



NATIONAL ASSEMBLY

FOURTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 92

An Act to amend the Act respecting the Communauté urbaine de Québec and other legislation

Introduction

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



**Québec Official Publisher
1984**

EXPLANATORY NOTES

This bill amends the Act respecting the Communauté urbaine de Québec and, to a lesser degree, the Act respecting the Communauté régionale de l'Outaouais and the Act respecting the Communauté urbaine de Montréal.

The amendments to the Act respecting the Communauté urbaine de Québec concern mainly the executive committee, the Council of the Community and the contracting powers of the Community and its transit commission.

The functions of the chairman of the Council of the Community and of the chairman of the executive committee will no longer be exercised by the same person. Before taking office, the chairman of the executive committee will be required to resign from his office as a member of the council of a municipality. Appointed by the Council of the Community, the chairman will hold office for a renewable term of four years. Other adjustments are made to the Act to preserve the powers of the chairman of the executive committee that are necessary for the administration of the affairs of the Community.

In addition, the number of members on the executive committee is increased from seven to nine. Municipalities, except Beauport, Charlesbourg, Québec and Sainte-Foy, will be represented by two mayors, Québec will be represented by its mayor and two of his representatives on the Council of the Community and the other members of the executive committee will be the mayors of Beauport, Charlesbourg and Sainte-Foy, and the chairman.

The changes made to the Council of the Community deal mainly with the creation of three select committees: the planning and environment quality committee, the valuation, finance and economic development committee and the public transport committee. The committees will consist of persons selected by the Council of the Community from among its members and will have the power to examine and make recommendations on any aspect of the affairs of the Community in the field of their respective competence. The meetings of the committees will be public and will include a question period.

The changes concerning the contracting power of the Community and its transit commission are introduced to increase from \$25 000 to \$50 000

the amount from which certain contracts cannot be awarded except after a call for public tenders.

Moreover, the Community will be authorized to join one or several municipalities of its territory for the purpose of making a joint call for public tenders in matters of insurance contracts, material or equipment supply contracts or contracts involving services other than professional services.

The amendments to the Act respecting the Communauté régionale de l'Outaouais and the Act respecting the Communauté urbaine de Montréal are intended mainly to introduce in respect of the contracting power of the Community and its transit commission the same changes as those made to the Act respecting the Communauté urbaine de Québec.

Finally, a more technical amendment will permit the chairman of the executive committee of the Communauté urbaine de Québec and the chairman of the executive committee of the Communauté urbaine de Montréal to retain, despite their resignation from an office on the council of a municipality, their participation in the general retirement plan of mayors and councillors of municipalities.

ACTS AMENDED BY THIS BILL

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

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

(3) the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1);

(4) the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2).

Bill 92

An Act to amend the Act respecting the Communauté urbaine de Québec and other legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

AMENDMENTS TO THE ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

1. Section 6 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is replaced by the following sections:

“6. The executive committee consists of the following nine members:

- (1) the chairman of the executive committee;
- (2) the mayors of the cities of Beauport, Charlesbourg, Québec and Sainte-Foy;
- (3) two members appointed according to the procedure established under sections 6.9 to 6.16;
- (4) two members appointed by resolution of the council of the city of Québec from among its representatives in the Council.

“6.1 The chairman of the executive committee is appointed by the Council from among its members.

“6.2 The chairman of the executive committee, after his appointment and before taking office, must resign from office as a member of the council of a municipality.

He shall, however, remain a member *ex officio* of the Council.

The Community shall, at the request of a municipality, reimburse it for expenses it has incurred for the election of a member of its council to the office left vacant following the resignation of the chairman of the executive committee.

“6.3 The Council shall also appoint a vice-chairman of the executive committee from among the members referred to in paragraphs 2 to 4 of section 6.

“6.4 The term of office of the chairman of the executive committee is four years.

Where, however, the chairman of the executive committee is elected or appointed member of the council of a municipality before the expiry of such four years, his term of office expires on the date on which he is so elected or appointed.

