

FOURTH SESSION

THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 105

**An Act to amend certain provisions of law respecting
democratic procedure and the remuneration
of elected officials, in municipalities**

First reading

Second reading

Third reading

M. GUY TARDIF

Ministre des affaires municipales



L'ÉDITEUR OFFICIEL DU QUÉBEC

1980

EXPLANATORY NOTES

This bill amends the Act respecting elections in certain municipalities and amending the Cities and Towns Act (1978, c. 63), in such a manner as to make the act permanent and to broaden its scope.

Essentially, the amended act will apply to every municipality in Québec, although the provisions of the act that deal with the division of a municipality into electoral districts, while compulsory for municipalities of 20 000 or over, will be optional for cities and towns having a population between 1 000 and 20 000, and the provisions respecting the financing of municipal political parties and of candidates for municipal election will apply only to municipalities of 20 000 or over.

This bill also amends the existing legislation respecting the remuneration of elected municipal officials. The scales provided in the existing law for computing the minimum remuneration of elected officials, in relation to the population of the municipality, are increased by approximately 24%, retroactively to 1 January 1980, and will be indexed annually from 1 January 1981. Henceforth, the municipalities will be authorized to increase the remuneration of their elected officials by a by-law not subject to referendum. However, there will be ceilings on the remuneration that may be paid to elected officials by the municipalities and supramunicipal bodies on which they sit.

Furthermore, this bill introduces various amendments to existing acts relating to accessibility to municipal office, public information, and deontology. Henceforth, for instance, any candidate for municipal election or member of a municipal council will be entitled to request and obtain full or partial leave without pay from his employer. The mechanism of the by-election to fill a vacancy on the council will apply to all municipalities. There will from now on be an obligatory question period at sittings of municipal councils. Lastly, the members of a municipal council will be required to declare their financial interests within sixty days of being elected.

Bill 105

An Act to amend certain provisions of law respecting
democratic procedure and the remuneration
of elected officials, in municipalities

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. Section 1 of the Act respecting elections in certain municipalities and amending the Cities and Towns Act (1978, c. 63), amended by section 3 of chapter 39 of the statutes of 1979, is replaced by the following sections:

“1. Chapters II and III apply to every municipality having, on 1 January of the year preceding the year in which a general election is to be held in the municipality, a population of 20 000 or over.

They also apply to every municipality where a by-law contemplated in section 1.1 is in force on the date mentioned in the first paragraph.

“1.1 Every municipality not governed by the Municipal Code having a population of 1 000 or over but under 20 000 may, by a by-law of its council passed by a two-third majority of its members, order that Chapters II and III apply to it.

The by-law is passed and comes into force in conformity with the act governing the municipality.

A certified true copy of the by-law must be sent to the Minister of Municipal Affairs and to the director general for representation.

“1.2 Once Chapters II and III have become applicable to a municipality, they continue to be applicable to it even if its population decreases to less than 20 000 or, as the case may be, 1 000, subject to section 1.3.

“1.3 The Minister of Municipal Affairs may order that Chapters II and III cease to apply to a municipality whose population has decreased to less than 1 000, at the request of the municipality.

The order of the Minister must be published in the *Gazette officielle du Québec* and comes into force on the day of its publication or on the later date fixed therein.

The order has effect for the purposes of every election from the first general election held after its coming into force. The municipality then ceases to be divided into electoral districts or wards and its council is composed of a mayor and six councillors.

The order ceases to have effect for the purposes of every election from the first general election to which Chapters II and III again become applicable pursuant to section 1.

“1.4 Section 21 applies to every municipality except the cities of Montréal and Québec.

The first paragraph of section 23, section 25 and the first paragraph of sections 28 and 29 apply to a municipality where an authorized party is empowered to carry on its activities and nominate candidates under Chapter VII.

Section 22, the second paragraph of section 23, sections 24, 26 and 27, the second paragraph of each of sections 28 and 29, and sections 30 to 33 apply to a municipality referred to in the second paragraph having a council composed of only one councillor per electoral district or ward.

“1.5 Chapter VII applies to every municipality of 20 000 or over.

Division II of Chapter VII, and every other provision of that chapter necessary for the application of that division, applies to a municipality having a population of 1 000 or over but under 20 000.

“1.6 Once Chapter VII or any provision thereof has become applicable to a municipality, that chapter or provision continues to be applicable to it even if its population decreases to less than 20 000 or, as the case may be, 1 000.

“1.7 The other provisions of this Part and Part III apply to every municipality.”

2. Section 2 of the said act is amended

(1) by replacing paragraph *d* by the following paragraph:

“(d) “director general for representation” means the director general for representation appointed under the Act respecting electoral representation (1979, c. 57);”;

(2) by replacing paragraph *f* by the following paragraphs:

“(f) “general election” means an election where all the offices of members of the council are open to nomination, except such an election held to fill vacancies in those offices that have occurred before the ordinary expiration of the term of office of those members of the council;

“(f¹) “clerk” means the clerk or the secretary-treasurer of a municipality;

“(f²) “municipality” means a municipal corporation by whatever law governed, or, according to the context, the territory in which it has jurisdiction, except

(1) a county corporation or a regional county municipality;

(2) a Cree village corporation or a Naskapi village corporation;

(3) a Northern village corporation;

(4) a municipal corporation which, under its constituent act or the act governing it, is not represented by a council composed of persons elected for that purpose;”.

3. Section 3 of the said act, amended by section 4 of chapter 39 of the statutes of 1979, is again amended

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

“**3.** From 1 January but before 1 June of the year preceding the year in which a general election is to be held, the council of a municipality must pass a by-law dividing the municipality into electoral districts. A certified true copy of the by-law must be sent to the director general for representation after being passed.

The by-law must be put into force before 1 November following its passage.”;

(2) by adding, at the end, the following paragraph:

“A certified true copy of the by-law must be transmitted to the director general for representation after coming into force, unless it has been put into force by the director himself under section 13.”

4. Section 6 of the said act is replaced by the following section:

6. The notice contemplated in section 5 must specify the place in the municipality where any interested person of majority may examine the by-law; it must indicate that such a person may, within ten days following the publication of the notice, inform the director general for representation in writing of his objection to the by-law; it must also indicate the place to which such objection must be addressed; finally, it must set out the first paragraph of section 8.”

5. Section 7 of the said act is replaced by the following section:

“7. The director general for representation must inform the municipality in writing of any objection he receives.”

6. Section 8 of the said act is replaced by the following section:

“8. The director general for representation must hold a public meeting for the purpose of hearing the persons present, if the required number of interested persons of majority have informed the director in writing of their objection to the by-law within the prescribed time. That number is one for every thousand inhabitants of the municipality, but it may in no case be smaller than twenty-five or greater than one hundred.

The director shall then cause to be published in a newspaper circulated in the municipality a notice of at least three clear days of the place, day and time it will sit to hear objections, and the purpose of the meeting.

The director shall, after the meeting, transmit his recommendations to the municipality by registered or certified mail.

The municipality shall make the recommendations public in the manner determined by the director.

The director may order the municipality to make, within such time as he may fix, any amendment to the by-law necessary to give effect, wholly or in part, to the recommendations.”

7. Section 9 of the said act is replaced by the following section:

“9. Sections 4 to 8 do not apply in the case of a by-law which amends the by-law contemplated in section 3 only to give effect to the recommendations of the director general for representation.”

8. Section 11 of the said act is replaced by the following section:

“11. Each electoral district must be delimited in such a manner that the number of electors of that district is not more than 15% above or below the quotient obtained by dividing the total number of electors of the municipality by the number of districts.

For the purposes of this section, an elector is a person entered on the electoral list made pursuant to the Election Act (R.S.Q., c. E-3) for a polling-subdivision comprised in the municipality in force on the day the by-law referred to in section 3 is passed; the address of a person's domicile according to the electoral list is taken into account to determine the district where the person is an elector. Any other natural person entered on the assessment roll or on the roll of rental values of the municipality in force on the date mentioned above who, under the act governing the municipality, would be entitled to vote if the election were held on that date and if the length of time during which that person has been registered on that roll were not taken into account, is also an elector; the act governing the municipality applies to determine the district where such a person is an elector.

A by-law delimiting a district where the number of electors is more than 15% above or below the quotient determined under the first paragraph cannot come into force unless approved by the director general for representation.”

