the corporation.

**“306.53** Any period of time granted to the corporation by this Act to perform any act or to make any decision may be extended by the Minister of Transport, at the request of the corporation.

**“306.54** If the corporation fails to perform an act or to make a decision within the time prescribed under this Act, the Government may perform the act or make the decision.

Every act performed or decision made by the Government is binding on the corporation as if it had been performed or made by the corporation.

No act performed or decision made by the Government may be revoked, repealed or changed by the corporation except with the approval of the Government.

Subject to section 306.53, the corporation may perform an act or make a decision even after the time prescribed under this Act has expired, provided that it does so before the act is performed or the decision is made by the Government.

**“306.55** The corporation is exempt from responsibility towards owners of articles lost on its property or in its vehicles.

**“306.56** The corporation is not subject to the jurisdiction of the Commission des transports du Québec otherwise than under a provision of this Act.

The Commission des transports du Québec has no jurisdiction over transportation carried out pursuant to a contract made by the corporation.

**“306.57** The public transport undertaking of the corporation is not subject to the Railway Act (R.S.Q., chapter C-14).

**“306.58** The Government may, on the recommendation of the Minister of Transport, exclude, by letters patent, the territory of the city of Longueuil from the territory of the corporation.

The letters patent come into force on the day of their publication in the *Gazette officielle du Québec*.

**“306.59** While the territory of the city of Longueuil forms part of the territory of the corporation, the data required for the purposes of sections 220 and 306 to 306.6, as regards the territory of the city of Longueuil served by the corporation, shall be established by the

assessor of the Community, in respect of the assessment roll, the roll of rental values and the portion of the real estate values or rental values to be included to take into account any amount or compensation paid in lieu of a real estate or business tax.

Expenses incurred by the Community to establish the data required as regards the city of Longueuil shall be subject to section 187 of the Act respecting municipal taxation.

**“306.60** On any matter submitted to the Council in relation to the corporation, the representatives of the municipalities situated in the territory of the corporation shall be entitled to vote in addition to the chairman of the executive committee.

For the purposes of this section, while the city of Longueuil forms part of the territory of the corporation, the city of Longueuil shall be represented on the Council by a delegate designated in accordance with the second paragraph of section 42, and he shall be considered as a member of the Council.

**“306.61** The Government may designate a person to examine any questions in dispute between the Community, the corporation, the city of Longueuil, the Commission de transport de la Rive Sud de Montréal and the municipalities and bodies to whose rights they have succeeded.

The designated person shall transmit to the Government his recommendations for the solution of the questions in dispute, within the time limit fixed by the Government.

**“306.62** Every provision of the charter or of the by-laws of the city of Montréal inconsistent with this title shall be without effect.

**“306.63** The Société de transport de la Communauté urbaine de Montréal is deemed to be a transit commission for the purposes of sections 1, 18 and 89 of the Act respecting intermunicipal boards of transport in the area of Montréal, paragraph *g* of section 1 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70), paragraph 5 of section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and subparagraph *b* of paragraph 2 of section 41 of the Securities Act (R.S.Q., chapter V-1.1).

**“306.64** The Minister of Transport is responsible for the carrying out of sections 235 to 298 and 306.44 to 306.63; the Minister of Municipal Affairs is responsible for the carrying out of sections 299 to 306.43.”

**26.** The said Act is amended by inserting, after section 330, the following section :

**“330.1** The Communauté urbaine de Montréal is authorized to establish and maintain the following supplemental pension plans:

(1) the plan provided for in the memorandum of agreement of 27 August 1982 between the negotiating committee of the city of Montréal and of the Communauté urbaine de Montréal and that of the Canadian Union of Public Employees, local section 301;

(2) the plan provided for in the memorandum of agreement of 11 March 1983 between the negotiating committee of the city of Montréal and of the Communauté urbaine de Montréal and that of the Syndicat des fonctionnaires municipaux de Montréal;

(3) the plan provided for in the agreement of 27 June 1984 ratified by the Syndicat des architectes de la Ville de Montréal and the Communauté urbaine de Montréal;

(4) the plan provided for in the agreement of 11 July 1984 ratified by the Syndicat des professionnels de la Ville de Montréal and the Communauté urbaine de Montréal;

(5) the plan provided for in the agreement of 21 August 1984 ratified by the Association des chimistes professionnels de la Ville de Montréal and the Communauté urbaine de Montréal.