The term of office of the chairman may be renewed only once without his having to be elected or appointed a member of the council of a municipality.

“6.5 In no case may the chairman of the executive committee receive from the Community, as remuneration and allowance, a total annual sum greater than that which the Government may fix by order.

The order shall be published in the *Gazette officielle du Québec*. It comes into force on 1 January preceding or following its publication, as provided for therein.

“6.6 In no case may the chairman of the executive committee receive, as an allowance, a total annual sum greater than the amount of the annual allowance for entertainment expenses of a Member of the National Assembly fixed by the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1).

“6.7 The chairman of the executive committee may continue to contribute to the general retirement plan under the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16).

To continue to participate in the general retirement plan, the chairman shall, within thirty days of his resignation as a member of the council of a municipality, give notice in writing to the Community and the Commission administrative des régimes de retraite et d'assurances, in the manner prescribed in section 7 of the Act respecting retirement plans for the mayors and councillors of municipalities; the said Act then applies, *mutatis mutandis*, as if the Community were a municipality having joined the general plan.

The notice provided for in the second paragraph maintains the participation of the chairman in the general retirement plan from his resignation as a member of the council of a municipality.

“6.8 A by-law of the Council fixing a pension under section 11 or section 183 does not apply to the chairman of the executive committee who maintains his participation in the general retirement plan in accordance with section 6.7.

“6.9 The members of the executive committee referred to in paragraph 3 of section 6 are appointed by and from among the mayors of the towns of Ancienne-Lorette and Cap-Rouge, the municipality of Lac-Saint-Charles, the city of Loretteville, the parish of Saint-Augustin-de-Desmaures, the village of Saint-Émile, the city of Sillery, the town of Val-Bélair and the town of Vanier at a meeting prescribed for that purpose.

“6.10 The meeting referred to in section 6.9 shall be called by the secretary of the Community by means of a notice sent to each mayor not later than fifteen days before the date it is held. The notice must indicate the date, time and place of the meeting.

A majority of the mayors is a quorum at the meeting.

“6.11 The secretary of the Community shall preside over the meeting and determine the procedure applicable at the meeting, subject to sections 6.12 to 6.16.

“6.12 A mayor may propose in writing to the secretary of the Community the name of any person eligible for the office of member of the executive committee.

The nomination paper must indicate the surname, given name and occupation of the candidate and be signed by the mayor who is making the nomination.

“6.13 The nomination period ends one hour after it was declared open by the secretary of the Community during the meeting.

“6.14 If at the end of the period fixed for nominations the number of candidates does not exceed the number of offices to be filled, the secretary of the Community shall declare them elected.

In the opposite case, the secretary of the Community shall order that a vote be held.

Each mayor is entitled to one vote.

“6.15 The vote is taken by secret ballot.

“6.16 Immediately after the vote is closed, the secretary of the Community shall count the ballots and add the votes cast in favour of each candidate. He shall then declare elected the candidates who have obtained the greatest number of votes.

The secretary shall order a new vote whenever there is a tie.”

2. Section 7 of the said Act is replaced by the following sections:

“7. The members of the executive committee shall take office after making the oath in accordance with the following form:

Oath of office

I, the undersigned,, do swear (*or solemnly affirm*) that I will act as a member of the executive committee of the Communauté urbaine de Québec faithfully and in conformity with the law. So help me God. (*The last sentence shall not be used where a solemn affirmation is made.*)

Signed:

Sworn (*or affirmed*)
before me, at,
(municipality)
on
(date)

Signed:
(person authorized to administer the oath).

“7.1 The term of office of a member of the executive committee other than the chairman continues for as long as he is a member of the Council.

“7.2 In the event of the resignation of a member of the executive committee other than a member referred to in paragraph 2 of section 6, his term of office ends on the date of receipt by the secretary of the Community of a written notice to that effect, signed by the member.