9. Section 12 of the said act is amended by adding, at the end, the following paragraph:

“As far as possible, no electoral precinct delimited pursuant to the Act respecting electoral representation may be comprised in more than one electoral district.”

10. Section 13 of the said act, amended by section 7 of chapter 39 of the statutes of 1979, is replaced by the following section:

“13. Should the municipality fail to pass the by-law referred to in section 3 within the prescribed time or to amend it within the time fixed by the director general for representation under section 8, the director shall divide the municipality into electoral districts.

Should the municipality, having passed such a by-law, fail to put it into force within the prescribed time, the director shall divide the municipality into electoral districts or put the by-law passed by the municipality into force.

The director shall transmit his decision to the municipality.

The director shall publish in a newspaper circulated in the municipality a notice stating the object of his decision or of the

by-law of the municipality, according as he has himself divided the municipality into electoral districts or decided to put the by-law into force, and indicating the date of its passage and where it may be examined.

The division into electoral districts made by the director or the by-law of the municipality comes into force on the day of the publication referred to in the fourth paragraph, notwithstanding section 4. That publication is in lieu of the approval provided for under section 11. The division into electoral districts made by the director or the by-law put into force by him has the same effect as a by-law passed and put into force by the council of the municipality pursuant to section 3.

The council of the municipality may pass the by-law, or amend it to take account of the recommendations referred to in section 8, even after the time prescribed to do so has expired, as long as a division into electoral districts made by the director has not come into force. It may put the by-law it has passed into force, even after the time prescribed to do so has expired, as long as the director has not acted in its place and stead or as long as a division into electoral districts made by the director has not come into force.”

11. Section 13.1 of the said act, enacted by section 8 of chapter 39 of the statutes of 1979, is replaced by the following sections:

“13.1 The division into electoral districts applies for the purposes of the first general election following the coming into force of the by-law of the municipality or of the decision of the director general for representation, as the case may be, and for the purposes of every subsequent election held before the second general election.

“13.2 The director general for representation cannot be prosecuted by reason of an official act done by him in good faith in the exercise of his duties under this chapter.

“13.3 The Superior Court has no jurisdiction in respect of acts performed by the director general for representation pursuant to the carrying out of this chapter, and no extraordinary recourse nor any provisional measure provided by the Code of Civil Procedure may be taken against the director in the exercise of his duties under this chapter.

A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued contrary to this section.

“13.4 The director general for representation may, in the exercise of his duties under this chapter, consult any document forming part of the records of a municipality and obtain copy of it free of charge.”

12. Section 14 of the said act is replaced by the following section:

“14. The council of a municipality is composed of a mayor, and one councillor for each electoral district, from the general election following the division of the municipality into districts in conformity with Chapter II.”

13. The said act is amended by inserting, after section 15, the following sections:

“15.1 No member or civil servant, other than an employee within the meaning of the Labour Code (R.S.Q., c. C-27), of

- (1) the Ministère des affaires municipales,
- (2) the Ministère de l'environnement,
- (3) the Commission municipale du Québec,
- (4) the Bureau de révision de l'évaluation foncière du Québec,
- (5) the Société d'habitation du Québec,
- (6) the Commission de police du Québec,
- (7) the Commission de protection du territoire agricole du Québec,
- (8) the Commission des loyers, or
- (9) the Commission nationale de l'aménagement,

may hold the office of member of the council of a municipality.

“15.2 The Superior Court may, on a motion of the municipality, declare the forfeiture of office of any member of the council or any municipal officer or employee who

- (1) has been convicted of treason or of an offence punishable by imprisonment for one year or more under an act of the Parliament of Canada or of the Legislature of Québec,
- (2) has been convicted of an offence punishable by imprisonment for five years or more after previously being convicted of two indictable offences so punishable, or
- (3) has been found guilty of an indictable offence by a court of justice and consequently detained in a common gaol or peniten-

tiary, or guilty of corrupt practices during an election in the municipality.

The Court may adjudicate the conclusions of the motion of the municipality only if the ground invoked from among those mentioned in the first paragraph is a ground of disqualification for municipal office under the act governing the municipality.

As soon as the conclusions of the motion are adjudicated by final judgment, the office of the member of the council or of the officer or employee is vacant.”

14. Section 19 of the said act, replaced by section 9 of chapter 39 of the statutes of 1979, is again replaced by the following sections:

“**19.** The director general of elections may, on request, provide the returning-officer with any assistance the latter may need in the discharge of his duties and give him instructions.

“**19.1** When the treasurer, the secretary-treasurer or the director of finance of a municipality exercises the duties conferred on him by Chapter VII, he is an election officer for the purposes of any tariff of fees, costs or expenses payable to election officers.”

15. Section 21 of the said act is replaced by the following sections:

“**21.** The nomination of candidates for an election takes place on the fourteenth day preceding polling day.

“**21.1** Every employer must, on a request in writing, grant a leave without pay to an employee who is a candidate at a municipal election or who is a member of a municipal council.

“**21.2** The leave begins on the latest of the following dates:

(1) the day on which the employee becomes a candidate or a member of the council, as the case may be;

(2) the fifth juridical day following the day on which the employer receives the request for a leave;

(3) the first day for which the employee has requested a leave.

The leave granted to a candidate terminates on the day a person is elected to the office for which he was a candidate. The leave granted to a member of the council terminates when his term of office expires or when his office otherwise becomes vacant. The employee may terminate his leave at any time.

“21.3 The leave may be full-time or part-time, according to the request of the employee. If the employee requests a part-time leave, he must specify the days or the hours envisaged.

“21.4 At the expiry of the leave or the last of successive leaves, the employer must reinstate the employee, if he so requests, on the conditions of employment prevailing before the beginning of the leave or conditions more favourable for the employee.

“21.5 No employer may, by reason of the fact that his employee avails himself of his right to a leave under section 21.1, dismiss, lay off, suspend, demote or transfer him or give him less favourable conditions of employment than he is entitled to, particularly by subtracting the leave from his period of vacation.

The first paragraph does not prevent an employer from dismissing, laying off, suspending, demoting or transferring an employee or changing his conditions of employment for a just and sufficient cause, the proof of which is incumbent on him.

An offence against section 21.4 or this section authorizes the employee, if not governed by a collective agreement, to assert his rights before a labour commissioner appointed under the Labour Code as if it were a case of dismissal for union activities. Sections 15 to 20 of the Labour Code apply, *mutatis mutandis*.

If the employee is governed by a collective agreement, his association, or he himself through the application of sections 38*b* to 38*f* of the Labour Code, enacted by section 28 of chapter 41 of the statutes of 1977, is entitled to submit a grievance to arbitration. Section 17 of the Labour Code applies, *mutatis mutandis*, to the arbitration of the grievance.

“21.6 An employer who is guilty of an offence against section 21.1, 21.4 or 21.5 is liable, on summary proceedings, in addition to costs, to a fine not exceeding one thousand dollars for each day the offence is committed.

The Attorney-General may, on the recommendation of the Minister of Municipal Affairs, institute proceedings.”

16. The said act is amended by inserting, after section 33, the following:

“DIVISION VI.1

“PARTISAN WORK OF OFFICERS

“33.1 It is forbidden for an officer or employee of a municipality to engage in partisan work during an election in the municipality.

A person who contravenes the first paragraph is disqualified from holding office in the municipality for two years following judgment in last instance.

“33.2 Section 33.1 does not prevent an officer or employee of the municipality from attending a political meeting or making, in accordance with the law, a contribution to a political party or to a candidate in an election in the municipality, or from being a member of a political party.

“33.3 A person who uses intimidation or threats to induce an officer or employee of a municipality to contravene the first paragraph of section 33.1 or to punish him for his refusal to contravene it is liable, on summary proceedings, in addition to costs, to a fine of five hundred dollars to two thousand dollars or imprisonment for not over six months.

Furthermore, if the person holds office in a municipality, the sanction prescribed by section 33.1 applies to him.

“33.4 The Attorney-General may, on the recommendation of the Minister of Municipal Affairs, exercise the recourse provided by articles 838 to 843 of the Code of Civil Procedure (R.S.Q., c. C-25) against a person disqualified under section 33.1 or 33.3 or institute the proceedings contemplated in section 33.3.

