

FOURTH SESSION  
THIRTY-FIRST LEGISLATURE

# ASSEMBLÉE NATIONALE DU QUÉBEC

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## Bill 105

*(Reprint)*

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

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First reading .....  
Second reading .....  
Third reading .....

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M. GUY TARDIF  
Ministre des affaires municipales

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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 municipalities 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 National Assembly of Québec, enacts as follows:

**1.** The title of the Act respecting elections in certain municipalities and amending the Cities and Towns Act (1978, c. 63), replaced by section 1 of chapter 39 of the statutes of 1979, is again replaced by the following title:

“An Act respecting elections in certain municipalities”.

**2.** Section 1 of the said act, amended by section 3 of chapter 39 of the statutes of 1979, is replaced by the following sections:

“**1.** Every municipality, whatever its population, is subject to Chapters IV and V and Divisions II, III.1 and V to VIII of Chapter VI.

“**1.1** Every municipality other than the cities of Montréal and Québec is subject to Division III of Chapter VI.

“**1.2** Every municipality having a population of 20 000 or over is subject to Divisions III.2 and IV of Chapter VI and to Chapter VII.

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

“**1.4** Every municipality having a population of 1 000 or over but under 20 000 may, by by-law of its council passed by a

two-thirds majority of its members, order that Chapters II and III apply to it. It is subject to those chapters for the purposes of a general election if the by-law is in force on 1 January of the year preceding the year in which that general election is to be held.

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

**“1.5** Where a municipality is subject to Chapters II and III, to Divisions III.2 and IV of Chapter VI or to Chapter VII, it continues to be subject to them even if its population decreases to less than 1 000 or, as the case may be, 20 000, subject to section 1.6.

**“1.6** If the population of a municipality decreases to less than 1 000, the Minister of Municipal Affairs may, at the request of the municipality, order that Chapters II and III cease to apply to it, that it cease to be divided into electoral districts or wards and that its council be composed of a mayor and six councillors.

The order 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. It must also be published in a newspaper circulated in the municipality.

The order has effect for the purposes of every election from the first general election held after its coming into force.

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 1.3 or 1.4. The Minister of Municipal Affairs shall publish, in the *Gazette officielle du Québec* and in a newspaper circulated in the municipality, a notice that the order ceases to have effect.”

### **3. Section 2 of the said act is amended**

(1) by striking out paragraph c;

(2) 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);”;

(3) by replacing paragraph f by the following paragraphs:

“(f) “general election” means an election where all the offices of members of the council of a municipality 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;

“(f.1) “clerk” means the clerk or the secretary-treasurer of a municipality;

“(f.2) “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;”.

**4.** Section 3 of the said act, amended by section 4 of chapter 39 of the statutes of 1979, is replaced by the following sections:

**“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 the municipality must pass a by-law dividing the municipality into electoral districts.

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

The clerk shall send a certified true copy of the by-law to the director general for representation after it is passed. He shall do likewise after it comes into force, unless it has been put into force by the director under section 13.

**“3.1** The by-law contemplated in section 3 is passed in accordance with the act governing the municipality, subject to sections 3.2 to 3.8.

**“3.2** No by-law contemplated in section 3 may be passed unless the procedure provided for under sections 3.3 to 3.8 has been complied with.

**“3.3** The council must, by resolution, adopt a draft by-law dividing the municipality into electoral districts.

**“3.4** Within seven days from the adoption of the draft by-law, the clerk shall publish in a newspaper circulated in the municipality a notice giving a summary of the object of the draft by-law and indicating the boundaries of the proposed electoral districts, using the names of streets whenever possible.

**“3.5** The notice contemplated in section 3.4 must specify the place in the municipality where any elector may examine the draft by-law; it must indicate that an elector may, within ten days from the publication of the notice, inform the clerk in writing of any objection he may have to the draft by-law; it must also indicate the place to which such an objection must be addressed; finally, it must set out section 3.7.

**“3.6** For the purposes of section 3.5, 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, or part thereof, comprised in the municipality.

Any other natural person

(1) entered on the valuation roll, on the roll of rental values or on the collection roll of the municipality, who

(2) is entered on the electoral list of the municipality or on the schedule to its assessment roll, or would be entitled to be entered under the act governing the municipality if the length of time during which that person has been entered on the roll contemplated in paragraph 1 were not taken into account,

is also an elector.

**“3.7** The council shall hold a public meeting for the purpose of hearing the persons attending, on the matter of the draft by-law, if the required number of electors, within the meaning of section 3.6, have informed the clerk in writing of their objection to the draft by-law.

The required number is at least

(1) twenty electors in a municipality having a population of under 20 000;

(2) one elector for every thousand inhabitants in a municipality having a population of 20 000 or over but under 100 000;

(3) one hundred electors in a municipality having a population of 100 000 or over.

**“3.8** If the council must hold a public meeting, the clerk must publish 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 the persons attending, and the purpose of the meeting.

