

NATIONAL ASSEMBLY

FOURTH SESSION

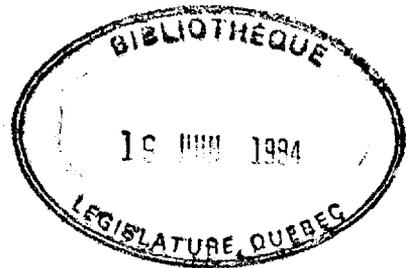
THIRTY-SECOND LEGISLATURE

Bill 207
(Private)

An Act to amend the Charter of the City of Laval

Introduction

Introduced by
Mr Jean-Guy Rodrigue
Member for Vimont



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Bill 207
(Private)

**An Act to amend the Charter
of the City of Laval**

WHEREAS it is in the interest of the city of Laval that its charter, chapter 89 of the statutes of 1965 (1st session), be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of Laval by inserting, after section 572, the following section:

“572.1 Notwithstanding any contrary provision, the city may excavate, at a depth of not less than 8 meters under any land, a tunnel for its sewage and water conduits. From the commencement of the work the city becomes, without formality or indemnity, but subject to claims for damages,

(1) the owner of the volume occupied by the tunnel;

(2) the owner of a two-meter thickness surrounding the inside concrete wall of the tunnel.

As soon as the work begins, the city shall notify the owner of the land of the work being carried on and of the tenor of this section. Within one year following completion of the work, the city shall file in its archives a copy of a plan certified true by the head of the department concerned showing the horizontal projection of the tunnel. The city shall register the plan by depositing two copies of it at the registry office of the registration division of the immovable affected and the registrar shall make a mention of it in the index of immovable, for each lot or part of lot affected.”

2. Section 43 of the Charter of the City of Laval, enacted by section 25 of chapter 99 of the statutes of 1971, is amended

(1) by inserting, after paragraph *c*, the following paragraph:

“(c.1) “director”: the director general of the Commission;”;

(2) by inserting, after paragraph *e*, the following paragraph:

“(f) “chairman”: the chairman of the Commission.”

3. Sections 51 to 57 of the said Act, enacted by section 25 of chapter 99 of the statutes of 1971, are replaced by the following sections:

“**51.** The Commission is composed of five commissioners appointed by resolution of the council and chosen from among the members of the council. The executive committee shall appoint the chairman from among the commissioners.

“**52.** The commissioners shall be appointed for a term of office not exceeding two years. However, the term of each commissioner is renewable for one or more terms, each of such terms not to exceed two years.

The commissioners shall devote all the time necessary to the affairs of the Commission.

The Commission shall pay to the commissioners, for the services they render as such, a maximum annual amount equal to one-half of the remuneration attaching to the office of councillor of the city of Laval.

The Commission shall pay to the chairman, for the services he renders as such, a maximum annual amount equal to the remuneration attaching to the office of councillor of the city of Laval.

“**53.** Subject to the second paragraph of section 54, the commissioners appointed under this Act are not empowered to act as commissioners in either of the following cases:

(a) after the expiry of their terms of office as members of the council;

(b) after their dismissal or resignation as members of the council.

“**54.** Any vacancy in the office of commissioner shall be filled, within forty-five days after the date on which it occurs, in the same manner as for the designation of the commissioner to be replaced.

Should the term of office of all the commissioners expire at the same time, for any reason whatever, the chairman shall remain in office until his successor is appointed. In the meantime, he shall exercise all the rights and powers conferred on the commissioners under this Act. However, every decision made by the chairman requires, to be valid, the prior authorization of the mayor of the city of Laval.

“55. No commissioner may, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting his personal interest in conflict with that of the Commission.

However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

“56. The director shall be appointed by a resolution of the Commission for a term of five years. No member of the council or of the executive committee may act as director.

The director shall devote himself exclusively to the work of the Commission and the duties of his office. He shall hold no other remunerated office or employment.

Under the authority of the Commission, the director is entrusted with the administration and, for that purpose, he shall plan, organize, manage and supervise the activities of the Commission.

“57. The majority of the members of the Commission are a quorum at meetings of the Commission. Each commissioner is entitled to one vote at every meeting of the Commission. In case of a tie vote, the chairman has a casting vote.”

4. Section 65 of the said Act, enacted by section 25 of chapter 99 of the statutes of 1971, is replaced by the following section:

“65. (1) Unless it involves an expenditure of less than \$25 000, no insurance contract and no 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 Commission.

(2) The time limit for the receipt of tenders shall not be less than eight days.

(3) No tender may be called and no contract may be awarded except on one or the other of the following bases:

(a) for a fixed price;

(b) at unit prices.

(4) 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.

(5) All those who have tendered may be present at the opening of the tenders. The names of the tenderers and the price of their tender must be mentioned aloud at the opening of the tenders.

(6) The Commission shall not, except with 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.

(7) If, however, to meet the conditions of a government grant, it is necessary to award a contract to a person other than the person who submitted the lowest tender within the prescribed time, the Commission may, without the authorization of the Minister, award the contract to the person whose tender is the lowest from among those who meet the conditions, provided that tender was submitted within the prescribed time.

(8) If there is only one tenderer, the Commission shall not grant the contract except with the approval of the Council.”

5. The said Act is amended by inserting, after section 80, the following section:

“**80.1** The Commission may tow away and store any illegally parked vehicle that hinders traffic or the stopping or driving of its vehicles on its territory.

The Commission may entrust the undertaking of its choice with the towing and storage of vehicles. In either case, the owner or driver of the towed vehicle may recover possession of his vehicle only upon paying the towing and storage costs at the current rate.”

6. The said Act is amended by inserting, after section 119, the following section:

“**119.1** A commissioner who is also a member of the city council or a member of the executive committee of the city is not deemed to be in a conflict of interest.”

7. The commissioner acting as chairman and general manager at the coming into force of this Act shall hold the office of director provided for in section 56 of this Act, for the remainder of his term.

8. This Act comes into force on the day of its sanction.