“33.5 For the purposes of sections 33.1 to 33.4, the words “officer or employee of a municipality” and “office in a municipality” include an officer or employee of, and an office in, a county corporation, a regional county municipality or a regional or urban community. For the application of sections 33.1 to 33.4 to such an officer or employee, the words “election in the municipality” mean an election in a municipality that is included in the territory of the county corporation, the regional county municipality or the regional or urban community.

“DIVISION VI.2

“STATEMENT OF FINANCIAL INTERESTS OF ELECTED OFFICIALS

“33.6 Within sixty days of his election or appointment, each member of the council of a municipality shall file with the

council a written statement listing his direct and indirect interests in corporations, partnerships or businesses, or in immoveables located in the municipality and in the territory of the county corporation, regional county municipality or regional or urban community of which the municipality is part. This paragraph does not oblige a member of the council to disclose the existence or the content of his bank accounts.

Every council member shall keep the statement up to date.

Failure to file the statement within the period prescribed in the first paragraph, or to change it within thirty days of acquiring, losing or changing an interest contemplated in the first paragraph, makes the council member ineligible, until he has filed or changed the statement, to sit or vote on the council of the municipality, county corporation, regional county municipality or regional or urban community, or on any committee, commission or body on which he sits by reason of his membership of such a council.

For each sitting of a council, committee, commission or body at which the council member may not be present or vote by virtue of the third paragraph,

(1) he shall receive no remuneration, if the latter consists of a sum payable for each sitting at which he is present or votes, or,

(2) in other cases, an amount of one per cent is deducted from his remuneration for the office concerned.

“DIVISION VI.3

“ELECTORAL STATISTICS

“33.7 After an election or any other change in the composition of the council, the clerk of the municipality shall transmit to the Minister of Municipal Affairs a return containing the information and statistics concerning the election or the new composition of the council.

The Minister may prescribe the contents of the return and the period within which it must be transmitted to him. He may also order that it be transmitted by means of a form that he furnishes for that purpose.

An order of the Minister under this section must be published in the *Gazette officielle du Québec*, and comes into force on the date of its publication or on the later date fixed therein.

"SECTION VI.4

"FILLING OF VACANCY

"33.8 When the office of mayor or councillor becomes vacant more than twelve months before the fixed election date prescribed for that office by the act governing the municipality, the returning-officer shall begin election proceedings to fill the office by publishing, within eight days after the vacancy has occurred, the notice provided for in article 257 of the Municipal Code or section 156 of the Cities and Towns Act, or Schedule A in the case of the cities of Montréal and Québec.

The election is conducted in every respect as a prescribed election at a fixed date, *mutatis mutandis*, subject to section 146 of the Cities and Towns Act, which also applies to the cities of Montréal and Québec, *mutatis mutandis*.

A person elected at the election remains in office for the remainder of the term of the council member that he replaces.

"33.9 If no person is nominated for election to the office of mayor, the councillors shall proceed in accordance with section 33.10, within fifteen days after the expiry of the period fixed for the nomination of candidates. If no person is nominated for election to the office of councillor, that office remains vacant until the next fixed election date prescribed for that office, subject to section 33.11.

"33.10 When the office of mayor becomes vacant within the twelve months preceding the fixed election date prescribed for that office by the act governing the municipality, the councillors shall elect one of their number to fill the office of mayor for the remainder of the term within fifteen days after the vacancy has occurred. That election is by secret ballot, and the clerk shall proclaim elected the person who obtains a majority of the votes of the councillors present. If the votes are equally divided, the person presiding at the sitting shall give a casting vote, even if he has already voted and notwithstanding any contrary provision.

The acceptance by a councillor of the office of mayor renders his office of councillor vacant.

When the office of councillor becomes vacant during the period contemplated in the first paragraph, it remains vacant until the next fixed election date prescribed for that position, subject to section 33.11.

Notwithstanding the first three paragraphs, the council of a municipality may, within fifteen days after the vacancy has

occurred, order that it be filled in accordance with section 33.8. The returning-officer shall then act in accordance with that section within eight days of the decision of the council.

“33.11 The clerk of the municipality shall notify in writing the Minister of Municipal Affairs and shall explain to him the situation each time that

(1) the election for which the date is fixed by the act governing the municipality has not taken place on that date;

(2) the election contemplated in section 33.8 or in section 170 or 235 of the Cities and Towns Act has not taken place on the date fixed by virtue of those provisions;

(3) the notice fixing the date of an election contemplated in paragraph 2 has not been given;

(4) the election has taken place but an insufficient number of council members have been elected; or

(5) by reason of vacancies, there is not a quorum on the council.

In the case contemplated in the first paragraph, the Minister of Municipal Affairs may order an election to be held on the date that he fixes. The election shall be presided over by the person that he designates, and the second and third paragraphs of section 33.8 apply thereto. Notice of the election is given in accordance with the first paragraph of that section.

If the election ordered by the Minister does not take place or an insufficient number of council members are elected at that election, the Minister may avail himself again of the power mentioned in the second paragraph or appoint eligible persons to fill the vacant offices, or one or several of them, for the remainder of the term of the council members that they replace.

If the Minister avails himself again of the power mentioned in the second paragraph and the election does not take place or an insufficient number of council members are elected at the election, the Minister may appoint eligible persons to fill the vacant offices, or one or several of them, for the remainder of the term of the council members that they replace.

“33.12 The provisions of this division to the effect that a person is elected or appointed for the remainder of the term of the council member that he replaces do not have the effect of exempting that person from the legislative provisions prescribing the cases where a person ceases to be a council member of a municipality.

“33.13 A vacancy caused by a judgment annulling an election is filled in accordance with sections 33.8 to 33.12.”

17. Section 48 of the said act is amended by adding, at the end, the following paragraph:

“After polling day, the authorization granted to an independent candidate entitles him to solicit and collect contributions for the sole purpose of paying debts arising from his electoral expenses incurred in accordance with this chapter.”

18. Section 85 of the said act is amended by adding, at the end, the following paragraph:

“Where an independent candidate solicits and collects contributions after polling day for the purpose of paying the debts arising from his electoral expenses, his official representative must submit a return to the treasurer six months after the expiry of the period contemplated in the first paragraph and, thereafter, every six months as long as the candidate continues to solicit and collect contributions.”

19. Section 105 of the said act is amended by adding, at the end, the following paragraph:

“In no case described in the first paragraph may the leader of the party or the independent candidate be nominated again at an election in any municipality whatever, until the return and affidavit have been delivered and he has been excused for the delay by order of a judge.”

20. Section 118 of the said act, replaced by section 13 of chapter 39 of the statutes of 1979, is again replaced by the following sections:

“118. A provision of an act, of a by-law or of letters patent contemplated in section 117 that prohibits the provision, wearing or use of objects that proclaim membership in a party, or support of or opposition to a party, a candidate or ideas advocated or opposed by a party or a candidate is inoperative in a municipality to which Chapter VII applies.

Such a provision continues to apply, however,

(1) at all times during the period that it contemplates, in or on an immovable where a polling office is located or in or on an adjacent immovable, and

(2) throughout the municipality on polling day.

“118.1 A provision of an act, of letters patent or of a by-law, ordering an amalgamation or annexation of municipalities, that concerns a matter contemplated by this act, takes precedence over any provision inconsistent with this act.”

21. Section 120 of the said act is amended

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

“120. (1) For the application of this act, the population of a municipality is that given in the last census recognized as valid under section 7 of the Cities and Towns Act or article 16a of the Municipal Code, as the case may be, effective only from the date of publication of a government order under this section.”;

(2) by replacing subsections 3 and 4 by the following subsections:

“(3) In the case of the annexation of part of a municipality or of a territory that does not have any local municipal organization, the population of the municipality affected by annexation is that which the Government may establish, if the Minister of Municipal Affairs contends that the apparent effect of the annexation has been to increase the population of the municipality to 1 000, 20 000, 50 000, 100 000, 250 000, 500 000 or 1 000 000 inhabitants or over, or to bring it below one of these figures, as the case may be.

A government order comes into force on the date of its publication in the *Gazette officielle du Québec*.

“(4) The population of a municipality as determined under subsection 2 or 3 is valid until it is determined in accordance with subsection 1 on the basis of a census carried out after the amalgamation or annexation.”

22. Section 121 of the said act, amended by section 14 of chapter 39 of the statutes of 1979, is replaced by the following sections:

“121. Chapters II and III of Part I apply for the purposes of a general election prescribed for 1980 solely to a municipality whose population on (*insert here the date of the coming into force of Bill 105*) is 20 000 or over. For the purposes of that election in that municipality, the periods mentioned in the first and second paragraphs of section 3 expire on 31 July and 31 August 1980, respectively.