**“3.9** Sections 3.2 to 3.8 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 made pursuant to section 8.

**“3.10** The by-law contemplated in section 3 is put into force in accordance with the act governing the municipality, subject to sections 4 to 8. It requires no approval, except in the case provided for in the third paragraph of section 11.”

**5.** 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 elector, within the meaning of section 3.6, may examine the by-law; it must indicate that an elector 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.”

**6.** 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.”

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

**“8.** The director general for representation shall hold a public meeting for the purpose of hearing the persons attending on the matter of the by-law, if the required number of electors, within the meaning of section 3.6, have informed the director in writing of their objection to the by-law within the prescribed time. The required number is at least

(1) twenty electors in a municipality having a population of under 20 000;

(2) one elector for every thousand inhabitants in a municipality having a population of 20 000 or over but under 100 000;

(3) one hundred electors in a municipality having a population of 100 000 or over.

The director shall then publish in a newspaper circulated in the municipality a notice of at least three clear days of the place, day and time he will sit to hear the persons attending, and the purpose of the meeting.

The municipality is entitled to be heard at 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 his recommendations."

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

**"8.** 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."

**9.** 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, the word "elector" has the meaning given to it by section 3.6. The act governing the municipality respecting where the right to vote may be exercised applies, *mutatis mutandis*, to determine the district where 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."

**10.** 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."

**11.** 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 to the municipality a certified true copy of the decision dividing it into electoral districts or put into force the by-law of the municipality, as the case may be.

The director shall publish in a newspaper circulated in the municipality a notice stating the object of the decision dividing the municipality into electoral districts, or of the by-law of the municipality, as the case may be; the notice must indicate the date on which the decision was rendered or the by-law was passed, 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."

**12.** 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.

For the purposes of such an election, the words "wards" and "electoral districts", in the constituent act of the municipality or in the act governing it, mean an electoral district delimited pursuant to this chapter. This chapter does not, however, affect the wards delimited in the Charter of the city of Montréal (1959-1960, c. 102).

**“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** 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. Article 33 of the said Code does not apply in respect of any act performed by the director in the exercise of his duties.

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, examine any document forming part of the records of a municipality and obtain copy of it free of charge.”

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

**“14.** From the general election following the division of the municipality into electoral districts in accordance with Chapter II, the council of the municipality is composed of

- (1) the mayor, and
- (2) one councillor for each electoral district.”

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

**“15.** A person who is a member of the Legislature of Québec or of the Parliament of Canada shall not hold office as member of the council of a municipality.

The first paragraph does not apply to a person who on (*insert here the date of the coming into force of Bill 105*) is a member of the Legislature of Québec or of the Parliament of Canada until he ceases to be a member. A person does not cease to be a member of the Legislature of Québec or of the Parliament of Canada at the expiry of his term if he is re-elected at the ensuing election.

**“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 indictable 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 a summary conviction offence by a court of justice and consequently detained in a house of detention or penitentiary, 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.

**“15.3** The grounds for disqualification from holding municipal office provided under sections 15 and 15.1 are in addition to those provided under any other act.”

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

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

**16.** Section 21 of the said act, amended by section 10 of chapter 39 of the statutes of 1979, is replaced by the following:

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

“DIVISION III.1

“LEAVE WITHOUT PAY

**“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.

No employer may be required to grant to his employee who is a member of a municipal council a leave without pay for a total period of more than eight years.

**“21.2** The leave begins on the later 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 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, in accordance with the provisions of the collective agreement or, in the absence of a collective agreement, the agreement between the employer and 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.

**“21.6** A contravention of section 21.4 or 21.5 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 then 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.

**“21.7** An employer who contravenes section 21.1, 21.4 or 21.5 is guilty of an offence and is liable, on summary proceeding, in addition to costs, to a fine not exceeding one thousand dollars for each day he commits the offence.”

**17.** Section 22 of the said act is repealed.

**18.** The said act is amended by inserting, before section 23, the following heading:

“DIVISION III.2

NOMINATION-PAPER”.

**19.** Section 23 of the said act is amended by striking out the second paragraph.

**20.** Section 24 of the said act is repealed.

**21.** Section 25 of the said act is replaced by the following section:

**“25.** At the same time as his nomination-paper, a candidate of an authorized party must produce an affidavit or a solemn affirmation from the official representative of the party declaring that he is the candidate of the party for the office contemplated.”

**22.** Sections 26 and 27 of the said act are repealed.

**23.** Section 28 of the said act is amended by striking out the second paragraph.

**24.** Section 29 of the said act is amended by striking out the second paragraph.

**25.** Divisions V and VI of Chapter VI of the said act, comprising sections 30 to 33, are replaced by the following:

**30.** Sections 28 and 29 do not apply if all the candidates for the offices for which the poll is being held are independent candidates.

#### “DIVISION V

##### “PARTISAN WORK OF OFFICERS

**31.** For the purposes of this division,

(1) “officer or employee of a municipality” and “office in a municipality” mean, in addition to their ordinary meaning, an officer or employee of a county corporation, regional county municipality or regional or urban community, and an office in any of them;

(2) “election in a municipality” means, where this division applies to an officer or employee of a county corporation, regional county municipality or regional or urban community, an election in a municipality included in the territory of the county corporation, regional county municipality or regional or urban community.