“7.3 The term of office of a member of the executive committee other than a member referred to in paragraph 2 of section 6 shall also expire if he has failed to attend the sittings of the executive committee for ninety consecutive days following the last sitting he attended; if

he has attended no sitting since becoming a member of the executive committee, the delay shall be computed from the first sitting which he could legally have attended; the term of office shall expire upon the close of the first sitting following such ninety days unless, at such sitting, the executive committee is of the opinion that it was in fact impossible for the person concerned to attend the sittings. Nevertheless, if the person concerned attends no sitting of the executive committee for thirty days following the sitting at which the executive committee expressed this opinion, his term shall expire on the thirtieth day; the secretary shall so advise the executive committee at the first sitting following such thirtieth day.

“7.4 Notwithstanding the end of his term of office, every member of the executive committee remains in office until his successor takes office.

“7.5 Any vacancy in the office of chairman of the executive committee shall be filled within thirty days after the date on which it occurs, in accordance with section 6.1.”

3. Sections 8 and 9 of the said Act are repealed.

4. Section 10 of the said Act is replaced by the following section:

“10. No appointment to the vice-chairmanship of the executive committee shall be made while such committee consists of less than nine members.”

5. Section 19 of the said Act is repealed.

6. Section 22 of the said Act is amended by replacing the second paragraph by the following paragraph:

“He shall be a member *ex officio* of every committee and of every select or special committee of the Council.”

7. Section 26 of the said Act is amended by replacing the word “four” by the word “five”.

8. Section 27 of the said Act is amended by replacing the word “third” in the first line of the second paragraph by the word “fourth”.

9. Section 29 of the said Act, amended by section 87 of chapter 57 of the statutes of 1983, is again amended

(1) by inserting the words “, in addition to the chairman of the executive committee,” after the word “consists” in the first line of the first paragraph;

(2) by inserting, after the fourth paragraph, the following paragraph:

“The chairman of the executive committee may vote on any question submitted to the Council.”

10. Section 34 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**34.** The special meetings of the Council shall be called by the secretary of the Community at the request of the chairman of the Council, the chairman of the executive committee or by the executive committee itself or any committee or on the written application of not less than five members of the Council; the notice of convocation shall mention the subjects to be discussed, as may be requested and be in lieu of the agenda paper.”

11. Section 39 of the said Act is replaced by the following section:

“**39.** Subject to section 29, each member of the Council has one vote.

Decisions of the Council are taken by majority vote, except where more concordant votes are required under a provision of this Act.

Except in the case of a decision made under section 94.2, the number of concordant votes contemplated in the second paragraph must include the vote of at least five municipalities; for that purpose, the vote of a municipality is the vote cast by its mayor or, where the mayor is absent or prevented from voting, by another representative of the municipality authorized by his council to vote on behalf of the municipality.”

12. Section 40 of the said Act is amended by replacing the words “Every member of the Council” in the first line of the first paragraph by the following words and figure: “Subject to section 29, every member of the Council other than its chairman, its vice-chairman and the chairman of the executive committee”.

13. Section 69 of the said Act is replaced by the following sections:

“**69.** The following select committees of the Council are established:

- (1) the planning and environment quality committee;
- (2) the valuation, finance and economic development committee;
- (3) the public transport committee.

“**69.1** Each committee shall consist, in addition to the chairman of the executive committee, of the number of members determined by the Council.

“69.2 Committee members, including the chairman and vice-chairman, are appointed by the Council from among its members.

“69.3 The term of office of a member of a committee is four years.

However, if he ceases to be a member of the Council before the expiry of that term, he ceases at the same time to be a member of the committee.

For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such office at the next election and if such election enables him to again become a member of the Council as a representative of the same municipality.

“69.4 Sections 69.2 and 69.3 do not apply to the chairman of the executive committee.

“69.5 The function of a committee is to examine any question within its field of competence and to make such recommendations as it deems appropriate to the Council.

A committee shall carry out its function at the request of the Council or the executive committee, or of its own motion.

“69.6 Every meeting of any committee is a public meeting.

Every committee must hold at least four meetings during each calendar year.

The secretary of the Community shall cause prior notice of the holding of each meeting of a committee to be published in a newspaper circulated in the territory of the Community.