“121.1 Chapters II and III of Part I apply for the purposes of a general election prescribed for 1981 solely to a municipality

contemplated in section 121 or a municipality that complies with the second paragraph. For the purposes of that election in that municipality, the periods mentioned in the first and second paragraphs of section 3 expire on 30 September and 31 December 1980, respectively.

A municipality that is not governed by the Municipal Code having a population, on the date mentioned in section 121, of 1 000 or over but under 20 000 may decree that Chapters II and III of Part I apply to it for the purposes of the general election prescribed for 1981, by complying with section 1.1, provided that the by-law contemplated therein is in force before 1 September 1980.”

23. Section 122 of the said act is replaced by the following sections:

“122. The director general for representation, the director general of elections and the director general of the financing of political parties must each, not later than 31 March each year, forward to the President of the National Assembly a report of their respective activities under this act for the preceding calendar year.

The President of the National Assembly shall table each report before the Assembly, if it is in session, within thirty days of receiving the report; if he receives it while the National Assembly is not sitting, he shall table it within thirty days after the opening of the next session or of resumption, as the case may be.

“122.1 The Minister of Municipal Affairs is responsible for the application of this act, except in respect of the powers and responsibilities it confers or imposes on the director general for representation, on the director general of elections and on the director general of the financing of political parties.”

24. The said act is amended by adding, at the end, the following schedule:

“SCHEDULE A

*Notice of the date of an election
for the purpose of filling a vacancy*

PUBLIC NOTICE is hereby given that an election will be held on, if that becomes necessary in accordance with the law, for the purpose of filling the vacancy in the office of

(date)

.....

.....

.....

(list all the vacant offices)

Given under my hand, at, this
(city) (date)

.....
Returning-officer”.

25. The Municipal Code is amended by inserting, after article 10, the following article:

“**10a.** The Attorney-General may, upon the recommendation of the Minister of Municipal Affairs,

(1) take proceedings for an offence provided for in this code or in any other act in respect of an election held in a local municipality;

(2) exercise, against a member of the council or an officer or employee of a local corporation or of a supramunicipal body who is disqualified from holding his office or employment, the recourse provided for in articles 838 to 843 of the Code of Civil Procedure (R.S.Q., c. C-25), in particular in the cases provided for in articles 625, 772 and 784a;

(3) take the proceedings provided for in article 431.

For the purposes of this article, the expression “supramunicipal body” has the meaning given to it by sections 41b and 41c of the Act respecting retirement plans for mayors and councillors of cities and towns (R.S.Q., c. R-16), enacted by section 11 of chapter 60 of the statutes of 1978 and section 104 of chapter 36 of the statutes of 1979, respectively.”

26. Article 77 of the said code, replaced by section 1 of chapter 65 of the statutes of 1963 (1st session) and by section 3 of chap-

ter 86 of the statutes of 1968, and amended by section 3 of chapter 81 of the statutes of 1974, section 3 of chapter 82 of the statutes of 1975, section 9 of chapter 53 of the statutes of 1977 and by section 6 of chapter 36 of the statutes of 1979, is replaced by the following articles:

“77. Every local corporation shall pay to the mayor, as remuneration for all his services to the municipality in every capacity and to indemnify him for a portion of the expenses attaching to his office, a minimum annual sum equal to the sum of the following amounts:

- (1) \$0.70 per inhabitant included in that portion of the population of the municipality that does not exceed 5 000 inhabitants;
- (2) \$0.63 per inhabitant included in that portion of the population that exceeds 5 000 inhabitants.

The local corporation shall pay to each councillor, for the same purposes, a minimum annual sum equal to one-third of the sum paid to the mayor.

“77 a. For the computation contemplated in article 77, the population figure of the municipality is increased by adding to it the product obtained by multiplying the number of vacation dwellings situated in the municipality and used intermittently for recreation purposes by 1.25.

The number of vacation dwellings contemplated in the first paragraph is the number entered in a statement drawn up annually by the secretary-treasurer.

The difference between the sum computed on the basis of the increased population figure and the sum to which a council member would be entitled without such increase must not exceed,

- (1) in the case of the mayor, \$1 700 or the amount of the sum otherwise payable if less than \$1 700;
- (2) in the case of a councillor, \$500 or the amount of the sum otherwise payable if less than \$500.

“77 b. In no case may the mayor receive an annual sum of less than \$1 500.

In no case may a councillor receive an annual sum of less than \$500.

“77 c. The amounts of money provided for in articles 77 to 77b are increased, where applicable, for each fiscal period of the local corporation, in accordance with the following paragraphs.

An amount applicable for a particular fiscal period is equal to the amount applicable for the preceding period, multiplied by the Base Wage for the year preceding the period being considered and divided by the Base Wage for the year preceding that year.

The Base Wage for a year is the arithmetic mean of weekly salaries and wages of the Industrial Composite in Canada, as published by Statistics Canada under the Statistics Act (Statutes of Canada, 1970-71-72, c. 15), for each of the twelve months of the period ending with the month of June in that year. The salaries and wages, for each of the two years preceding the municipal fiscal period being considered, are those appearing in the first publication of Statistics Canada that contains the salaries and wages for the month of June immediately preceding the fiscal period.

Where the product of the computation contemplated in the second paragraph applied to an amount per inhabitant is a number that includes a decimal fraction, only the first three digits after the decimal marker are retained. Where the product of that computation applied to any other amount is not a multiple of 10, it is rounded off to the nearest multiple of 10.

An amount applicable for a particular fiscal period must not be less than the amount applicable for the preceding period, nor exceed it by more than six per cent.

“77d. Every year the Minister of Municipal Affairs shall publish in the *Gazette officielle du Québec* the result of the computation provided for in article 77c.

“77e. A local corporation may order, by by-law of its council, for the purposes described in article 77, that a sum which it fixes and which exceeds the sum computed under articles 77 to 77d, be paid annually to the mayor and the councillors.

No local corporation may, under the first paragraph, fix with respect to the councillors an annual sum greater than one-third of the sum paid to the mayor or fixed with respect to him.

“77f. The member of the council who gives the notice of motion with respect to a by-law contemplated in article 77e shall deposit a draft of the by-law before the council at the same time; the draft must, in particular, indicate the sums to which the members of the council are entitled under articles 77 to 77d and include, where applicable, the particulars provided for in article 77g.

At least twenty-one days before the sitting at which the draft by-law is to be passed, the secretary-treasurer shall give a public notice containing a summary of the content of the draft

by-law and indicating the place, date and time of the sitting. In addition to being posted, the notice must be published in a newspaper circulated in the municipality, and the same time limit applies.

Any offence against this article entails the nullity of the by-law.

“77g. The municipal corporation may, in the by-law contemplated in article 77e, order that article 77c apply, *mutatis mutandis*, to the sum fixed by the by-law, for any municipal fiscal period from the first period commencing after the coming into force of the by-law, for as long as the by-law remains in effect.

“77h. The council shall determine by resolution the terms and conditions of payment of the sums established under articles 77 to 77g, one-third of which must be paid as an indemnity for a portion of the expenses attaching to the offices of mayor or councillor.

Notwithstanding any contrary provision of any general law, special act, regulation, by-law or order, the total annual sum paid to a person to indemnify him for a portion of the expenses attaching to the office of mayor or councillor and those attaching to an office in a supramunicipal body must not exceed the amount of the annual allowance for entertainment expenses of a member of the National Assembly of Québec fixed by the Legislature Act (R.S.Q., c. L-1). If that sum exceeds that maximum, the excess is deemed, for each office contemplated and in proportion to the basic remuneration for that office, to be an additional remuneration rather than an indemnity for expenses.

For the purposes of the second paragraph, the expression “supramunicipal body” has the same meaning as for the purposes of article 10a.

“77i. Notwithstanding any contrary provision of any general law, special act, regulation, by-law or order, no local corporation may pay, under articles 77 to 77h, an annual sum greater than,

- (1) in the case of the mayor, \$50 000;
- (2) in the case of a councillor, \$25 000.

Articles 77c and 77d apply, *mutatis mutandis*, to the amounts mentioned in the first paragraph.

