

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 249

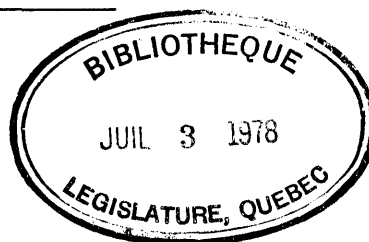
(PRIVATE)

An Act to amend the charter
of the city of Gatineau

First reading

Second reading

Third reading



M. JEAN ALFRED

Bill 249

(PRIVATE)

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WHEREAS it is in the interest of the city of Gatineau and necessary, for the proper administration of its affairs, that its charter, enacted by chapter 88 of the statutes of 1974, be amended;

Therefore, Her Majesty, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. Section 9 of the charter of the city of Gatineau, enacted by section 18 of chapter 88 of the statutes of 1974, is replaced by the following:

“9. Section 46 of the Cities and Towns Act is replaced for the city by the following:

“46. The city shall be represented and its affairs administered,

(a) by a council composed of the mayor and twelve councillors, one for each ward;

(b) from (*insert here the date of the coming into force of Bill 249*) by an executive committee composed of the mayor, as chairman, and four councillors.

“46a. The council may

(a) adopt the budgets and vote the appropriations necessary for the administration of the city, submitted by the executive committee, and change them within the given delays;

(b) award contracts of the city in cases where the executive committee cannot do so;

(c) make by-laws ordering works considered capital expenditures and authorize loans or impose taxes to pay for them or order them paid out of the unallotted general funds;

(d) make the by-laws of the city on any matter the city may regulate;

(e) create by by-law the different departments of the city and determine the scope of their activities;

(f) give its opinion on any report submitted to it by the executive committee;

(g) request reports from the executive committee on any matter respecting the administration of the city;

(h) approve the job-classification plan and the scales of related wages and allowances upon report of the executive committee;

(i) pass all by-laws having no monetary incidence without it being necessary that such by-laws come from the executive committee."

2. Section 11 of the said charter is replaced by the following:

"11. The Cities and Towns Act is amended for the city by adding after section 51 the following sections:

"51a. At the first sitting following a general election, the clerk presiding, the council shall elect one of its members to chair the sittings of the council.

If the vote for the election of the chairman is tied, the mayor shall have a casting vote.

Immediately after the election of the chairman of the council, the mayor may appoint the four councillors to the executive committee. If he does not exercise such right, they shall be appointed by vote; each councillor must, under pain of nullity of his ballot, vote for four councillors as members of the executive committee.

The ballot, prepared and initialed by the clerk, shall be a printed, alphabetical list of the names of the councillors.

For the vote, the clerk shall give each councillor such ballot after striking out the name of the chairman. The councillor shall retire to a booth and mark a cross in the square printed for that purpose opposite the name of each councillor for whom he votes.

Each of the ballots must be initialed by the clerk and remitted to him in a sealed envelope. Such envelopes shall be opened only at the counting of the votes, where the vote for each councillor shall be made public; if a single additional vote would entitle a councillor

in a tie-vote to be declared elected, the chairman of the council may either request a new poll or give a casting vote.

The council shall not suspend or adjourn the sitting until the members of the executive committee are elected.

The mayor and the members of the executive committee have the same rights in the council as the other councillors.

“51b. (1) The mayor shall be the chairman of the executive committee; at the first meeting of the executive committee, he shall appoint one of the members as deputy chairman, who must, when the mayor is absent or the office is vacant, exercise all the duties of the chairman and have the same powers.

(2) Three members shall be a quorum of the executive committee, and the chairman has a casting vote in case of a tie-vote.

(3) The committee shall sit *in camera* except if it considers that, in the interest of the city, its proceedings must be held in public.

(4) The city clerk or, in his absence, the deputy clerk, is the secretary of the committee.

(5) Any vacancy on the committee shall be filled by the mayor within eight days of such vacancy. During such vacancy, the remaining members, if a quorum, may act.

(6) The resignation of a member of the committee is effective from the day it is remitted to the clerk.

(7) The committee shall exercise the executive functions of government of the city, which are mainly the following:

(a) report to the council on any matter of the jurisdiction of the council and submitted to it by the latter, unless otherwise prescribed. If the resolution of the council has been adopted by an absolute majority of the members of the council, the committee must report to it within thirty days of the adoption of the resolution;

(b) inform the council of its decisions and suggestions, by reports signed by its chairman.