Every meeting of a committee must include a period during which the persons may put oral questions to the members of the committee.

“69.7 The chairman of a committee shall direct its activities and preside over its meetings.

The vice-chairman shall replace the chairman if the latter is absent or incapacitated or refuses to act, or if the office of chairman is vacant and the chairman is unable or unwilling to remain in office until his successor is appointed.

If both the chairman and the vice-chairman are absent or incapacitated or refuse to act, or if the offices of chairman and vice-chairman are vacant and they are unable or unwilling to remain in office until their successors are appointed, the members present at a meeting of the committee shall appoint one of their number to preside over the meeting.

“69.8 Each member of a committee has one vote. The decisions of the committee are taken by a majority of votes; in case of a tie-vote, the decision is deemed to be rendered in the negative.

The committee shall report on its work and decisions by means of a report signed by its chairman or the majority of its members.

The report shall be sent to the Council and a copy to the executive committee.

“69.9 No report of any committee has effect unless it is ratified or adopted by the Council.

“69.10 The Council may make any by-law respecting the administration and the internal management of any committee.

It may in particular, in such by-law,

(1) prescribe the length and time of the question period at meetings of a committee, and the procedure to be followed to put a question;

(2) require a committee to forward to the Council every year, at the time determined by the Council, a report of its operations during the last fiscal year.”

14. Section 70.1 of the said Act is replaced by the following section:

“70.1 In addition to the committees contemplated in section 69, the Council may establish a select or a special committee.

The Council may replace any member of the committee whenever it sees fit.

The function of the committee is to examine any question determined by the Council and within the competence of the Community, in a field other than those mentioned in section 69, and shall make to the Council any recommendations it considers appropriate.

Sections 69.1, 69.2, 69.4 and 69.6 to 70 apply to the committee.”

15. Section 81 of the said Act is amended by inserting the words “of the executive committee” after the word “chairman” in the second last line of the third paragraph.

16. Section 84 of the said Act is amended by replacing the words and figure “sections 19 and” in the ninth line of paragraph *g* by the word “section”.

17. Section 85 of the said Act is amended by replacing the words and figure “sections 19 and” in the second line of the second paragraph of paragraph 3 by the word “section”.

18. Section 92 of the said Act is replaced by the following section:

“92. (1) The executive committee may award any contract for professional services regardless of the amount and any other contract involving an expenditure of less than \$50 000.

However, where it involves an expenditure of more than \$5 000 but less than \$50 000, no insurance contract or contract for the performance of work or the supply of equipment or materials or the providing of services other than professional services may be awarded except after a call for tenders by way of written invitation, as the case may be, to at least two contractors, suppliers or insurers.

For the purposes of the second paragraph, a contract for the supply of equipment includes a contract for the lease of equipment with an option to purchase.

(2) The executive committee may, after a call for public tenders by advertisement in a newspaper circulated in the territory of the Community, award a contract contemplated in the second and third paragraphs of paragraph 1 involving an expenditure of not less than \$50 000.

The time limit set 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:

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

All tenders must be opened publicly in the presence of at least two witnesses, on the day and at the hour and place mentioned in the call for tenders. All those who have tendered 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.

The executive committee shall not, without the prior authorization of the Minister, 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 for the making of a Government grant, it is necessary that the contract be awarded to any person except the one who made the lowest tender within the prescribed time, the executive committee may, without the authorization of the Minister, 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 executive committee shall not award such a contract without the approval of the Council.

(3) The executive committee may, in the case of irresistible force which might endanger the life or health of the population or seriously damage the equipment of the Community, order such expenditure as it considers necessary, and grant the necessary contract to remedy the situation upon the written request of its chairman or the director general.

(4) The executive committee shall make to the Council, at each regular meeting, a report on any contract granted by it since the last regular meeting under this section.

Where a contract is awarded under subsection 3, the report of the executive committee must be made at the first regular or special meeting that follows.

(5) The Council may make a by-law to determine the contents and the modalities of presentation of a report prescribed under subsection 4.”