“77j. Notwithstanding any contrary provision of any general law, special act, regulation, by-law or order, no member of the council of a local corporation may receive from that corpora-

tion and from a supramunicipal body, for the purposes mentioned in article 77 and as an additional remuneration and allowance for the holding of an office in the body, a total annual sum greater than,

(1) in the case of a member of the council of the Communauté urbaine de Montréal, \$65 000;

(2) in the case of a member of the council of the Communauté urbaine de Québec, \$60 000;

(3) in the case of a member of the council of the Communauté régionale de l'Outaouais, \$55 000;

(4) in all other cases, \$52 500.

Articles 77c and 77d apply, *mutatis mutandis*, to the amounts mentioned in the first paragraph.

If the total annual sum that the local corporation and the supramunicipal body would have to pay to a member of the council if the first and second paragraphs did not apply is greater than the maximum fixed therein, each component of that total sum is proportionately decreased to render the total equal to that maximum.

For the purposes of this article, the expression "supramunicipal body" has the same meaning as for the purposes of article 10a.

"77k. The expenses actually incurred by a member of the council on behalf of the local corporation must, in each case, be previously authorized by the council. The council approves payment thereof upon presentation of a statement accompanied with the related vouchers.

However, the council may also establish by by-law a tariff applicable in cases where the expenses are incurred for an activity or a class of activities carried out in Québec and not for the object of travel outside Québec. This tariff replaces the previous authorization mentioned in the first paragraph. The payment of such expenses is approved by the council upon presentation of a statement accompanied with the vouchers required by by-law."

27. Article 112 of the said code, amended by section 1 of chapter 81 of the statutes of 1934 and replaced by section 13 of chapter 53 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

"112. The ordinary or general sittings of the county council are held on the second Wednesday in each of the months of

March, June and September, and on the fourth Wednesday in November or on any other juridical day of the same week fixed by by-law of the council; those of a local council are held on the first Monday in each month, unless otherwise provided by the council.”

28. The said code is amended by inserting, after article 113, the following article:

“**113a.** The sitting of the council includes a period during which the persons attending may put questions to the council members.

The council may, by by-law, prescribe the length of the period, the time at which it is held and the procedure to be followed in putting a question.

The agenda of the sitting may be examined by any person at the office of the secretary-treasurer from the third juridical day preceding that of the sitting. However, if the sitting is convened after the third juridical day preceding that of the sitting, the agenda may be examined from the time when the notice of convocation is given.”

29. Article 312*a* of the said code, enacted by section 9 of chapter 50 of the statutes of 1954-1955, is replaced by the following article:

“**312a.** Unless before that time he is summoned to attend before a judge for the purpose of a recount or re-addition of the votes, the presiding officer shall, immediately after the fourth day following that of the polling, proclaim elected the candidate or candidates who have obtained the greatest number of votes, having regard to the number of vacant seats.”

30. The said code is amended by inserting, after article 633*a*, the following article:

“**633b.** At least four weeks before the council begins to study a draft budget, the mayor, at a sitting of the council, shall make a report of the financial position of the municipal corporation, dealing with the latest financial statements and the latest auditor’s report, the preliminary information regarding the financial statements for the period preceding that for which the next budget will be made, and the general orientation of the next budget. This report must be the first item on the agenda of the sitting.

The Minister of Municipal Affairs may oblige a municipal corporation to divulge information respecting its financial position and outlook, in addition to that indicated in the first paragraph. The order of the Minister comes into force on the date of its publication in the *Gazette officielle du Québec* or on the later date fixed therein.

The text of the mayor's report must be distributed free of charge to every civic address in the municipality, within five days after the sitting mentioned in the first paragraph.

Between the seventh and fifteenth days following the sitting, the council shall hold a public information meeting to give explanations on the mayor's report to the persons attending, hear their comments and answer their questions concerning it. A notice of convocation to the information meeting must accompany the text of the report distributed under the third paragraph."

31. The Cities and Towns Act (R.S.Q., c. C-19) is amended by inserting, after section 14, the following section:

"14.1 The Attorney-General may, upon the recommendation of the Minister of Municipal Affairs,

(1) take proceedings for an offence contemplated in section 289 or for an offence provided for in any other act in respect of an election held in a municipality;

(2) present a motion contemplated in section 397;

(3) exercise, against a member of the council or an officer or employee of a municipality or of a supramunicipal body who is disqualified from holding his office or employment, the recourse provided for in articles 838 to 843 of the Code of Civil Procedure (R.S.Q., c. C-25), in particular in the cases provided for in sections 568, 569 and 573.

For the purposes of this section, the expression "supramunicipal body" has the meaning given to it by sections 41b and 41c of the Act respecting retirement plans for the mayors and councillors of cities and towns (R.S.Q., c. R-16), enacted by section 11 of chapter 60 of the statutes of 1978 and section 104 of chapter 36 of the statutes of 1979, respectively."

32. Section 65 of the said act is replaced by the following sections:

"65. The municipality shall pay to the mayor, as remuneration for all his services to the municipality in every capacity and to indemnify him for a portion of the expenses attaching to his office, a minimum annual sum equal to the sum of the following amounts:

(1) \$0.70 per inhabitant included in that portion of the population of the municipality that does not exceed 5 000 inhabitants;

(2) \$0.63 per inhabitant included in that portion of the population that exceeds 5 000 inhabitants but does not exceed 15 000 inhabitants;

(3) \$0.39 per inhabitant included in that portion of the population that exceeds 15 000 inhabitants but does not exceed 50 000 inhabitants;

(4) \$0.17 per inhabitant included in that portion of the population that exceeds 50 000 inhabitants but does not exceed 100 000 inhabitants;

(5) \$0.07 per inhabitant included in that portion of the population that exceeds 100 000 inhabitants but does not exceed 300 000 inhabitants;

(6) \$0.005 per inhabitant included in that portion of the population that exceeds 300 000 inhabitants.

The municipality shall pay to each councillor, for the same purposes, a minimum annual sum equal to one-third of the sum paid to the mayor.

“65.1 For the computation contemplated in section 65, the population figure of the municipality is increased by adding to it the product obtained by multiplying the number of vacation dwellings situated in the municipality and used intermittently for recreation purposes by 1.25.

The number of vacation dwellings contemplated in the first paragraph is the number entered in a statement drawn up annually by the clerk.

The difference between the sum computed on the basis of the increased population figure and the sum to which a council member would be entitled without such increase must not exceed,

(1) in the case of the mayor, \$1 700 or the amount of the sum otherwise payable if less than \$1 700;

(2) in the case of a councillor, \$500 or the amount of the sum otherwise payable if less than \$500.

“65.2 In no case may the mayor receive an annual sum of less than \$1 500.

In no case shall a councillor receive an annual sum of less than \$500.

“65.3 Sections 65 to 65.2 do not have the effect of eliminating a remuneration or an additional allowance provided for by law for the holding of a particular office or employment in a municipality.

“65.4 The amounts of money provided for in sections 65 to 65.2 are increased, where applicable, for each fiscal period of the municipality, in accordance with the following paragraphs.

An amount applicable for a particular fiscal period is equal to the amount applicable for the preceding period, multiplied by the Base Wage for the year preceding the period being considered and divided by the Base Wage for the year preceding that year.

The Base Wage for a year is the arithmetic mean of weekly salaries and wages of the Industrial Composite in Canada, as published by Statistics Canada under the Statistics Act (Statutes of Canada, 1970-71-72, c. 15), for each of the twelve months of the period ending with the month of June in that year. The salaries and wages, for each of the two years preceding the municipal fiscal period being considered, are those appearing in the first publication of Statistics Canada that contains the salaries and wages for the month of June immediately preceding the fiscal period.

Where the product of the computation contemplated in the second paragraph applied to an amount per inhabitant is a number that includes a decimal fraction, only the first three digits after the decimal marker are retained. Where the product of that computation applied to any other amount is not a multiple of 10, it is rounded off to the nearest multiple of 10.

An amount applicable for a particular fiscal period must not be less than the amount applicable for the preceding period, nor exceed it by more than six per cent.

“65.5 Every year the Minister of Municipal Affairs shall publish in the *Gazette officielle du Québec* the result of the computation provided for in section 65.4.

“65.6 A council may order, by by-law, for the purposes described in section 65, that a sum which it fixes and which exceeds the sum computed under section 65 to 65.5 be paid annually to the mayor and the councillors.