(8) The committee shall prepare and submit to the council:

(a) the by-laws;

(b) the annual budget of revenues and expenditures, not later than 15 November each year, including the by-laws imposing taxes, licences, permits and other municipal dues;

(c) any demand for the allocation of the proceeds of loans or for any other appropriation required;

(d) any demand for the transfer of funds from one item to another or of appropriations already voted;

(e) any report recommending the granting of franchises and privileges;

(f) any report respecting the exchange or leasing by emphyteutic lease of any immoveable belonging to the city and, in addition, the leasing of its moveable or immoveable property, where the term of the lease exceeds one year;

(g) any other demand the object of which is not declared to be of the exclusive jurisdiction of the committee;

(h) any job classification plan and the salaries relating thereto.

(9) Any demand, by-law or report submitted by the committee shall, unless otherwise prescribed, be approved, rejected, amended or returned by the vote of the majority of the members of the council present at the sitting.

(10) After taking account of the estimates of revenues of the city and after having studied the estimates of expenditures submitted by the heads of departments and their reports and suggestions as presented by the manager, the committee shall prepare and submit the budget for the next fiscal year; it must also prepare and submit the by-laws and resolutions imposing taxes, permits and licences for payment of expenditures, taking into account all the other revenues of the city.

(11) Unless otherwise prescribed, the appropriations voted by the council, by way of the budget, out of the proceeds of loans, or otherwise, shall remain at the disposal of the committee, which shall see to their employment for the purposes for which they have been voted, without any other approval by the council.

(12) Unless otherwise prescribed, the committee shall fix the wages of the city employees except those attached exclusively to the council. Any increase in the number of city employees in any department must also be authorized by the executive committee, provided the committee has the necessary appropriations available.

(13) The committee, without the authorization of the council and without tenders, may award any contract not amounting to over five thousand dollars; it must submit to the council for approval all contracts exceeding such amount. However, after calling for and receiving tenders and without the authorization of the council, it may award alone any contract not amounting to more than the amount placed at its disposal for such purpose.

(14) Except in case of urgency, the committee must call for tenders in all cases where the expenditure to be incurred exceeds five thousand dollars, unless dispensed therefrom by council following a recommendation of the manager and a report of the executive committee; except in such case of dispensation, the

committee shall not award the contract without the authorization of the council. However, the council may, by by-law, authorize the committee to approve, without tenders, expenditures not exceeding ten thousand dollars.

(15) In case of urgency, the committee, on a written request of the manager, may make any expenditures it deems necessary; the committee shall then make a report stating the reasons therefor to the council at the first meeting thereafter.

(16) All contracts must be signed in the name of the city by the chairman of the committee and by the clerk. The chairman of the committee may, however, in writing, generally or specially authorize another member of the committee to sign the contracts in his place.

(17) The committee may, without the consent of council, cause the execution by day labour of works costing not over ten thousand dollars; however, council may authorize the committee to cause the execution by day labour of specified works of any nature costing over ten thousand dollars.

(18) The committee shall see that the law, and the by-laws, resolutions and contracts of the city are faithfully observed.

(19) The committee shall see to the preparation of plans and specifications and to the calling for tenders.

(20) The committee shall authorize the payment of all sums due by the city, observing the formalities, restrictions and conditions prescribed by this act.

(21) Every communication between the council and the departments shall be through the committee; in its relations with the committee, the council shall always act by resolution. The members of the council shall address only the manager for any information respecting the departments.

(22) Every communication between the committee and the departments shall be through the manager; however, the committee may, at any time, call before it any head of a department to obtain the information it desires.

(23) The clerk, the treasurer and the heads of departments and their assistants, except the manager and his assistants, shall be appointed by the council on report of the committee. Such report may be altered or rejected by the majority of all the members of the council. On report of the executive committee, the council may, by the vote of an absolute majority of its members, suspend such officers, reduce their salary or dismiss them. Such officers may, within eight days after the date on which the resolution of the council is served, appeal from any suspension to the Commission

municipale du Québec, which shall decide finally after investigation. In other cases, the provisions of the Cities and Towns Act apply.

The council shall also, upon report of the committee, appoint the other officers or permanent employees.

Temporary or supernumerary employees shall be appointed by the committee.

(24) The heads of departments, unless otherwise prescribed in this act, shall answer for the administration for their respective departments, first to the manager and finally to the committee. At the request of the committee, they must send it written reports and their opinion in writing on any question concerning their departments.