**32.** Officers or employees of a municipality are prohibited from engaging in partisan work connected with 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.** Section 32 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.

**33.1** A person who uses intimidation or threats to induce an officer or employee of a municipality to contravene the first paragraph of section 32 or to punish him for his refusal to

contravene it is liable, on summary proceeding, 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 32 applies to him.

## “DIVISION VI

### “STATEMENT OF FINANCIAL INTERESTS OF ELECTED OFFICIALS

**“33.2** Within sixty days of his election or appointment, each member of the council of a municipality shall file with the council a written statement of his interests

(1) in corporations, partnerships or businesses, and

(2) 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.

The statement must list, in particular, the employments and the administrative positions held by the member of the council, and the existence of loans of more than \$2 000 contracted by the member of the council from persons or institutions other than financial institutions.

The statement need not mention sums deposited in financial institutions, nor the value of the interests which are listed in it.

**“33.3** Every year, within sixty days after the anniversary of his election or appointment, each member of the council shall file an up-to-date statement with the council.

In the meantime, if a member of the council acquires an interest that entails a conflict of interest with the municipality, he must declare it in writing before the council at the next sitting following his acquisition of the interest.

**“33.4** Failure to file the statement within the period prescribed in section 33.2 or 33.3 makes the council member ineligible, until he has filed 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 on 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 first 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.

Decisions taken or acts done by the council, committee, commission or body are not invalid by the sole fact that the member of the council sat or voted thereon in contravention of this section.

**“33.5** A member of the council who knowingly makes a false or incomplete statement becomes disqualified to hold municipal office for two years from the judgment in last instance.

## “DIVISION VII

### “ELECTORAL STATISTICS

**“33.6** 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.

## “DIVISION VIII

### “FILLING OF VACANCY

**“33.7** 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.

**“33.8** If no person is nominated for election to the office of mayor, the councillors shall proceed in accordance with section 33.9, 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 33.10.

**“33.9** 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 office, subject to section 33.10.

Notwithstanding the first three paragraphs, the council of a municipality may, within fifteen days after a vacancy, order that it be filled in accordance with section 33.7. The returning officer shall then act in accordance with that section within eight days of the decision of the council.

**“33.10** 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 33.7 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 33.7 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.

**“33.11** 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.

**“33.12** A vacancy caused by a judgment annulling an election is filled in accordance with sections 33.7 to 33.11.”

**26.** 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.”

**27.** Section 52 of the said act is amended by replacing the second paragraph by the following paragraph:

“If the authorization of the party becomes null or is withdrawn under section 51 or 53 on a date too close to that of the poll to enable the returning officer to have new ballot-papers

printed, the polling clerk uses those in his possession, after striking out, visibly and evenly with an ink line, the name of the party on every paper."

**28.** 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."

**29.** 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."

**30.** Section 117 of the said act is replaced by the following section:

**"117.** The provisions of a general law or special act or of letters patent that apply to a municipality, or of a municipal by-law, concerning the matters contemplated in the chapters or divisions of this Part that are applicable to this municipality, continue to apply, *mutatis mutandis*, to the extent that they are not inconsistent with these chapters or divisions."

**31.** 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 comes into force after (*insert here the date of the coming into force of Bill 105*) and that concerns a matter contemplated by this act, takes precedence over any inconsistent provision of this act.”

**32.** 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.

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.”

**33.** 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 having a population, on (*insert here the date of the coming into force of Bill 105*), of 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, and the by-law contemplated in that

section may be passed without following the procedure provided in sections 3.3 to 3.8.

**“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 31 December 1980 and 31 March 1981, respectively.

A municipality having a population, on (*insert here the date of the coming into force of Bill 105*), of 1 000 or over but under 20 000 may order 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 1.4, provided that the by-law contemplated therein is in force before 1 September 1980.”

**34.** 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 of Québec a report of their respective activities under this act for the preceding calendar year.

The President of the National Assembly of Québec 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 of Québec is not sitting, he shall table it within thirty days after the opening of the next session or after 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.”

**35.** 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

.....

.....

.....

*(list all the vacant offices)*

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

.....  
Returning officer”.

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

**“10a.** The Attorney-General may

(1) 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);

(2) 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.”

**37.** 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 chapter 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.

**“77a.** 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.

**“77b.** 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.

**“77c.** 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.

The draft by-law must be the first item on the agenda of the sitting at which it is to be passed.



Any contravention of 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 office of mayor or councillor.

**“77i.** Notwithstanding any contrary provision of any general law, special act, regulation, by-law or order, no member of the council of the local corporation may receive from the latter and a body that is its mandatory, as remuneration and allowance for expenses for the office of mayor or councillor and for an office in that body a total annual sum greater than

- (1) \$50 000 in the case of the mayor,
- (2) \$16 667 in the case of a councillor.

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

Where the total annual sum that a member of the council would receive from the local corporation and its mandatory body if the first and second paragraphs did not apply exceeds the maximum fixed in those paragraphs, each component of that total sum is proportionately decreased to render the total equal to that maximum.