No council may, under the first paragraph, fix with respect to the councillors an annual sum greater than one-third of the sum paid to the mayor or fixed with respect to him.

“65.7 The member of the council who gives the notice of motion with respect to a by-law contemplated in section 65.6 shall deposit a draft of the by-law before the council at the same time; the draft must, in particular, indicate the sums to which the members of the council are entitled under sections 65 to 65.5 and include, where applicable, the particulars provided for in section 65.8.

In the case of a city or town governed by special charter that does not provide for a notice of motion before the adoption of a by-law, the draft by-law submitted to the council by the executive committee must contain the information required by the first paragraph.

At least twenty-one days before the sitting at which the draft by-law is to be passed, the clerk shall give a public notice containing a summary of the draft and indicating the place, date and time of the sitting.

Any offence against this section entails the nullity of the by-law.

“65.8 The council may, in the by-law contemplated in section 65.6, order that section 65.4 apply, *mutatis mutandis*, to the sum fixed by the by-law, for any municipal fiscal period from the first period commencing after the coming into force of the by-law, for as long as the by-law remains in effect.

“65.9 The council shall determine by resolution the terms and conditions of payment of the sums established under sections 65 to 65.8, one-third of which must be paid as an indemnity for a portion of the expenses attaching to the offices of mayor or councillor.

Notwithstanding any contrary provision of any general law, special act, regulation, by-law or order, the total annual sum paid to a person to indemnify him for a portion of the expenses attaching to the office of mayor or councillor, those attaching to another office in the municipality, and those attaching to an office in a supramunicipal body must not exceed the amount of the annual allowance for entertainment expenses of a member of the National Assembly of Québec fixed by the Legislature Act (R.S.Q., c. L-1). If that sum exceeds that maximum, the excess is deemed, for each office contemplated and in proportion to the basic remuneration for that office, to be an additional remuneration rather than an indemnity for expenses.

For the purposes of the second paragraph, the expression “supramunicipal body” has the same meaning as for the purposes of section 14.1.

“65.10 A member of the council who is a member of the executive committee of the municipality receives as an additional annual remuneration and allowance therefor a sum equal to the annual sum payable to a councillor of the municipality under sections 65 to 65.8.

A councillor who is the chairman of the executive committee of the municipality receives as an additional annual remuneration and allowance therefor, in addition to the sum contemplated in the first paragraph, a sum equal to the annual sum payable to a councillor of the municipality under sections 65 to 65.8.

A member of the council of the city of Montréal, Québec or Laval who is vice-chairman or deputy chairman of the executive committee of that city receives as an additional annual remuneration and allowance therefor, in addition to the sum contemplated in the first paragraph, a sum equal to one-half of the annual sum payable to a councillor of the city under sections 65 to 65.8.

The council shall determine by resolution the terms and conditions of payment of an additional sum contemplated in this section, one-third of which must be paid as an indemnity for a portion of the expenses attaching to the office on the executive committee.

This section applies subject to the second paragraph of section 65.9 and to section 65.11. It does not apply in the case of an administrative committee.

“65.11 Notwithstanding any contrary provision of any general law, special act, regulation, by-law or order, no municipality may pay, under sections 65 to 65.10, or under any other provision for the payment of an additional remuneration or allowance for the holding of an office in the municipality, a total annual sum greater than,

(1) in the case of the mayor, \$50 000;

(2) in the case of a councillor, \$25 000, except where the councillor is entitled to an additional remuneration under the second or third paragraph of section 65.10, in which case the maximum is \$50 000.

Sections 65.4 and 65.5 apply, *mutatis mutandis*, to the amounts mentioned in the first paragraph.

If the total annual sum that the municipality would have to pay to a member of the council if the first and second paragraphs did not apply is greater than the maximum fixed therein, each component of that total sum is proportionately decreased to render the total equal to that maximum.

“65.12 Notwithstanding any contrary provision of any general law, special act, regulation, by-law or order, no member of the council of a municipality may receive from that municipality and from a supramunicipal body, for the purposes mentioned in section 65 and as an additional remuneration and allowance for holding an office in the municipality or body, a total annual sum greater than,

(1) in the case of a member of the council of the Communauté urbaine de Montréal, \$65 000;

(2) in the case of a member of the council of the Communauté urbaine de Québec, \$60 000;

(3) in the case of a member of the council of the Communauté régionale de l'Outaouais, \$55 000;

(4) in all other cases, \$52 500.

Sections 65.4 and 65.5 apply, *mutatis mutandis*, to the amounts mentioned in the first paragraph.

The third paragraph of section 65.11 applies, *mutatis mutandis*, to the case provided for in this section.

For the purposes of this section, the expression “supramunicipal body” has the same meaning as for the purposes of section 14.1.

“65.13 Sections 65 to 65.12 apply to all city and town municipalities, including those not contemplated in section 1 and also including the cities of Montréal, Québec and Laval.

“65.14 The expenses actually incurred by a member of the council on behalf of the municipality must, in each case, be previously authorized by the council. The council approves payment thereof upon presentation of a statement accompanied with the related vouchers.

However, the council may also establish by by-law a tariff applicable in cases where the expenses are incurred for an activity or a class of activities carried out in Québec and not for the object of travel outside Québec. This tariff replaces the previous authorization mentioned in the first paragraph. The payment of such expenses is approved by the council upon presentation of a statement accompanied with the vouchers required by by-law.”

33. Section 68*d* of the said act, enacted by section 119 of chapter 63 of the statutes of 1978, is repealed.

34. Section 322 of the said act is amended by adding, at the end, the following paragraphs:

“A sitting of the council includes a period during which the persons attending may put questions to the members of the council.

The council may, by by-law, prescribe the length of the period, the time at which it is held and the procedure to be followed in putting a question.

The agenda of the sitting may be examined by any person at the office of the clerk from the third juridical day preceding that of the sitting. However, if the sitting is convened after the third juridical day preceding that of the sitting, the agenda may be examined from the time when the notice of convocation is given.”

35. Section 345 of the said act is amended by adding, at the end, the following paragraph:

“In a municipality of 1 000 inhabitants or more that is divided into electoral wards or districts, the notice must also be posted up, in each electoral ward or district, in a public place determined by by-law of the council.”

36. The said act is amended by inserting, after section 474, the following section:

“474.1 At least four weeks before the council begins to study a draft budget, the mayor, at a sitting of the council, shall make a report of the financial position of the municipal corporation, dealing with the latest financial statements, the latest auditor’s report and the latest report on the three-year programme of capital expenditures, the preliminary information regarding the financial statements for the period preceding that for which the next budget will be made, and the general orientation of the next budget and of the next three-year programme of capital expenditures. This report must be the first item on the agenda of the sitting.

The Minister of Municipal Affairs may oblige a municipal corporation to divulge information respecting its financial position and outlook, in addition to that indicated in the first paragraph. The order of the Minister comes into force on the date of its publication in the *Gazette officielle du Québec* or on the later date fixed therein.

The text of the mayor’s report must be distributed free of charge to every civic address in the municipality, within five days after the sitting mentioned in the first paragraph.

Between the seventh and fifteenth days following the sitting, the council shall hold a public information meeting to give explanations on the mayor's report to the persons attending, hear their comments and answer their questions concerning it. A notice of convocation to the information meeting must accompany the text of the report distributed under the third paragraph.

Rather than holding a single information meeting, the council may decide to hold a meeting in each of the electoral wards or districts, or in each group of electoral wards or districts that it determines, simultaneously or at different times. At least one council member must be present at each meeting."

37. Section 25 of the Act respecting the Commission municipale (R.S.Q., c. C-35) is amended by adding, at the end of subsection 7, the following paragraph:

"The Attorney-General may, upon the recommendation of the Minister of Municipal Affairs, institute proceedings in declaration of disqualification."

38. Section 4 of the Act respecting municipal bribery and corruption (R.S.Q., c. F-6) is amended by adding, at the end, the following paragraph:

"The same applies to any member of the council who, knowingly, during the existence of his mandate, directly or indirectly, for himself or any other person, solicits or accepts a gift, reward, commission, rebate, loan, remission of debt, favour or advantage likely to affect his independence or impartiality."

39. Section 25 of the said act is amended by replacing the second paragraph by the following paragraph:

"This suit may be instituted only by an elector of the municipality concerned, or by the Attorney-General upon the recommendation of the Minister of Municipal Affairs."