Each supplemental pension plan mentioned in the first paragraph is in force from the date mentioned in the memorandum of agreement or in the agreement providing therefor.”

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**27.** The Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing subparagraph 3 of the second paragraph of section 264.1 by the following subparagraph:

“(3) the Community shall adopt the resolution provided for in section 4 not later than 11 July 1985 and its development plan not later than 17 September 1986;”.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

**28.** The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting, after section 6.3, the following sections:

**“6.3.1** Within sixty days of his appointment, the chairman shall table before the Council a written declaration stating the existence of the interests he has

- (1) in legal persons, partnerships or undertakings;
- (2) in immovables situated in the territory of the Community.

The declaration shall not mention the value of the interests listed therein, nor the extent of the chairman's interest in legal persons, partnerships or undertakings. The declaration shall not mention the existence of sums deposited with financial institutions, nor the possession of bonds issued by a government, a municipality or another public body.

**"6.3.2** Each year, within sixty days of the anniversary of his appointment, the chairman shall table before the Council an updated declaration.

In the meantime, the chairman shall disclose in writing any new interest that entails a conflict with the interest of the Community. The writing shall be tabled before the Council at the first sitting following the acquisition of that interest.

**"6.3.3** If the chairman fails to table the declaration required by section 6.3.1 or 6.3.2, the chairman loses the right to sit on the Council, on the executive committee or on a committee of the Council, from the tenth day after the expiry of the time limit provided for tabling the declaration and until he has tabled it.

The decisions made and acts performed by the Council, the executive committee or any committee of the Council are not invalid by reason only of the chairman's sitting or voting in contravention of this section.

**"6.3.4** If he knowingly makes a false or incomplete declaration, the chairman is disqualified to hold any office in a supramunicipal body or in a municipality. The disqualification lasts until the expiry of a period of five years from the judgment in the last instance in respect of proceedings in declaration of disqualification.

For the purposes of the first paragraph, the expression "supramunicipal body" has the meaning given to it in sections 41.2 and 41.3 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16)."

ACT TO AMEND THE ACT RESPECTING THE  
COMMUNAUTÉ URBAINE DE MONTRÉAL

**29.** The Act to amend the Act respecting the Communauté urbaine de Montréal (1982, chapter 18) is amended by replacing the year "1983" in the first line of the first paragraph of section 180 by the year "1985".

## TRANSITIONAL AND FINAL PROVISIONS

**30.** For the purposes of sections 31 to 40,

“Act” means the Act respecting the Communauté urbaine de Montréal amended by this Act;

“existing Act” means the Act respecting the Communauté urbaine de Montréal as it existed before (*insert here the date of coming into force of this Act*).

**31.** Section 290 of the Act shall, from 1 July 1986, read as follows:

**“290.** The corporation may make a contract for pupil transportation within the scope of the Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1), of the Act respecting private education (R.S.Q., chapter E-9) and of the General and Vocational Colleges Act (R.S.Q., chapter C-29). The corporation has jurisdiction to carry out, outside its territory, any contract it has made with a school board, provided the territory of that school board is comprised in the territory of the corporation or of a municipality or an intermunicipal board of transport served by the corporation under a contract.”