“51c. At the meetings of the council, the chairman shall have a casting vote when voting is evenly divided.

“51d. If the chairman is absent from a sitting of the council, it shall select one of its members to preside; the clerk shall preside until a chairman is selected.

“51e. The executive committee shall not spend more than the total amount of the annual budget adopted by council, unless it is altered by the latter; but it may at any time change the use of the sums apportioned within each department and establish a policy for that purpose.

“51f. No resolution of the executive committee to authorize the spending of any sum of money may be adopted or shall be effective as long as a certificate of the treasurer has not been given to state that there are funds available and at the disposal of the city for the activity and purposes for which the expenditure is proposed, in conformity with this act.

No contract or agreement shall be binding on the city unless it has been approved by the executive committee and the council or by one or the other according to their respective jurisdictions.

The city shall not be bound to pay the price or value of work performed, material supplied, or merchandise or goods sold of any kind, or fees for professional services, salaries, wages or any other remuneration, without a special authorization of the executive committee and unless, in each case, a certificate of the treasurer is given to certify that there are funds available and appropriated for the special purposes for which payment is demanded; and no legal recourse shall lie against the city, unless the above formalities have

been strictly complied with, although the city might have benefited by such contract, agreement, work performed, material supplied or any other service rendered."

3. The said charter is amended by inserting after section 11 the following:

"11a. The said act is amended for the city by replacing section 54a by the following:

"54a. The council shall designate a councillor as deputy mayor for the four ensuing months or until he is replaced; in that capacity, such councillor shall have the responsibilities, prerogatives and authority of the mayor, except in regard to the executive committee, when the mayor is absent from the city or is unable to perform his duties of office."

4. The said charter is amended by adding after section 12 the following sections:

"12a. The Cities and Towns Act is amended for the city by inserting after section 64a the following section:

"64b. The members of the executive committee shall receive, in addition to the sums provided for by this act, a remuneration equal to 150% of the salary in force for a councillor.

The council shall determine by resolution the terms and conditions of payment of such sums, one-third of which shall be paid as compensation for part of the expenses attaching to the office of member of the executive committee.

The chairman of the council and the deputy mayor shall receive annually, in addition to the sums provided for in this act, a remuneration of \$1,333.34 and an expense allowance of \$666.66, respectively. The remuneration and expense allowance for the office of deputy mayor shall be payable in proportion to the time each councillor was in office."

"12b. Section 95 of the said act is replaced for the city by the following section:

"95. The treasurer may invest, at short term interest, available moneys from the budget administration fund and from the capital and loan fund of the city in deposit certificates issued by a chartered bank or a savings and credit union or in deposit certificates issued and secured by the Government of Canada or of Québec. He may also invest in direct bonds of such two governments."

“**12c.** The said act is amended for the city by inserting after section 96, the following:

“**96a.** The treasurer shall make no payment out of the revenues or funds of the city, otherwise than on the order of the executive committee, which shall be communicated to him by the clerk; the production, by the treasurer, of such order duly paid, shall be *prima facie* proof that the amount mentioned therein has been paid.”

“**12d.** Sections 108 and 109 of the said act are replaced for the city by the following:

“**108.** The council shall appoint the manager and determine his salary, and the terms and conditions of his hiring, by a vote in favour by an absolute majority of the members of the council.

A former member of the council is prohibited from holding the office of manager before the lapse of two years following the end of his mandate.

The manager must have his domicile in the city, at the time of his appointment, or establish it there within six months of his appointment. He must devote all his time to his duties of office and it is prohibited for him to lease his services or to work for any one doing business with the city. He may, however, after having obtained the permission of the council, lease his services or work for any one provided that such work does not entail the likelihood of a conflict of interest and that he is not rendered less available thereby.

The council alone has the right to suspend the manager, reduce his salary or dismiss him by the vote of an absolute majority of its members. The manager may, according, *mutatis mutandis*, to section 51b of the Cities and Towns Act enacted for the city by section 2 of chapter (*insert here chapter number of Bill 249*) of the statutes of 1977, appeal from such decision to the Commission municipale du Québec, which decides finally after investigation.

Upon the recommendation of the manager, the council may appoint one or more assistants to him. When the manager is absent or unable to act, the assistant appointed by resolution of the council has the same powers and duties. The provisions of this section also apply to any assistant.