19. Section 92.3 of the said Act, enacted by section 95 of chapter 57 of the statutes of 1983, is amended by replacing the words and figure “sections 19 and” in the last line by the word “section”.

20. The said Act is amended by inserting, after section 92.4, enacted by section 95 of chapter 57 of the statutes of 1983, the following section:

“92.5 Notwithstanding any inconsistent provision of a general law or special Act, the Community and one or more of the municipalities mentioned in Schedule A may make a joint call for public tenders for the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing of services other than professional services.

For the purposes of the first paragraph, a contract for the supply of equipment includes a contract for the lease of equipment with an option to purchase.

The call for public tenders is made by the executive committee in the name of the Community and the name of any municipality party to the call.

Subsection 2 of section 92 applies to the call for public tenders, except that it is not necessary that the contract involve an expenditure of \$50 000 or more.

No municipality that is party to the call for public tenders may make a call for tenders or award a contract in respect of the object of the call unless the executive committee decides not to give effect to the call.

The acceptance of a tender by the executive committee also binds every municipality party to the call towards the successful tenderer.”

21. Section 147.1 of the said Act is amended by inserting the words “of the executive committee” after the word “chairman” in the second line of the first paragraph.

22. Section 174 of the said Act is amended

(1) by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) the chairman of the executive committee of the Community;”;

(2) by replacing the words “of the Council” in the first line of subparagraph *b* of the first paragraph by the words “of the Council of the Community”.

23. Section 188 of the said Act, amended by section 53 of chapter 45 of the statutes of 1983, is again amended by striking out the figure “92,” in the first line of the first paragraph.

24. Section 189 of the said Act is replaced by the following section:

“**189.** The awarding of a contract for one of the objects contemplated in the second or third paragraph of subsection 1 of section 92, involving an expenditure exceeding \$5 000 and less than \$50 000, must be preceded by a call for tenders in writing made by inviting, as the case may be, at least two contractors, two suppliers or two insurers to tender.

Subsection 2 of section 92 applies, *mutatis mutandis*, to the awarding of a contract contemplated in the first paragraph involving an expenditure of \$50 000 or more.”

25. Section 212 of the said Act is amended by adding, after subparagraph 4 of the second paragraph, the following subparagraph:

“(5) the date on which the data used to establish the fiscal potential of a municipality provisionally or finally are to be considered.”

26. Section 251 of the said Act is amended by adding, after subparagraph 4 of the third paragraph, the following subparagraph:

“(5) the date on which the data used to establish the fiscal potential of a municipality provisionally or finally are to be considered.”

27. Schedules A, B, C and D to the said Act are replaced by the following schedules:

“SCHEDULE A

The cities or towns of Ancienne-Lorette, Beauport, Cap-Rouge, Charlesbourg, Loretteville, Québec, Sainte-Foy, Sillery, Val-Bélair and Vanier; the village of Saint-Émile; the parish of Saint-Augustin-de-Desmaures; the municipality of Lac-Saint-Charles.

SCHEDULE B

The cities or towns of Ancienne-Lorette, Beauport, Cap-Rouge, Charlesbourg, Loretteville, Québec, Sainte-Foy, Sillery and Vanier; the villages of Saint-Émile and Saint-Jean-de-Boischatel; the municipality of Lac-Saint-Charles.

SCHEDULE C

The cities or towns of Beaupré, Charny, Château-Richer, Donnacona, Fossambault-sur-le-Lac, Lac-Delage, Lac-Saint-Joseph, Lac-Sergent, Lauzon, Lévis, Sainte-Anne-de-Beaupré, Saint-David-de-l'Auberivière, Saint-Jean-Chrysostome, Saint-Nicolas, Saint-Rédempteur, Saint-Romuald and Saint-Vallier; the parishes of L'Ange-Gardien, Saint-Antoine-de-Tilly, Saint-Augustin-de-Desmaures, Sainte-Brigitte-de-Laval, Sainte-Catherine, Saint-Dunstan-du-Lac-Beauport, Saint-Étienne-de-Beaumont, Sainte-Famille, I.O., Saint-François, I.O., Saint-Jean, I.O., Saint-Joseph-de-la-Pointe-de-Lévy, Saint-Laurent, I.O., Saint-Louis-de-Pintendre, Saint-Michel et Saint-Pierre, I.O.; the united townships of Stoneham and Tewkesbury; the municipalities of Bernières, Saint-Apollinaire, Saint-Gabriel-de-Val-Cartier, Saint-Gabriel-Ouest, Sainte-Jeanne-de-Pont-Rouge and Shannon.

