

1990, chapter 85

AN ACT TO AMEND VARIOUS LEGISLATION RESPECTING THE OUTAOUAIS INTERMUNICIPAL BODIES

Bill 110

Introduced by Mr Claude Ryan, Minister of Municipal Affairs

Introduced 15 November 1990

Passage in principle 6 December 1990

Passage 19 December 1990

Assented to 20 December 1990

Coming into force: 1 January 1991

Acts amended:

Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)

Act respecting land use planning and development (R.S.Q., chapter A-19.1)

Archives Act (R.S.Q., chapter A-21.1)

Building Act (R.S.Q., chapter B-1.1)

Cultural Property Act (R.S.Q., chapter B-4)

Act respecting truck transportation (R.S.Q., chapter C-5.1)

Charter of the French language (R.S.Q., chapter C-11)

Cities and Towns Act (R.S.Q., chapter C-19)

Highway Safety Code (R.S.Q., chapter C-24.1)

Highway Safety Code (R.S.Q., chapter C-24.2)

(Cont'd on next page)



Acts amended (Cont'd):

Municipal Code of Québec (R.S.Q., chapter C-27.1)
Act respecting the Commission municipale (R.S.Q., chapter C-35)
Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1)
Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1)
Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1)
Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2)
Expropriation Act (R.S.Q., chapter E-24)
Act respecting municipal taxation (R.S.Q., chapter F-2.1)
Taxation Act (R.S.Q., chapter I-3)
Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1)
Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30)
Act to authorize municipalities to collect duties on transfers of immovables (R.S.Q., chapter M-39)
National Museums Act (R.S.Q., chapter M-44)
Act respecting municipal territorial organization (R.S.Q., chapter O-9)
Pesticides Act (R.S.Q., chapter P-9.3)
Police Act (R.S.Q., chapter P-13)
Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01)
Act to preserve agricultural land (R.S.Q., chapter P-41.1)
Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1)
Environment Quality Act (R.S.Q., chapter Q-2)
Act respecting the Québec Pension Plan (R.S.Q., chapter R-9)
Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3)
Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20)
Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1)
Act respecting the lands in the public domain (R.S.Q., chapter T-8.1)
Act respecting transportation by taxi (R.S.Q., chapter T-11.1)
Public Works Act (R.S.Q., chapter T-15)
Securities Act (R.S.Q., chapter V-1.1)
Tourist Establishments Act (1987, chapter 12)
Roadside Advertising Act (1988, chapter 14)
Act respecting threatened or vulnerable species and amending the Act respecting the conservation and development of wildlife (1989, chapter 37)
Act respecting municipal courts and amending various legislation (1989, chapter 52)



CHAPTER 85

An Act to amend various legislation respecting the Outaouais intermunicipal bodies

[Assented to 20 December 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

c. C-37.1,
title, am.

1. The Title of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by replacing the word "RÉGIONALE" by the word "URBAINE".

c. C-37.1,
Title I,
heading,
am.

2. The heading of Title I of the said Act is amended by replacing the word "RÉGIONALE" by the word "URBAINE".

c. C-37.1,
s. 1,
replaced
Interpreta-
tion
"Council"

3. Section 1 of the said Act is replaced by the following section:

"1. In this Act,

"Council" means the council of the Communauté urbaine de l'Outaouais;

"Minister"

"Minister" means the Minister of Municipal Affairs."

c. C-37.1,
s. 2,
replaced
Establish-
ment

4. Section 2 of the said Act is replaced by the following section:

"2. A public corporation, consisting of the municipalities listed in Schedule A and the inhabitants and taxpayers of their territories, is hereby established under the name of "Communauté urbaine de l'Outaouais".

Territory

The territory of the Community consists of the territories of the municipalities listed in Schedule A."

c. C-37.1,
s. 4,
replaced

5. Section 4 of the said Act is replaced by the following section:

Corporate seat **“4.** The corporate seat of the Community shall be situated within its territory, at the place determined by the Community.