“**109.** The manager has the following powers and duties:

(a) to administer the affairs of the city under the authority of the executive committee;

(b) to exercise, as mandatarly of the executive committee, authority over heads of departments, with the exception of the clerk and the auditor;

(c) to ensure liaison between the executive committee and the heads of departments and supervise the work of the departments;

(d) to transmit to the executive committee the correspondence addressed to it by the departments of the city and accompany it with his recommendations;

(e) to attend the meetings of the executive committee and to take part in the proceedings, but without the right to vote;

(f) to enter his own conclusions, if he deems it expedient, in the record of any affair submitted to the executive committee or to the council;

(g) to attend the meetings of the council and give it all the information and opinions which the council requests;

(h) to report to the council on any question which he thinks must be brought to the attention of the council;

(i) to have access to all the records of the city;

(j) to require any functionary or employee of the city to furnish to him all the information and all the documents which he has requested;

(k) to give to the councillors all the information which they ask of him;

(l) to ensure the implementation of the plans and programmes of the city under the authority of the executive committee;

(m) to cause plans and programmes to be prepared for the repair and maintenance of the buildings and equipment of the city, under the authority of the executive committee;

(n) to cause plans and programmes to be prepared for the improvement of the output and efficiency of the departments of the city and to ensure the normal development thereof;

(o) to obtain, study and present to the executive committee, and even to the council if he deems it expedient, the projects prepared by the heads of departments, on matters which require the approval of the executive committee or of the council, and propose that the executive committee or the council take, within the scope of their respective jurisdictions, any decision which he considers in the interest of the city;

(p) to coordinate the budgetary estimates of the various departments and present them to the executive committee and, if he deems it expedient, make to the executive committee or even to the council any recommendation which he considers necessary;

(q) to ensure the efficiency of the departments of the city;

(r) to supervise expenses in cooperation with the treasurer and assure himself that the money of the city is employed in

accordance with the appropriations specified in the budget, the by-laws and the resolutions;

(s) to present without delay to the executive committee the list of accounts payable;

(t) to be a member *ex officio* of the Personnel Bureau of the city;

(u) to open in the presence of at least one member of the executive committee and of the tenderers, as the case may be, the tenders received for work and recommend acceptance of the tender he considers the best."

"**12e.** The said act is amended for the city by replacing the second paragraph of section 385 by the following:

"The executive committee may suspend the issue of any permit not in accordance with a draft amendment to a zoning or building by-law or a draft zoning or building by-law, even if the notice of motion has not been tabled before the council, for the period comprised between the date of the resolution of the executive committee suspending the issue of the permit and the date of the decision of the council on such new by-law; such period must never exceed one hundred and twenty days."

"**12f.** Section 426 of the said act is amended for the city by replacing paragraph 17 by the following:

"(17) The city may make by-laws to enact that in cases of violation of the by-laws relating to traffic and public safety, any police officer or constable or, in cases of violation of the by-laws respecting parking, every person whose services are retained by the city for such purpose may fill out, on the very spot of such infraction, a notice of summons stating the nature of the infraction, and deliver to the driver of the vehicle or deposit in a conspicuous place on the said vehicle a copy of such notice and bring the original thereof to the police department of the corporation.

The provisions of the first paragraph shall not prevent the authorized person, if he deems it expedient, from lodging a complaint or causing the issue of a summons according to law without filling out such notice of summons.

Subject to the provisions of section 69 of the Highway Code (Revised Statutes, 1964, chapter 231), every person to whom an infraction ticket, a notice of summons or a summons has been sent or served for a traffic violation may be released from any penalty relating to such violation by payment as fine and costs at the place and within the delay prescribed by the executive committee, the amount fixed by the council and indicated on the document remitted to him. Such payment shall discharge the offender in full only

in the case of a first violation within a period of twelve months, except in cases relating to parking.

Following payment, the offender shall be considered to have been found guilty of the violation.

If the amount indicated on the infraction ticket is not paid within the prescribed delay, the city may send by mail to the address given by the offender when the violation was committed, or to the address given by him to the Bureau des véhicules automobiles, a preliminary notice of proceedings which shall enable him to free himself through payment, within the prescribed delay, of the amount of the fine and a sum of two dollars or of such other amount as the council may determine for costs.

With respect to the issue of a writ of summons for a traffic violation, the filing of a complaint is not required and the writ may be issued on information supplied in the manner determined by the chief attorney and approved by the executive committee.