SCHEDULE D

The cities or towns of Ancienne-Lorette, Beauport, Cap-Rouge, Charlesbourg, Loretteville, Québec, Sainte-Foy, Sillery, Val-Bélair and Vanier; the village of Saint-Émile; the parishes of Saint-Augustin-de-Desmaures and Saint-Dunstan-du-Lac-Beauport; the municipality of Lac-Saint-Charles.”.

DIVISION II

AMENDMENT TO THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

28. Section 264.2 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 40 of chapter 57 of the statutes of 1983, is again amended by inserting, after subparagraph 3 of the second paragraph, the following subparagraph:

“(3.1) the public meetings for consultation on the amended or revised final version of the development plan, pursuant to section 20, are held by the planning and environment quality committee established under section 69 of the Act respecting the Communauté urbaine de Québec;”.

DIVISION III

AMENDMENTS TO THE ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

29. Section 83 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended

(1) by replacing the first paragraph by the following paragraphs:

“**83.** Unless it involves an expenditure of less than \$50 000, no insurance contract or contract for the performance of work or the supply of equipment or materials or the providing of services other than professional services shall be awarded except after a call for public tenders by advertisement in a newspaper circulating in the territory of the Community.

For the purposes of the first paragraph, a contract for the supply of equipment includes a contract for the lease of equipment with an option to purchase.

The time limit set 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:

(a) for a fixed price;

(b) at unit prices.”;

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

“However, in the case of a contract for one of the objects contemplated in the first or second paragraph, involving an expenditure exceeding \$5 000 and less than \$50 000, its awarding must be preceded by a call for tenders in writing made by inviting, as the case may be, at least two contractors, two suppliers or two insurers to tender.”

30. The said Act is amended by inserting, after section 83.6 enacted by section 69 of chapter 57 of the statutes of 1983, the following section:

“**83.7** Notwithstanding any inconsistent provision of a general law or special Act, the Community and one or more of the municipalities mentioned in Schedule A may make a joint call for public tenders for

the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing of services other than professional services.

For the purposes of the first paragraph, a contract for the supply of equipment includes a contract for the lease of equipment with an option to purchase.

The call for public tenders is filed by the Community in its name and the name of any municipality party to the call.

Section 83, with the exception of the last paragraph, applies to the call for public tenders, except that it is not necessary that the contract involve an expenditure of \$50 000 or more.

No municipality that is party to the call for public tenders may make a call for tenders or award a contract in respect of the object of the call unless the Community decides not to give effect to the call.

The acceptance of a tender by the Community also binds every municipality party to the call towards the successful tenderer.”

31. Section 106 of the said Act is amended by striking out the words “, other than those of the Community,” in the first and second lines of the second paragraph.

32. Section 192 of the said Act is amended by adding, after subparagraph 4 of the second paragraph, the following subparagraph:

“(5) the date on which the data used to establish the fiscal potential of a municipality provisionally or finally are to be considered.”

33. Section 225 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**225.** Unless it involves an expenditure of less than \$50 000, no contract for the execution of works or the supply of equipment or materials shall be awarded except after a call for public tenders by advertisement in a newspaper circulated in its territory.”

34. Section 268 of the said Act is amended by adding, after subparagraph 4 of the fourth paragraph, the following subparagraph:

“(5) the date on which the data used to establish the fiscal potential of a municipality provisionally or finally are to be considered.”