**32.** Section 306.20 of the Act has effect from 1 January 1985.

**33.** The chairman of the executive committee of the Communauté urbaine de Montréal and the chairman of the executive committee of the Communauté urbaine de Québec, in office on (*insert here the date of coming into force of this Act*), shall table the declaration of interest provided for in section 12.1 of the Act and in section 6.3.1 of the Act respecting the Communauté urbaine de Québec, introduced by section 28 of this Act, not later than (*insert here the date occurring 60 days after the date of coming into force of this Act*).

**34.** Section 4 is declaratory.

**35.** The Société de transport de la Communauté urbaine de Montréal constituted under section 235 of the Act shall succeed the Commission de transport de la Communauté urbaine de Montréal constituted under the existing Act and, for that purpose, shall acquire every right and assume every obligation of the Commission de transport de la Communauté urbaine de Montréal.

**36.** The president and managing director of the Commission de transport de la Communauté urbaine de Montréal in office on (*insert here the date preceding the date of coming into force of this section*) shall



remain in office until the Council of the Communauté urbaine de Montréal appoints a president and managing director in accordance with section 272 of the Act. At the expiry of her term of office, she is not entitled to the pension contemplated in section 243 of the existing Act.

**37.** Every commissioner of the Commission de transport de la Communauté urbaine de Montréal other than the president and managing director in office on (*insert here the date preceding the date of coming into force of this section*) shall remain in office until such date as may be fixed by the Government.

They are entitled, on that date, to the pension contemplated in section 243 of the existing Act. The pension shall, however, be equal to that fraction of 50% of the salary they receive which corresponds to the number of months during which they have been in office on the date in relation to the number of months that had been fixed for the total duration of their term of office.

The commissioners contemplated in the first paragraph are not entitled to receive a pension from the Commission while a remuneration is paid to them by the Commission or, as the case may be, the Communauté urbaine de Montréal.

**38.** The secretary, assistant-secretary, treasurer, assistant-treasurer and other officers and employees of the Commission de transport de la Communauté urbaine de Montréal and the directors general, heads of departments and other persons who perform similar duties with the Commission in office on (*insert here the date preceding the date of coming into force of this section*), shall become, without any other formality, the secretary, assistant-secretary, treasurer, assistant-treasurer and officers and employees of the Société de transport de la Communauté urbaine de Montréal and the directors general, heads of departments and other persons who perform similar duties with the corporation.

**39.** Every decision, by-law, agreement or convention made or entered into under the existing Act remains in force until it is repealed or replaced by a decision, by-law, agreement or convention made or entered into under the Act.

**40.** The name "Commission de transport de la Communauté urbaine de Montréal", the word "Commission", and the expression "Commission de transport" when they refer to the said commission, are replaced by "Société de transport de la Communauté urbaine de

Montréal”, “Société de transport” or “corporation” respectively, in sections 104, 204 to 206, 209, 210, 292 to 294, 297, 298, 314, 329 and 330 of the existing Act and in Schedule B to that Act.

**41.** This Act shall not affect the right of a person to receive from the Commission de transport de la Communauté urbaine de Montréal a pension he is receiving from the Commission nor reduce the amount thereof.

**42.** In any Act, regulation, by-law, order, order in council, proclamation, contract or document, the designation “Commission de transport de la Communauté urbaine de Montréal” and the word “Commission” where it refers to the said commission are replaced by “Société de transport de la Communauté urbaine de Montréal” or “corporation”, unless otherwise required by the context.

**43.** The Société de transport de la Communauté urbaine de Montréal is authorized to use all documents or means of identification already prepared in the name of the Commission de transport de la Communauté urbaine de Montréal, until it replaces them by documents or means of identification prepared in its name.

**44.** Section 27 has effect from 11 July 1982.

**45.** Section 553 of the Act respecting public elementary and secondary education (1984, chapter 39) is repealed.

**46.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

**47.** This Act comes into force on (*insert here the date of assent to this Act*), except sections 23, 24, 25, 31, 32, 35, 36, 38 to 43 and 45, which will come into force on later dates fixed by proclamation of the Government.