40. Section 27 of the said act is replaced by the following section:

"27. The term "member of a municipal council" includes mayors, municipal councillors, delegates to the county council and members of the council of an urban or regional community.

The words "city", "town", "municipality" and "corporation" mean, in addition to their ordinary meaning, an urban or regional community.

The words “elector” and “ratepayer”, in the case of an urban or regional community, mean an elector or a ratepayer of a municipality forming part of the community.”

41. Section 1 of the Municipal Works Act (R.S.Q., c. T-14) is replaced by the following section:

“**1.** Notwithstanding any general law or special act, but subject to article 625*b* of the Municipal Code and section 610*b* of the Cities and Towns Act (R.S.Q., c. C-19) enacted by section 22 of chapter 52 of the statutes of 1977, a municipal corporation, whatever may be the law governing it, with the exception of the cities of Montréal and Québec, shall, to order construction or improvement works, pass a by-law to that effect and provide therein for the allocation of the moneys required to pay the cost of these works.

This section does not apply to repair or maintenance work.”

42. Section 2 of the said act is replaced by the following section:

“**2.** Notwithstanding section 1 or any general law or special act, a municipal corporation may, by resolution, order construction or improvement works when it provides, in the resolution, for the allocation of the moneys required to pay the cost thereof from its general funds not otherwise appropriated.”

43. Section 6 of the said act is replaced by the following section:

“**6.** A member of a municipal council who, contrary to this act, knowingly, by his vote or otherwise, orders construction or improvement works or, to that effect, authorizes the municipal corporation to contract or contracts himself on its behalf, may be declared disqualified to hold municipal office for five years from judgment in last instance.

Proceedings in declaration of disqualification are taken in conformity with articles 838 to 843 of the Code of Civil Procedure (R.S.Q., c. C-25). Such recourse may be exercised by the Attorney-General, upon the recommendation of the Minister of Municipal Affairs, and by any ratepayer.

A member of the council or an officer of a municipal corporation who, contrary to this act, by his vote or otherwise, orders construction or improvement works or, to that effect, authorizes the corporation to contract or contracts himself on behalf of the latter, is liable, on summary proceedings, in addition to costs, to a fine not exceeding \$5 000, payable to the corporation.”

44. Article 66 of the Charter of the City of Montréal (1959-1960, c. 102), amended by section 9 of chapter 97 of the statutes of 1960-1961, section 3 of chapter 84 of the statutes of 1965 (1st session) and section 4 of chapter 77 of the statutes of 1977, is again amended by striking out the fifth paragraph.

45. Article 66a of the said charter, enacted by section 5 of chapter 77 of the statutes of 1977, is amended by replacing the third paragraph by the following paragraph:

“For such object, the mayor shall pay, as a deduction from his indemnity, from 1 January 1978, a contribution equivalent to 5½% of his indemnity. For the purposes of this paragraph, his indemnity is \$26 667 a year.”

46. Article 69 of the said charter is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) shall be a member *ex officio* of the executive committee of the city and shall possess all the powers, attributions and prerogatives attached to such function;”.

47. Article 76 of the said charter, amended by section 10 of chapter 97 of the statutes of 1960-1961, section 6 of chapter 59 of the statutes of 1962, section 12 of chapter 70 of the statutes of 1963 (1st session), section 4 of chapter 96 of the statutes of 1971, section 7 of chapter 77 of the statutes of 1977 and by section 4 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1980, is again amended by replacing the first and second paragraphs by the following paragraph:

76. A deduction of sixty dollars is made from the indemnity to which a councillor is entitled for each day that the council meets, if the councillor does not attend the meeting or does not vote on a question put to the vote on that day, unless his absence is due to official business for the city, or to illness attested by a physician's certificate, or to the discharge of a religious obligation, or to the death of an ascendant, a descendant, his consort, a brother or a sister.”

48. Article 85 of the said charter, amended by section 12 of chapter 97 of the statutes of 1960-1961 and section 5 of chapter 84 of the statutes of 1965 (1st session), and replaced by section 10 of chapter 77 of the statutes of 1977, is amended

(1) by striking out the first paragraph;

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

“For such purpose, the chairman of the executive committee shall pay, as a deduction from his indemnity, from 1 January 1978, a contribution equivalent to 5½% of his indemnity. For the purposes of this paragraph, his indemnity is \$17 333 a year.”

49. Article 120 of the said charter is amended by adding, at the end, the following paragraphs:

“A meeting of the council includes a period during which the persons attending may put questions to the council members.

The council may, by by-law, prescribe the length of the period, the time at which it is held and the procedure to be followed in putting a question.

The agenda paper of the meeting may be examined by any person at the clerk's office from the third juridical day preceding that of the meeting. However, if the meeting is convened after the third juridical day preceding that of the meeting, the agenda paper may be examined from the time when the notice of convocation is given.”

50. The said charter is amended by inserting, after article 668, the following article:

“**668 a.** At least four weeks before the executive committee deposits the budget in the clerk's office, the mayor or the chairman of the committee, at a meeting of the council, shall make a report of the financial position of the city, dealing with the latest financial statements, the latest auditor's report and the latest three-year programme of capital expenditures, the preliminary information regarding the financial statements for the period preceding that for which the next budget will be made, and the general orientation of the next budget and of the next three-year programme of capital expenditures. This report must be the first item on the agenda of the meeting.

The Minister of Municipal Affairs may oblige the city to divulge information respecting its financial position and outlook, in addition to that indicated in the first paragraph. The order of the Minister comes into force on the date of its publication in the *Gazette officielle du Québec* or on the later date fixed therein.

The text of the report of the mayor or of the chairman of the executive committee must be distributed free of charge to every civic address in the city, within five days after the meeting mentioned in the first paragraph.

Between the seventh and fifteenth days following the meeting, the council shall hold a public information meeting to give explanations on the report of the mayor or of the chairman of the

executive committee to the persons attending, hear their comments and answer their questions concerning it. A notice of convocation to the information meeting must accompany the text of the report distributed under the third paragraph.

Rather than holding a single information meeting, the council may decide to hold a meeting in each of the electoral districts or groups of districts that it determines, simultaneously or at different times. At least one council member must be present at each meeting.”

51. The said charter is amended by inserting, after article 1168, the following article:

“**1168a.** The Attorney-General may, upon the recommendation of the Minister of Municipal Affairs,

(1) institute an action contemplated in article 413 or an action for an offence provided for in any other act respecting an election held in the city;

(2) present a petition contemplated in article 515;

(3) exercise against a member of the council or an officer or employee of the city or of a supramunicipal body who is disqualified from holding his office or employment, the recourse provided for in articles 838 to 843 of the Code of Civil Procedure (R.S.Q., c. C-25), in particular in the case provided for in article 107.

For the purposes of this article, the expression “supramunicipal body” has the meaning given to it by sections 41*b* and 41*c* of the Act respecting retirement plans for mayors and councillors of cities and towns (R.S.Q., c. R-16), enacted by section 11 of chapter 60 of the statutes of 1978 and section 104 of chapter 36 of the statutes of 1979, respectively.”

52. The said charter is amended by inserting, after article 1171, the following article:

“**1171a.** Every public notice of the city or of an officer or employee of the city must be posted up in the clerk’s office and in each electoral district, in a public place determined by by-law of the council.”

53. Section 15 of the Charter of the City of Québec (1929, c. 95), replaced by section 5 of chapter 71 of the statutes of 1945, section 25 of chapter 51 of the statutes of 1948, section 8 of chapter 77 of the statutes of 1950, section 9 of chapter 65 of the statutes of 1953-1954, section 4 of chapter 69 of the statutes of 1956-1957, section 5 of chapter 81 of the statutes of 1965 (1st session) and by section 3 of chapter 85 of the statutes of 1966-1967, amended

by section 4 of chapter 68 of the statutes of 1970, replaced by section 1 of chapter 97 of the statutes of 1974 and amended by section 4 of chapter 54 of the statutes of 1976, is replaced by the following section:

“15. The city shall pay each year to the chairman of the council, in addition to what it pays to him in any other capacity, a salary of \$5 400 and an expense allowance of \$2 160.”