DIVISION IV

AMENDMENTS TO THE ACT RESPECTING
THE COMMUNAUTÉ URBAINE DE MONTRÉAL

35. The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by inserting, after section 21, the following sections:

“21.1 The chairman of the executive committee may continue to contribute to the general retirement plan under the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16).

To continue to participate in the general retirement plan, the chairman shall, within thirty days of his resignation as a member of the council of a municipality, give notice in writing to the Community and the Commission administrative des régimes de retraite et d’assurances, in the manner prescribed in section 7 of the Act respecting retirement plans for the mayors and councillors of municipalities; the said Act then applies, *mutatis mutandis*, as if the Community were a municipality having joined the general plan.

The notice provided for in the second paragraph maintains the participation of the chairman in the general retirement plan from his resignation as a member of the council of a municipality.

“21.2 A by-law of the Council fixing a pension under section 19 does not apply to the chairman of the executive committee who maintains his participation in the general retirement plan in accordance with section 21.1.”

36. Section 22 of the said Act is amended by striking out the second paragraph.

37. Section 32 of the said Act is repealed.

38. Section 82 of the said Act is amended by replacing paragraph 3 by the following paragraph:

“(3) the valuation, finance and economic development committee;”.

39. Section 82.1 of the said Act is amended by replacing the words “and finance” in the first and second lines of the first paragraph by the words “, finance and economic development”.

40. Section 120 of the said Act is replaced by the following section:

“120. (1) The executive committee may award any contract for professional services regardless of the amount, and any other contract involving an expenditure of less than \$50 000.

However, where it involves an expenditure of more than \$5 000 but less than \$50 000, no insurance contract or contract for the performance of work or the supply of equipment or materials or the providing of services other than professional services may be awarded except after a call for tenders by way of written invitation, as the case may be, to at least two contractors, suppliers or insurers.

For the purposes of the second paragraph, a contract for the supply of equipment includes a contract for the lease of equipment with an option to purchase.

(2) The executive committee may, after a call for public tenders by advertisement in a newspaper circulated in the territory of the Community, award a contract contemplated in the second and third paragraphs of paragraph 1 involving an expenditure of not less than \$50 000.

The time limit set 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:

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

All tenders 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. All those who have tendered 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.

The executive committee shall not, without the prior authorization of the Minister, 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 for the making of a Government grant, it is necessary that the contract be awarded to any person except the one who made the lowest tender within the prescribed time, the executive committee may, without the authorization of the Minister, 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 executive committee shall not award such a contract without the approval of the Council if the amount exceeds \$50 000.

(3) The executive committee may, in the case of irresistible force which might endanger the life or health of the population or seriously

damage the equipment of the Community, order such expenditure as it considers necessary, and grant the necessary contract to remedy the situation upon the written request of its chairman or the director general.

(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, required by the extension of the metro, sewer work or work relating to water purification plants, provided that the contract is awarded to an undertaking which generally carries out such work, and is awarded at a price generally required for work of this kind by such an undertaking, that it is awarded to the owner of such conduits or installations at a price generally required for work of this kind by an undertaking which generally carries out such work, or that it is awarded to a municipality.

(5) The executive committee shall make to the Council, at each regular meeting, a report on any contract awarded by it since the last regular meeting under this section.

Where a contract is awarded under subsection 3, the report of the executive committee must be made at the first regular or special meeting that follows.

(6) The Council may make a by-law to determine the contents and the modalities of presentation of a report prescribed under subsection 5.

41. Section 120.3 of the said Act, enacted by section 80 of chapter 57 of the statutes of 1983, is amended by replacing the words and figure "sections 32 and", in the last line, by the word "section".

42. The said Act is amended by inserting, after section 120.4, enacted by section 80 of chapter 57 of the statutes of 1983, the following section:

"120.5 Notwithstanding any inconsistent provision of a general law or special Act, the Community and one or more of the municipalities mentioned in Schedule A may make a joint call for public tenders for the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing of services other than professional services.

For the purposes of the first paragraph, a contract for the supply of equipment includes a contract for the lease of equipment with an option to purchase.