For the purposes of this article, “mandatory body of the local corporation” means

- (1) a body declared by law to be the mandatory or agent of the local corporation, or
- (2) a body whose board of directors is composed entirely of members of the council of the local corporation and whose budget is adopted by the corporation.

**“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 the latter, a body that is its mandatory and a supramunicipal body, as remuneration and allowance for expenses for the office of mayor or councillor and for an office in that body, a total annual sum greater than the sum the Government may fix by order.

The Government may define categories of local corporations, their mandatory bodies, supramunicipal bodies and offices and fix different maximum sums according to those categories.

Every government order must be published in the *Gazette officielle du Québec*, and comes into force on 1 January preceding or following its publication, as provided therein.

If the total annual sum that a member of the council would receive from the local corporation, a mandatory body of the latter and a supramunicipal body, if the government order did not apply, is greater than the maximum fixed in the order, each component of that total sum is proportionately decreased to render the total equal to that maximum. In order to compute the total annual sum that a member of the council would receive, the decrease made in accordance with the third paragraph of article 77*i* is, where applicable, taken into account.

For the purposes of this section, the expressions "mandatory body of the local corporation" and "supramunicipal body" have the meaning given to them by article 77*i* and article 10*a*, respectively.

**"77*k*.** Notwithstanding any contrary provision of any general law, special act, regulation, by-law or order, no member of the council of the local corporation may receive, as an indemnity for a portion of the expenses attaching to the office of mayor or councillor and an office in a mandatory body of the local corporation or a supramunicipal body, a total annual sum greater than 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).

Where the total annual sum that a member of the council would receive as an indemnity for a portion of his expenses, if the first paragraph did not apply, exceeds the maximum fixed by the first paragraph, the excess is deemed, for each office contemplated and in proportion to the basic remuneration for that office, to be additional remuneration rather than an indemnity for expenses. For the computation of the total annual sum that a member of the council would receive, the decrease made in accordance with the third paragraph of article 77*i* or the fourth paragraph of article 77*j* is, if applicable, taken into account.

For the purposes of this article, the expressions "mandatory body of the local corporation" and "supramunicipal body" have the meaning given to them by article 77*i* and article 10*a*, respectively.

**"77*l*.** 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."

**38.** Article 81 of the said code, replaced by section 1 of chapter 50 of the statutes of 1954-1955 and amended by section 4 of chapter 82 of the statutes of 1975, is replaced by the following article:

**"81.** The term of office of local councillors is two years, subject to articles 85, 248 and 249*a* to 249*j*."

**39.** Article 82 of the said code, replaced by section 1 of chapter 74 of the statutes of 1927 and section 2 of chapter 50 of the statutes of 1954-1955 and amended by section 5 of chapter 82 of the statutes of 1975, is replaced by the following article:

**"82.** The head of the council is called the "mayor"; he is elected by the electors every two years, in the year designated by an odd number, subject to articles 249*a* to 249*j*."

**40.** Article 85 of the said code, amended by section 2 of chapter 74 of the statutes of 1927, section 3 of chapter 50 of the statutes of 1954-1955 and by section 11 of chapter 53 of the statutes of 1977, is again amended by replacing the second paragraph by the following paragraph:

"The mayor elected at the first general election held under article 246, or appointed under article 238*a*, holds office only until the time fixed by article 82 for the general election of the mayor, subject to articles 249 to 249*a*."

**41.** Article 111 of the said code is replaced by the following article:

**"111.** If a county council consists of twelve or more members, its quorum is seven, and if it consists of less than twelve, its quorum is a majority of its members; the quorum of a local council is a majority of its members."

**42.** 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 weeks 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.”

**43.** 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.”

**44.** Article 148 of the said code, replaced by section 5 of chapter 103 of the statutes of 1930 and amended by section 1 of chapter 118 of the statutes of 1933, is replaced by the following article:

**“148.** The secretary-treasurer remains in office during the pleasure of the council, even if his appointment was for a fixed term; however, he can only be dismissed or reduced in salary on the affirmative vote of the absolute majority of the members of the council.”

**45.** The said code is amended by inserting, after article 244a, the following article:

**“244b.** In a municipality divided into electoral districts pursuant to the Act respecting elections in certain municipalities (1978, c. 63), a person contemplated in article 243 or 244 may vote at the election of the mayor and at the election of the local councillor for the electoral district where he is domiciled, or where the immovable of which he is the owner or the store, counting-house, shop, office or place of business of which he is the tenant, as the case may be, is located.

For the purposes of the first paragraph, if a person contemplated in article 243 who has not been domiciled in the municipality

for at least twelve months preceding polling day is both the owner of an immoveable and the tenant of a store, counting-house, shop, office or place of business, the address of the immoveable of which he is the owner is the address taken into account. If such a person is the owner of more than one immoveable, the address of the immoveable which has the highest valuation entered on the roll of real estate values is the address taken into account. If such a person is the tenant of more than one store, counting-house, shop, office or place of business, the address of that one which has the highest value entered on the roll of rental values or, if there is no such roll, of that one having the highest rent, is the address taken into account."