54. Section 15*b* of the said charter, enacted by section 5 of chapter 68 of the statutes of 1970, amended by section 4 of chapter 75 of the statutes of 1972 and replaced by section 3 of chapter (*insert here the chapter number of Bill 216*) of the statutes of 1980, is amended by replacing the second paragraph by the following paragraph:

“For such purpose, such members of the council shall pay, as a deduction from their salary, from 1 December of the year 1959 or, as the case may be, of the year of their election, a contribution equal to six per cent of their salary. From 1 May 1976, that salary is deemed, for the purposes of this paragraph, to be \$22 680 for the mayor, \$6 480 for the chairman of the council and \$5 400 for the other members of the council.”

55. The said charter is amended by inserting, after section 15*d*, the following section:

“15*e*. For the purposes of sections 15*a* and 15*c*, from the day on which the remuneration of a person is established under the Cities and Towns Act (R.S.Q., c. C-19), the word “salary” means two-thirds of the total sum to which that person is entitled under this act, as mayor or councillor or as chairman, vice-chairman or member of the executive committee, increased, where applicable, by the salary contemplated in section 15.”

56. Section 151 of the said charter, replaced by section 43 of chapter 81 of the statutes of 1965 (1st session), is amended by adding, at the end, the following paragraphs:

“No member of the council may take part in deliberations upon a question in which he has a personal interest.

In case of objection, the council decides whether the member has a personal interest in the question, and the member is not entitled to vote on the question as to whether he has an interest.

This section does not apply to the appointment of a committee or a commission.”

57. Section 159 of the said charter is replaced by the following section:

“159. The sittings of the council are public.

A sitting of the council includes a period during which the persons present may put questions to the members of the council.

The council may, by by-law, prescribe the length of the period, the time at which it is held and the procedure to be followed in putting a question.

The agenda paper of the sitting may be examined by any person at the clerk's office from the third juridical day preceding that of the sitting. However, if the sitting is convened after the third juridical day preceding that of the sitting, the agenda paper may be examined from the time when the notice of convocation is given.”

58. The said charter is amended by inserting, after section 285, the following section:

“285 a. At least four weeks before the executive committee makes a report to the council on the proposed budget, the mayor, at a sitting of the council, shall make a report of the financial position of the city, dealing with the latest financial statements, the latest auditor's report and the latest three-year programme of capital expenditures, the preliminary information regarding the financial statements for the period preceding that for which the next budget will be made, and the general orientation of the next budget and of the next three-year programme of capital expenditures. This report must be the first item on the agenda of the sitting.

The Minister of Municipal Affairs may oblige the city to divulge information respecting its financial position and outlook, in addition to that indicated in the first paragraph. The order of the Minister comes into force on the date of its publication in the *Gazette officielle du Québec* or on the later date fixed therein.

The text of the mayor's report must be distributed free of charge to every civic address in the city, within five days after the sitting mentioned in the first paragraph.

Between the seventh and fifteenth days following the sitting, the council shall hold a public information meeting to give explanations on the mayor's report to the persons present, hear their comments and answer their questions concerning it. A notice of convocation to the information meeting must accompany the text of the report distributed under the third paragraph.

Rather than holding a single information meeting, the council may decide to hold a meeting in each of the electoral districts or groups of districts that it determines, simultaneously or at different times. At least one council member must be present at each meeting."

59. The said charter is amended by inserting, after section 660, the following:

"DIVISION XLI

"PUBLIC NOTICE

"660a. Every public notice of the city or of an officer or employee of the city must be posted up in the clerk's office and in each electoral district, in a public place determined by by-law of the council.

"DIVISION XLII

"POWERS OF THE ATTORNEY-GENERAL

"660b. The Attorney-General may, upon the recommendation of the Minister of Municipal Affairs,

(1) institute proceedings for an offence provided for in this chapter or in any other act respecting an election held in the city;

(2) exercise the recourse referred to in section 392a;

(3) exercise against a member of the council or an officer or employee of the city or of a supramunicipal body who is disqualified from holding his office or employment, the recourse provided for in articles 838 to 843 of the Code of Civil Procedure (R.S.Q., c. C-25).

For the purposes of this section, the expression "supramunicipal body" has the meaning given to it by sections 41b and 41c of the Act respecting retirement plans for mayors and councillors of cities and towns (R.S.Q., c. R-16), enacted by section 11 of chapter 60 of the statutes of 1978 and section 104 of chapter 36 of the statutes of 1979, respectively."

60. Section 64 of the Cities and Towns Act (Revised Statutes, 1964, c. 193), replaced for the City of Laval by section 16 of chapter 89 of the statutes of 1965 (1st session) and section 2 of chapter 112 of the statutes of 1978, is amended

(1) by striking out the first paragraph;

(2) by striking out the third paragraph;

- (3) by striking out the fifth paragraph;
- (4) by striking out the eighth paragraph.

61. Section 5 of the Charter of the City of Hull (1975, c. 94) is repealed.

62. Section 64c of the Cities and Towns Act (Revised Statutes, 1964, c. 193), enacted for the City of Sainte-Foy by section 9 of chapter 56 of the statutes of 1976, is repealed.

63. Section 64b of the Cities and Towns Act (Revised Statutes, 1964, c. 193), enacted for the City of Charlesbourg by section 4 of chapter 87 of the statutes of 1977, is repealed.

64. A council member of a municipality, within the meaning of paragraph *f*² of section 2 of the Act respecting elections in certain municipalities and amending the Cities and Towns Act, amended by section 2, shall file with the council the statement contemplated in section 33.6 of the said act enacted by section 16, within ninety days of the coming into force of this act.

65. The last return prepared before the coming into force of this act indicating the number of vacation dwellings situated in the municipality and used intermittently for recreation purposes remains valid for the purpose of computing remuneration under the provisions enacted by sections 26 and 32, until it is changed or replaced in accordance with those provisions.

66. A resolution of the council of a municipality determining the terms and conditions of payment of remuneration, passed before the coming into force of this act, continues to have effect, *mutatis mutandis*, in respect of remuneration computed under the provisions enacted by sections 26 and 32, until the resolution is amended or replaced in accordance with those provisions.

67. A by-law of the council of a municipality establishing a tariff replacing the prior approval of expenses actually incurred by a member of that council for the municipality, in force before the coming into force of this act, continues to have effect until it is amended or replaced in accordance with the provisions enacted by sections 26 and 32.

68. Articles 77 to 77b and 77h to 77j of the Municipal Code, enacted by section 26, sections 65 to 65.3 and 65.9 to 65.13 of the Cities and Towns Act, enacted by section 32, and sections 33, 44 to 48, 53 to 55 and 60 to 63, have effect as from 1 January 1980.

However, the provisions respecting the remuneration and the expense allowance of members of the council of a municipality, as they exist before the coming into force of this act, hereinafter called "the former provisions", continue to apply to the municipality if they entitle a council member to receive, for all the offices that he may hold in the municipality, an annual total sum greater than that to which he is entitled, for the same offices, under the provisions respecting the same subject enacted by this act, hereinafter called "the new provisions".

In the case provided for by the second paragraph, a sum fixed by or under the former provisions and attached to the office of mayor, councillor or member, chairman, vice-chairman or deputy chairman of the executive committee, may be increased in accordance with articles 77e to 77h of the Municipal Code or sections 65.6 to 65.9 of the Cities and Towns Act, enacted by sections 26 and 32, respectively, *mutatis mutandis*.

The former provisions continue to apply to the municipality in accordance with the second paragraph, until one of the following eventualities takes place:

- (1) the annual total sum to which a council member is entitled for all the offices that he may hold in the municipality, under the new provisions, is equal to or greater than that to which he is entitled, for the same offices, under the former provisions;
- (2) the council of the municipality orders by by-law that the new provisions apply to the municipality;
- (3) the municipality avails itself of the power provided for in the third paragraph.

As soon as one of the eventualities contemplated in the fourth paragraph takes place, the new provisions apply to the municipality.

69. Articles 77c and 77d of the Municipal Code and sections 65.4 and 65.5 of the Cities and Towns Act, enacted by sections 26 and 32, respectively, have effect from 1 January 1981.

70. Sections 28, 34, 35, 49, 52 and 57 have effect from 1 September 1980.

However, a municipality may adopt and put into force, before 1 September 1980, a by-law contemplated in the sections listed in the first paragraph.

A by-law respecting a question period during sittings of the council of a municipality, in force before the coming into force of this act, continues to have effect to the extent that it complies

with the provisions enacted by sections 28, 34, 49 and 57, until it is amended or replaced in accordance with those provisions.

71. This act comes into force on the day of its sanction.