Corporate seat After establishing or changing the location of its corporate seat, the Community shall have a notice of the location published in a newspaper circulated in its territory.”

c. C-37.1, ss. 6 and 7, replaced **6.** Sections 6 and 7 of the said Act are replaced by the following sections:

Composition of Council **“6.** The Council is composed of eleven members: a chairman elected in accordance with section 7 and two representatives of each municipality whose territory is included in that of the Community.

Representatives The representatives of each municipality are the mayor and a councillor designated by the council of the municipality.

Replacement However, if either of these persons holds the office of chairman of the Council, he shall be replaced in his capacity as representative of the municipality in accordance with section 7.1.

Chairman **“7.** The chairman of the Council is elected by and from among the members referred to in the second paragraph of section 6.

Election The election is held by secret ballot at a meeting called by the secretary of the Community, on his own initiative or at the request of one of the members; sections 25 and 25.1 apply, adapted as required, to the meeting. Each member participating in the election has one vote.

Secretary The secretary shall preside at the meeting and establish the nomination and voting procedure. He shall declare elected the person who obtains at least six votes. He shall hold as many ballots as are necessary to elect a chairman; he may, at the beginning of the meeting, establish rules according to which the number of candidates diminishes with each ballot.

Chairman **“7.1** The person elected as chairman shall cease to represent, on the Council, the municipality of which he is the mayor or a councillor.

Replacement During his term of office as chairman, he shall be replaced in his capacity as representative of that municipality by a councillor designated by the council of the municipality. The designation may be made in advance.

Revocation No designation of a councillor made pursuant to the second paragraph of section 6 may be revoked while the councillor holds office

as chairman; it lapses, however, if he becomes mayor during his term as chairman.

Resolution

"7.2 Before the first meeting of the Council which the councillor of each municipality designated under the second paragraph of section 6 or the second paragraph of section 7.1 must attend, the clerk of a municipality whose territory is included in that of the Community must transmit to the Community a certified copy of the resolution designating the councillor.

Meeting

For the purposes of the first paragraph, the meeting at which the chairman is elected shall be regarded as a meeting of the Council.

Special meeting

"7.3 A special meeting of the Council may be held immediately after the chairman is elected if, at least ten days prior to the meeting at which the election was held, each municipality whose territory is included in that of the Community has designated in advance the councillor intended to replace the chairman in his capacity as representative of the municipality and transmitted to the Community a certified copy of the resolution designating the councillor.

Notice of meeting

The secretary of the Community must send the notice of the meeting to the councillors referred to in the first paragraph and to the members of the Council referred to in the second paragraph of section 6."

c. C-37.1,
s. 8, am.

7. Section 8 of the said Act is amended

(1) by replacing the words "council is absent or incapacitated or refuses to act," in the first and second lines by the words "Council, other than the chairman, is absent or unable to act,";

(2) by replacing the words " , by resolution, designate another of its members as representative, and send a copy of the resolution to the Community" in the third and fourth lines by the words "designate another of its members as representative, and the clerk shall transmit to the Community a certified copy of the resolution designating the representative";

(3) by replacing the words "incapacity, refusal" in the sixth and seventh lines by the word " , inability";

(4) by adding, at the end, the following paragraphs:

Replacement

"The council of the municipality may, at any time, designate in advance one of its members to provisionally replace either of the representatives of the municipality under the circumstances mentioned in the first paragraph.

Replacement If the replacement referred to in the second paragraph is absent or unable to act at a time when he should be replacing the representative, the representative shall be replaced by a member of the council of the municipality designated in accordance with the first paragraph for as long as both the representative and the replacement are absent or unable to act, or the office of representative is vacant.

Replacement Where the person replaced is a councillor, the resolution designating his replacement must specify that the replacement is provisional, failing which the replacement terminates the term of office of the person replaced as member of the Council.”

c. C-37.1,
ss. 9
to 15,
replaced

8. Sections 9 to 15 of the said Act are replaced by the following sections:

Term of office “**9.** The term of office of a member of the Council is for an indefinite period.