The call for public tenders is made by the executive committee in the name of the Community and the name of any municipality party to the call.

Subsection 2 of section 120 applies to the call for public tenders, except that it is not necessary that the contract involve for the Community an expenditure of \$50 000 or more.

No municipality that is party to the call for public tenders may make a call for tenders or award a contract in respect of the object of the call unless the executive committee decides not to give effect to the call.

The acceptance of a tender by the executive committee also binds every municipality party to the call towards the successful tenderer.”

43. Section 225 of the said Act is amended by replacing the words and figure “sections 32 and”, in the second line of the second paragraph of paragraph 2, by the word “section”.

44. Section 255 of the said Act is replaced by the following section:

“**255.** The awarding of a contract for one of the objects contemplated in the second or third paragraph of subsection 1 of section 120, involving an expenditure exceeding \$5 000 and less than \$50 000, must be preceded by a call for tenders in writing inviting, as the case may be, at least two contractors, two suppliers or two insurers to tender.

Subsection 2 of section 120 applies, *mutatis mutandis*, to the awarding of a contract contemplated in the first paragraph involving an expenditure of \$50 000 or more.”

DIVISION V

TRANSITIONAL AND FINAL PROVISIONS

45. For the purposes of sections 46 to 49, the word “Act” means the Act respecting the Communauté urbaine de Québec amended by this Act and, for the purposes of section 50, the Act respecting the Communauté urbaine de Montréal amended by this Act.

46. The members of the executive committee of the Communauté urbaine de Québec must, not later than (*insert here the date occurring four months after the date of coming into force of this Act*), be appointed in accordance with sections 6 to 6.3 and 6.9 to 6.16 of the Act.

47. The members of the executive committee of the Communauté urbaine de Québec who are in office on (*insert here the date of coming into force of this Act*) shall continue the exercise of their functions until the members appointed in accordance with sections 6 to 6.3 and 6.9 to 6.16 of the Act take office.

48. Until the order provided for in section 6.5 of the Act is made by the Government, the order made under section 65.12 of the Cities

and Towns Act (R.S.Q., chapter C-19) applies to the chairman of the executive committee of the Communauté urbaine de Québec as if he were a member of the council of a municipality.

49. The Council of the Communauté urbaine de Québec shall, not later than (*insert here the date occurring six months after the date of coming into force of this Act*) appoint the members of the select committee provided for in paragraph 1 of section 69 of the Act.

The members of the select committee provided for in paragraph 3 of the said section 69 must be appointed within six months of the date of appointment of the members contemplated in the first paragraph and the members of the select committee provided for in paragraph 2 of the said section 69 must be appointed within six months of the date of appointment of the members of the select committee provided for in paragraph 3 of the said section 69.

50. Section 35 applies to the chairman of the executive committee of the Communauté urbaine de Montréal in office on (*insert here the date of coming into force of this Act*) from the date of his resignation as a member of the council of a municipality pursuant to section 9 of the Act respecting the Communauté urbaine de Montréal.

In his respect, the period granted for giving the written notice prescribed in the second paragraph of section 21.1 of the Act runs from (*insert here the date of coming into force of this Act*).

51. Any by-law or resolution in force on (*insert here the date of coming into force of this Act*) and passed under a provision replaced or repealed by this Act remains in force insofar as the by-law or resolution is not inconsistent with the Act affected by the replacement or repeal.

52. Any act done before (*insert here the date of coming into force of this Act*) pursuant to a provision replaced or repealed by this Act shall retain its effects insofar as it is not inconsistent with the Act affected by the replacement or repeal.

Every person in office on the date mentioned in the first paragraph and appointed pursuant to a provision replaced or repealed by this Act shall continue the exercise of his functions until the expiry of his term of appointment or until he is replaced or otherwise ceases to exercise his functions in accordance with the Act. This paragraph does not have the effect of preventing a person from continuing the exercise of his functions, despite the expiry of the term of his appointment, until he is replaced or reappointed if the Act so provides.

53. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of

the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

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