**46.** The said code is amended by inserting, after article 249f, the following:

"CHAPTER FIRST C

"SIMULTANEOUS ELECTION OF MEMBERS OF THE COUNCIL

**"249g.** Notwithstanding any contrary provision of this code, the council may, by by-law passed by a two-thirds majority of its members and approved by the Minister of Municipal Affairs, order that at any general election, beginning with the second general election following the coming into force of the by-law, all the seats on the council may be put up for nomination and that the length of the term of the persons proclaimed elected at that election will be two years or three years.

A by-law contemplated in the first paragraph may not be repealed. It may only be amended to change the length of the term provided for in the by-law. Such an amendment does not have effect until the general election following its coming into force.

**"249h.** The term of a council member that is to expire at the time of the third or fourth general election following the coming into force of the by-law contemplated in article 249g ends at the time of the second general election following that coming into force, in accordance with article 84 and subject to any cause for early expiry of the term.

The persons elected at the first general election following the coming into force of the by-law are elected for a term of one year, with the same reservation.

**"249i.** Beginning with the second general election following the coming into force of the by-law contemplated in article 249g, the general elections in the municipality take place on the

date provided for in article 245, every two or three years, as the by-law provides.

**"249j.** The council may adopt the by-law contemplated in section 1.4 of the Act respecting elections in certain municipalities (1978, c. 63) at the same time as or later than the passing of the by-law contemplated in article 249g.

However, the first mentioned by-law cannot come into force before the second mentioned by-law is in force."

**47.** Article 256 of the said code, replaced by section 15 of chapter 82 of the statutes of 1975, is amended:

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

**"256.** The corporation may, by resolution of its council approved by the Minister of Municipal Affairs, establish and amend a tariff of fees, costs and expenses payable to election officers, to members other than the officer presiding the election, of the committee for the revision of the schedule to the assessment roll and to any other person who may be designated by the Minister of Municipal Affairs from among those persons who exercise a function in respect of an election in the municipality.";

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

"An order or a tariff of the Minister of Municipal Affairs 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."

**48.** Article 257 of the said code, amended by section 2 of chapter 68 of the statutes of 1926, section 4 of chapter 74 of the statutes of 1927, section 4 of chapter 83 of the statutes of 1934, section 25 of chapter 86 of the statutes of 1968 and by section 272 of chapter 72 of the statutes of 1979, is again amended by replacing that part preceding paragraph *a* by the following:

**"257.** At least fifteen days before the last Sunday or Monday of October, according as the election is held on the first Sunday or the first Monday of November, the presiding officer must give public notice over his signature, setting forth:".

**49.** Article 259 of the said code, amended by section 2 of chapter 100 of the statutes of 1922 (1st session), replaced by section 2 of chapter 49 of the statutes of 1948 and amended by section 22

of chapter 53 of the statutes of 1977, is again amended by adding, at the end, the following paragraph:

“In a municipality divided into electoral districts, the nomination-paper of a candidate to the office of councillor must indicate the electoral district contemplated, and the electors contemplated in the second paragraph who are proposing the candidate must be persons entitled to vote at the election to the office of councillor for that district.”

**50.** Article 261 of the said code is amended by adding, at the end, the following paragraph:

“In a municipality divided into electoral districts, the first paragraph applies where there is only one candidate for the office of mayor or the office of councillor for a district. There is a poll for each office to which there is more than one candidate.”

**51.** Article 263 of the said code is amended by adding, at the end, the following paragraph:

“In a municipality divided into electoral districts, the officer presiding at the election shall declare elected to the office of mayor or of councillor of a district the candidate who, following a withdrawal contemplated in the first paragraph, is the only remaining candidate.”

**52.** Article 264 of the said code, amended by section 274 of chapter 72 of the statutes of 1979, is again amended by adding, at the end of subarticle 1, the following paragraph:

“In a municipality divided into electoral districts, the first paragraph only applies with regard to the election to the office for which the deceased candidate was running.”

**53.** Article 266 of the said code, amended by section 5 of chapter 74 of the statutes of 1927, section 12 of chapter 88 of the statutes of 1929, section 1 of chapter 103 of the statutes of 1931-1932 and by section 16 of chapter 82 of the statutes of 1975, is again amended by replacing the third paragraph by the following paragraph:

“When, according to the valuation roll in force, the municipality contains more than three hundred electors or is divided into electoral districts, the voting must be held at more than one place or more than one polling-station.”

**54.** Article 274 of the said code, amended by section 7 of chapter 103 of the statutes of 1930, is again amended by inserting, after the first paragraph, the following paragraph:

“In a municipality divided into electoral districts, an elector may vote for a candidate for the office of mayor and a candidate for the office of councillor for the district where he is entitled to vote in accordance with article 244*b*.”

**55.** Article 283 of the said code is amended by adding, at the end, the following paragraph:

“In a municipality divided into electoral districts, the presiding officer declares elected the candidates obtaining the largest number of votes at the elections to the office of mayor and to the office of councillor for each district.”

