

NATIONAL ASSEMBLY
Thirty-fourth Legislature, first session

1991, chapter 98
AN ACT RESPECTING THE MUNICIPALITY OF OKA

Bill 288

Introduced by Mr Jean-Guy Bergeron, Member for Deux-Montagnes

Introduced 14 May 1991

Passage in principle 28 August 1991

Passage 28 August 1991

Assented to 4 September 1991

Coming into force: 4 September 1991

Act amended: None





CHAPTER 98

An Act respecting the municipality of Oka

[Assented to 4 September 1991]

Preamble WHEREAS the municipality of Oka received an important sum of money from the Crown in right of Canada within the scope of a series of transactions made in September 1990;

Whereas part of the sum was paid *ex gratia* to compensate the loss of land revenues which the municipality could reasonably have anticipated had the development project proposed at the time for the parcels of land which were the subject of the transactions with the Crown in right of Canada been carried out;

Whereas it is expedient to establish a special fund into which part of the sum received by the municipality from the Crown in right of Canada will be paid to be used in accordance with the provisions of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Special fund **1.** The municipality of Oka shall have a special fund consisting of a sum of \$2 800 000 and of the revenues produced by that sum.

Powers of the municipality **2.** In addition to the powers conferred on it under the Municipal Code of Québec (R.S.Q., chapter C-27.1), the municipality may deposit the sums constituting the special fund in a bank, a savings and credit union or a trust company, and invest in or purchase the following securities:

(1) securities mentioned in subparagraphs *a* to *g* of article 9810 of the Civil Code of Lower Canada;

(2) securities mentioned in paragraphs 4 to 4.5, 9, 11, 14 and 15 of section 3 of the Securities Act (R.S.Q., chapter V-1.1).

Management of the fund

3. The municipality is authorized to entrust the management of the special fund to any insurance company, trust company or other partnership authorized by law to administer the property of other persons, and to make any contract for that purpose.

Transfers

4. On 31 December each year from the year 1992, a sum of money determined according to the following formula shall be transferred from the special fund to the general fund of the municipality to be added to its revenues for the year:

$$\text{Sum transferred} = \frac{f \times i}{\left[1 - \left(\frac{1}{1 + i} \right)^n \right] \times (1 + i)}$$

where

f = the total of the sums in the special fund immediately preceding the transfer, including sums borrowed under section 6.

i = 13.5 %

n = 29, less the number of transfers previously made under this section.

Withdrawals from the fund

5. Notwithstanding section 4, the municipality may make a by-law to withdraw money from the special fund for specific allocations. The by-law must specify the amounts thus withdrawn from the special fund and the specific purposes to which they will be allocated. Such a by-law must be submitted for approval to the qualified voters of the municipality in accordance with the provisions of Title II of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

Loans from the fund

6. The municipality may, by resolution, borrow from the special fund the moneys it may need for capital expenditures. The resolution authorizing the loan shall indicate the term of repayment, which must not exceed five years, and the procedure according to which the annual transfer provided for in section 4 may be made. The municipality may also, in the same manner, borrow from the special fund pending collection of its revenues; in that case, the term of repayment must not exceed twelve months. The municipality must set aside, each year, out of its general revenues, a sum sufficient to repay the sums borrowed from the special fund. All sums borrowed from the special

fund shall bear interest at a rate established in relation to the rate in force on the market for a similar loan.

7. The special fund is created for the period beginning on the date of the coming into force of this Act and ending on 31 December 2020. At the end of that period, any sum remaining in the special fund shall be transferred to the general fund of the municipality to be added to the revenues of that municipality for the fiscal year then in progress.

8. The following insurance contracts entered into by the municipality for periods between 1 February 1991 and 1 February 1992 are declared valid:

- General civil liability insurance (*policy number SCM-11036*)
- Combined commercial insurance (*policy number SCM-11037*)
- Civil liability insurance for public officers (*policy number POL111140*)
- Complementary civil insurance (*policy number 14602*)
- Automobile insurance (*policy number 500 39 084*)
- Boiler and machinery insurance (*policy number 7213701*)
- Accident insurance (*policy number GTP9017479*).

9. The legality of contracts declared valid under section 8 shall not be challenged on the ground that articles 935 and 936 of the Municipal Code of Québec were not complied with.

10. Sections 8 and 9 do not affect cases pending on 16 August 1991.

11. Notwithstanding articles 935 and 936 of the Municipal Code of Québec, the municipality may, with the prior authorization of the Minister of Municipal Affairs and on the conditions he determines, award an insurance contract without calling for public tenders if it is satisfied that those received as a result of a call for tenders made in accordance with the said articles are not advantageous, or if none were received.

This section shall cease to have effect on 4 September 1994.

12. This Act comes into force on 4 September 1991.