If the offender who has received a notice of summons or a summons does not avail himself of the provisions governing full payment, proceedings shall be continued and he shall appear in court on the date mentioned. If he does not appear, the judge or the clerk may condemn him for the violation described in the summons or in the notice of summons and it shall not be necessary to prove the violation or the officer's signature or his appointment.

The offender being prosecuted by way of summons cannot in any case allege that he did not receive an infraction ticket or a preliminary notice of proceedings."

"12g. Section 429 of the said act is amended for the city by replacing the seventh paragraph of paragraph 8 by following:

"To require, as a condition precedent to the approval of a subdivision plan, whether it provides for streets or not, that the owner pay all the unpaid municipal or school, general or special taxes on the land and immoveables, if such is the case, included in the plan, and that he convey to the municipal corporation, for park or playground purposes, an area of land not exceeding ten per cent of the land comprised in the plan and situated at a place which, in the opinion of the council, is suitable for the establishment of parks or playgrounds; or to exact from the owner, instead of such area of land, the payment of a sum not exceeding ten per cent of the real value of the land comprised in the plan, notwithstanding the application of section 21 of the Real Estate Assessment Act (1971, chapter 50). The proceeds of such payment must be paid into a special fund which shall be used only for the purchase of lands intended for the establishing or equipping of parks and playgrounds, and the lands conveyed to the municipal corporation under this paragraph

can only be used for parks or playgrounds. The municipality, however, may dispose, by onerous title, in accordance with paragraph 2 of subsection 1 of section 26, of the lands which it has acquired under this paragraph if they are no longer required for the establishment of parks or playgrounds, and the proceeds shall be paid into the said special fund.”.

“**12h.** Section 479 of the said act is amended for the city by adding after the first paragraph the following:

“The council shall provide in such budget for an appropriation of not over four per cent of the gross revenue of the preceding year to meet contingent expenses.”

“**12i.** Section 541 of the said act is replaced for the city by the following sections:

“**541.** Notwithstanding section 540, the council may order, after publication of a public notice to that effect, the sending, by mail, to every person entered on the general collection roll of the preceding year, of a demand for payment for not more than eighty per cent of the amount of the taxes on the said roll, as provisional payment for the current year. Such amount is payable within thirty days following the mailing of such demand for payment.

“**541a.** The council may also order that not more than two demands for payment of taxes are to be sent to the persons entered on the general collection roll for the current year. In the case of more than one demand, each of them shall be, in percentage, in respect of the total amount payable for the year, proportional to the number of demands for payment.

“**541b.** Within sixty days following the day on which notice of the deposit of the roll was given, the treasurer shall send by mail to every person entered on such roll a demand for payment of taxes. Such taxes are payable within thirty days following the mailing of such demand for payment.”

5. The said charter is amended by adding after section 14 the following:

“**14a.** A body called the “Personnel Bureau”, composed of the manager, the personnel director of the city and the head of the department concerned in the case submitted, has the duty of recommending to the executive committee the hiring, promotion, transfer, demotion, suspension or dismissal of the employees of the city, including the assessors, but excepting the manager, the heads of departments and their assistants.”

6. Until the general election of 1979, the executive committee is composed of the mayor and the councillors appointed by the city council to sit on the executive committee.

7. The application of the Commercial Establishments Business Hours Act (1969, chapter 60) is suspended for the city in order to promote the establishment of a "downtown" district and the council is empowered to fix, by by-law, the business hours of the commercial establishments in its territory.

8. Notwithstanding section 145 of the Outaouais Regional Community Act (1969, chapter 85), the city may prepare its own collection roll and bill and send its tax accounts as soon as a data processing system is in place and municipal authorities consider it ready for the work.

9. The council of the city of Gatineau is authorized to acquire, hold, operate, administer and manage a hockey franchise and a baseball franchise.

The council is authorized to enter into agreements with any person, partnership, organization or corporation in order to exercise in whole or in part the powers conferred upon it by this act.

10. With the prior authorization of the Commission municipale du Québec, the city may, by by-law approved by the Lieutenant-Governor in Council, establish a corporation which will be empowered, following agreements passed between the Government of Canada and that of the Province, to undertake, jointly with the Province or any of its bodies, plans for:

(a) the acquisition and development of land for housing purposes;

(b) the construction of housing projects intended for sale or rental;

(c) the acquisition, improvement and transformation for housing purposes of existing buildings situated in an urban renewal zone or in an urban redevelopment zone of the city.

The corporation so constituted shall have all the powers of a corporation within the meaning of the Civil Code.

11. This act shall come into force on the day of its sanction.