**56.** 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:

**“312*a*.** Unless before the 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, declares elected the candidate or candidates who have obtained the greatest number of votes, having regard to the number of vacant seats.

In a municipality divided into electoral districts, the presiding officer declares elected the candidates obtaining the largest number of votes at the elections to the office of mayor and to the office of councillor for each district.”

**57.** Article 313*a* of the said code, enacted by section 7 of chapter 74 of the statutes of 1927 and amended by section 17 of chapter 82 of the statutes of 1975, is again amended by inserting, after the second paragraph of subarticle 1, the following paragraph:

“In a municipality divided into electoral districts, the presiding officer must divide the valuation roll according to the number of electors entitled to vote at the election of the councillor for each district, pursuant to article 244*b*, establish a separate polling-station for each district where the office of councillor is to be filled by polling and determine the place where each polling-station is to be located. If more than three hundred electors are qualified to vote at the election of the councillor in the same district, the first paragraph applies for the purposes of the election.”

**58.** The said code is amended by inserting, after article 443*g*, the following article:

**“443*h*.** The members of the council of a local or county corporation may, as long as they remain in office, participate in



the group insurance contracted for by the corporation pursuant to article 443*e*, on the same conditions as those applicable to the officers and employees mentioned in that article."

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

**"633 b.** Within thirty days from the adoption of the budget, the council of the local corporation shall hold a special sitting devoted exclusively to explanations, questions and commentary regarding the budget.

At least ten days before the sitting contemplated in the first paragraph, an explanatory summary of the budget must be distributed free of charge to every civic address in the municipality.

**"633 c.** At least eight days before the sitting at which the budget is to be adopted, the secretary-treasurer must give a public notice indicating

(1) the place, date, time and purpose of the sitting at which the budget is to be adopted;

(2) the place, date, time and purpose of the sitting contemplated in article 633*b*;

(3) the right of every person to examine the budget and to obtain a copy of it, and the terms and conditions of exercise of that right.

In addition to being posted, the notice must be published in a newspaper circulated in the municipality.

**"633 d.** The mayor must table before the council the financial statements of the local corporation for the preceding fiscal period and give a brief explanation of them.

Articles 633*b* and 633*c* apply, *mutatis mutandis*, in respect of the financial statements, as if their tabling were the adoption of the budget."

**60.** Form 9 of the said code is amended by replacing, in the left-hand box on the obverse of the ballot-paper, the words and figure "Election of Councillors for the municipality of....19...." by the words and figure "Election of Councillors (or the councillor for the electoral district.....) of the municipality of.... 19.....".

**61.** 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

(1) present a motion to quash or set aside a by-law of the council or a *procès-verbal*, roll, resolution or other order of the council or of the executive committee;

(2) 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. 25).

For the purposes of this section, the expression “supramunicipal body” has the meaning given to it by sections 41*b* and 41*c* of the Act respecting retirement plans for the mayor 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.

This section applies to all city and town municipalities, by whatever law governed, even to those not contemplated by section 1.”

**62.** 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 an additional remuneration or 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 sections 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 passing 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.

The draft by-law must be the first item on the agenda of the sitting at which it is to be passed.

Any contravention of 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.

**“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 sections 65.11 and 65.13. 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 member of the council of the municipality may receive from it or from a mandatory body thereof, as remuneration or expense allowance for an office in the municipality or in a body thereof, a total annual sum greater than the amount determined under the following paragraphs:

(1) in the case of the mayor, or of a councillor who is entitled to an additional remuneration under the second or the third paragraph of section 65.10: the greater of \$50 000 and the sum of the remunerations of the mayor and of a councillor pursuant to sections 65, 65.1 and 65.4;

(2) in the case of another councillor: one-third of the maximum amount applicable to the mayor of the municipality pursuant to paragraph 1.

Sections 65.4 and 65.5 apply, *mutatis mutandis*, to the amount of \$50 000 mentioned in the first paragraph.

If the total annual sum that a member of the council would receive from the municipality or a mandatory body thereof 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 section “mandatory body of the municipality” means

(1) a body declared by law to be a mandatory or agent of the municipality; or

(2) a body whose board of directors is composed exclusively of members of the council of the municipality and whose budget is adopted by the municipality.

**“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, a mandatory body of the municipality and from a supramunicipal body, as remuneration and expense allowance for an office in the municipality or body, a total annual sum greater than the sum that the Government may fix by order.

The Government may define categories of municipalities, mandatory bodies of the municipality, supramunicipal bodies and offices and fix different maximum sums according to those categories.

Every government order must be published in the *Gazette officielle du Québec*, and comes into force on 1 January preceding or following its publication, as provided therein.

Where the total annual sum that a member of the council would receive from the municipality, a mandatory body of the municipality and a supramunicipal body, if the government order did not apply, exceeds the maximum amount fixed therein, each component of that total sum is proportionately decreased to render

the total equal to that maximum. For the computation of the total annual sum that a member of the council would receive, the reduction effected in accordance with the third paragraph of section 65.11 is, if applicable, taken into account.

For the purposes of this section, the expression “mandatary body of the municipality” and “supramunicipal body” have the meaning conferred on them by section 65.11 and section 14.1, respectively.

**“65.13** 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 as an indemnity for a portion of the expenses attaching to his office in the municipality, in a mandatary body of the municipality or in a supramunicipal body, a total annual sum greater than 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).

Where the total annual sum that a member of the council would receive to indemnify him for a portion of his expenses, if the first paragraph did not apply, exceeds the maximum fixed therein, the excess is deemed, for each office contemplated and proportionately to the basic remuneration attached to it, to be additional remuneration instead of an indemnity for expenses. For the computation of the total annual sum that a member would receive, the reduction effected in accordance with the third paragraph of section 65.11 or the fourth paragraph of section 65.12 is, if applicable, taken into account.

For the purposes of this section, the expressions “mandatary body of the municipality” and “supramunicipal body” have the meaning conferred on them by section 65.11 and section 14.1, respectively.

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

**“65.15** 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.”

**63.** Section 68*a* of the said act, enacted by section 119 of chapter 63 of the statutes of 1978, is replaced by the following section:

“**68*a*.** The council may, by by-law adopted by a two-thirds majority of the votes, create an executive committee of three members if the council is composed of from 12 to 20 councillors or five members if the council is composed of more than 20 councillors.”

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

**65.** Section 68*j* of the said act, enacted by section 119 of chapter 63 of the statutes of 1978 and amended by section 15 of chapter 39 of the statutes of 1979, is again amended

(1) by striking out subparagraph *a* of the first paragraph;

(2) by replacing subparagraph *c* of the first paragraph by the following subparagraph:

“(c) whose council is made up of at least 12 councillors.”

**66.** Section 303 of the said act is amended

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

“**303.** The council may, by resolution approved by the Minister of Municipal Affairs, make and amend a tariff of fees, costs and expenses payable to the enumerators, to the members of the board of revision, to the election officers, to the treasurer who performs the duties conferred on him by Chapter VII of Part I of the Act respecting elections in certain municipalities (1978, c. 63), and to any other person designated by the Minister of Municipal Affairs from among those persons who exercise a function in respect of an election in the municipality.”;

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

“An order or tariff of the Minister of Municipal Affairs 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.”

**67.** 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.

In a municipality whose council is made up of more than 20 councillors, the council may, however, order by by-law that the period of oral questions by the persons attending be replaced by the procedure described in the following paragraphs.

Every question must be filed in writing with the clerk of the municipality. The latter shall, upon receiving it, enter the question in a register which forms part of the records and which may, furthermore, be examined during the sittings of the council.

The mayor or the chairman of the executive committee shall answer the question at a sitting of the council, either orally or by filing with the council a reply in writing which is entered in the record.

The by-law of the council mentioned in the third paragraph may limit the number of questions that the same person may file with the clerk.

This section applies to all city or town municipalities, by whatever law governed, even to those which are not contemplated by section 1.”

**68.** 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.”

**69.** Section 464 of the said act is amended by adding, at the end of paragraph 10, the following paragraph:

“The members of the council may, as long as they remain in office, participate in the group insurance contracted for by the municipality under this paragraph, on the same conditions as those applicable to the employees mentioned in those sections.”

**70.** The said act is amended by inserting, after section 474, the following sections:

**“474.1** Within thirty days from the adoption of the budget or the three-year programme of capital expenditures, the council

of the municipality shall hold a special sitting devoted exclusively to explanations, questions and commentary regarding the budget or the three-year programme of capital expenditures, or both.

At least ten days before the sitting contemplated in the first paragraph, an explanatory summary of the budget or the three-year programme of capital expenditures must be distributed free of charge to every civic address in the municipality.

**“474.2** At least eight days before the sitting at which the budget or the three-year programme of capital expenditures is to be adopted, the clerk shall give a public notice indicating

(1) the place, date, time and purpose of the sitting at which the budget or the three-year programme of capital expenditures is to be adopted;

(2) the place, date, time and purpose of the sitting contemplated in section 474.1;

(3) the right of any person to examine the budget or the three-year programme of capital expenditures and to obtain copy of it, and the terms and conditions of exercise of that right.

**“474.3** The mayor or the chairman of the executive committee shall table before the council the financial statements of the municipality for the preceding fiscal period and give a brief explanation of them.

Sections 474.1 and 474.2 apply, *mutatis mutandis*, in respect of the financial statements, as if their tabling were the adoption of the budget.

**“474.4** Sections 474.1 to 474.3 apply to all city or town municipalities, by whatever law governed, even if they are not contemplated by section 1.”

**71.** Section 25 of the Act respecting municipal bribery and corruption (R.S.Q., c. F-6) 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.”

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

**“27.** For the purposes of this act,

(1) “member of a municipal council” means, in addition to its ordinary meaning, a county delegate or a member of the council of an urban or regional community;

(2) “city”, “town”, “municipality” and “corporation” mean, in addition to their ordinary meaning, a board of county delegates or an urban or regional community;

(3) “elector” and “ratepayer”, where this act applies to a board of county delegates or an urban or regional community, mean an elector or a ratepayer of a municipality represented on the board of county delegates or forming part of the community.”

**73.** Section 41c of the Act respecting retirement plans for mayors and councillors of cities and towns (R.S.Q., c. R-16), enacted by section 104 of chapter 36 of the statutes of 1979, is amended by replacing the first paragraph by the following paragraph:

“**41 c.** The Government may also consider as a supramunicipal body, for the purposes of the application of this division, any commission or council created by law in which the majority of members sit as head of the council or as a councillor in a municipality or a county corporation. It may also consider as a supramunicipal body a regional county municipality composed of only one municipality.”

**74.** 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 625b of the Municipal Code and section 610b 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 appropriation of the moneys required to pay the cost of these works.

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

**75.** 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 appropriation of the moneys required to pay the cost thereof from its general funds not otherwise appropriated.”

**76.** 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 from holding 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 any rate-payer.

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 proceeding, in addition to costs, to a fine not exceeding \$5 000, payable to the corporation.”

**77.** 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 by section 4 of chapter 77 of the statutes of 1977, is again amended by striking out the fifth paragraph.

**78.** 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.”

**79.** 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;”.

**80.** 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.”

**81.** 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.”

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

**“1171 a.** 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.”

**83.** 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 \$1 080 and an expense allowance of \$540.”

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

**“15e.** For the purposes of sections 15a to 15c, the annual salaries of the members of the council and of the executive committee are deemed to be the following:

- (1) that of the mayor:
  - (a) as member of the council: \$5 400;
  - (b) as mayor and chairman of the executive committee: \$17 280;
- (2) that of the members of the executive committee:
  - (a) as councillor: \$5 400;
  - (b) as members of the executive committee: \$7 560;
- (3) that of the chairman of the council:
  - (a) as councillor: \$5 400;
  - (b) as chairman: \$1 080;
- (4) that of the members of the council: \$5 400.”

**85.** 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.”

**86.** 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.”

**87.** 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.

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

**89.** 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.

**90.** 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.

**91.** Section 17 does not disqualify from holding his office any member of the council of a municipality who was nominated in accordance with section 22 of the Act respecting elections in certain municipalities and amending the Cities and Towns Act.

**92.** A council member of a municipality, within the meaning of paragraph f.2 of section 2 of the Act respecting elections in certain municipalities, amended by section 3, shall file with the council the statement contemplated in section 33.2 of the said act enacted by section 25, within ninety days of the coming into force of this act.

**93.** The last statement 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 37 and 62, until it is changed or replaced in accordance with those provisions.

**94.** 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 37 and 62, until the resolution is amended or replaced in accordance with those provisions.

**95.** 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 37 and 62.

**96.** A tariff of fees, costs and expenses payable to election officers, to the enumerators or to the members of the board of revision of the electoral list of a municipality established by the Minister of Municipal Affairs before the coming into force of this act continues to have effect even if it is not published in the *Gazette officielle du Québec* in accordance with article 256 of the Municipal Code and section 303 of the Cities and Towns Act amended by sections 47 and 66, respectively, until they are amended or replaced in accordance with the said sections.

**97.** Articles 77 to 77*b* and 77*h* to 77*k* of the Municipal Code, enacted by section 37, sections 65 to 65.3 and 65.9 to 65.14 of the Cities and Towns Act, enacted by section 62, and sections 64, 77 to 81, 83, 84 and 87 to 90, have effect as from 1 January 1980.

**98.** Notwithstanding section 97, no member of the council of a municipality may receive, as remuneration or as an indemnity for expenses, for an office in the municipality, a mandatory body thereof or a supramunicipal body, a sum inferior to the sum to which such a member of the council is entitled under the provisions applicable before the coming into force of this act.

However, the total sum received as an indemnity for expenses by such a member of the council is limited in conformity with article 77*k* of the Municipal Code and section 65.13 of the Cities and Towns Act enacted by sections 37 and 62, respectively, except where the council member is contemplated in section 99.

**99.** No member of the council of a municipality in office on the date of the coming into force of this act who is then receiving, as an indemnity for a portion of the expenses attaching to the offices mentioned in article 77*k* of the Municipal Code enacted by section 37, or in section 65.13 of the Cities and Towns Act enacted by section 62, a total annual sum that exceeds the maximum provided for in that article or section, may receive as an indemnity for a portion of the expenses attaching to each office that he continues to hold, a sum lesser than the sum he was receiving for that purpose at that date. A member of the council is not deemed to have ceased to hold an office at the expiry of his term if he is re-elected or re-appointed to that office for the immediately following term.

**100.** Articles 77*c* and 77*d* of the Municipal Code and sections 65.4 and 65.5 of the Cities and Towns Act, enacted by sections 37 and 62, respectively, have effect from 1 January 1981.



**101.** Sections 43, 67, 68, 82 and 86 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 43 and 67, until it is amended or replaced in accordance with those provisions.

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