Mayor A mayor ceases to be a member of the Council upon ceasing to be a mayor.

Councillor A councillor ceases to be a member of the Council upon being replaced, other than provisionally, in his capacity as representative of the municipality which designated him, upon ceasing to be a member of the council thereof, or upon his resignation as member of the Council. Moreover, a councillor referred to in the second paragraph of section 7.1 ceases to be a member of the Council upon termination of the term of office of the chairman.

Term of office “**10.** The term of office of the chairman, in such capacity, is four years. It terminates upon his resignation as chairman or upon his ceasing to be a member of the Council.

Resignation “**11.** A resignation under section 9 or 10 takes effect on the date on which the secretary of the Community receives a writing to that effect signed by the person resigning.

Vacancy “**12.** Within 30 days from the date on which the office of chairman becomes vacant, an election to elect the chairman must be held in accordance with section 7.

Vacancy If there is a vacancy on the Council with respect to the members referred to in the second paragraph of section 6 when the office of chairman becomes vacant, or if such a vacancy occurs before the office of chairman is filled, the election of the chairman must be held within the 30 days following the day on which the vacancy in the office of a member of the Council is filled.

Vacancy

For the purposes of the second paragraph, the absence or inability to act of a member of the Council referred to in the second paragraph of section 6 shall be regarded as a vacancy and such vacancy shall be deemed to be filled when the absence or inability to act of the member ceases.

Term of office

“13. If the term of office of the person holding the office of chairman expires or terminates as a result of the expiration of his term of office as member of the council of a municipality, that person may continue to act as chairman until his re-election or the election of his successor, unless he is prevented by law from attending meetings of the Council.”

c. C-37.1,
ss. 16
and 17,
repealed
c. C-37.1,
s. 20,
replaced

9. Sections 16 and 17 of the said Act are repealed.

10. Section 20 of the said Act is replaced by the following section:

Replacement

“20. If the chairman is absent or unable to act or if the office of chairman is vacant and the person who last held that office does not continue to act as chairman until his re-election or the election of his successor, the members present at a meeting of the Council shall designate one of their number to preside over the meeting and to temporarily hold the office of chairman.

Replacement

The Council may, at any time, designate one of its members in advance as a temporary replacement for the chairman in the circumstances mentioned in the first paragraph. The Council may give that person the title of vice-chairman.

Replacement

If the replacement referred to in the second paragraph is absent or unable to act at a time when he should be replacing the chairman, the chairman shall be replaced by a member of the Council designated in accordance with the first paragraph for as long as both the chairman and the replacement are absent or unable to act, or the office of chairman is vacant.

Replacement

The replacement of the chairman remains a representative of the municipality on whose council he is a member and retains the number of votes granted to him in such capacity by section 33.”

c. C-37.1,
s. 21.1,
added

11. The said Act is amended by inserting, after the heading of subdivision 2 of Division III of Title I, the following section:

Meetings

“21.1 The Council may hold its meetings anywhere in the territory of the Community.”

c. C-37.1,
s. 22,
replaced **12.** Section 22 of the said Act is replaced by the following section:

Regular
meetings **"22.** The Council shall hold at least ten regular meetings per calendar year.

Dates and
time of
meetings It shall determine, by by-law, the days on which they are held and the time at which they begin.

Notice At the beginning of each year, the secretary of the Community shall have a notice published in a newspaper circulated in its territory, stating the places and dates of the year's regular meetings and the time at which they will begin."

c. C-37.1,
s. 24,
French
text, am. **13.** Section 24 of the said Act is amended, in the French text,
(1) by replacing the word "spéciales" in the first line of the first paragraph by the word "extraordinaires";

(2) by replacing the word "spéciale" in the first line of the second paragraph by the word "extraordinaire".

c. C-37.1,
s. 25,
French
text, am. **14.** Section 25 of the said Act is amended by replacing the word "spéciale" in the first line of the French text by the word "extraordinaire".

c. C-37.1,
s. 26, am. **15.** Section 26 of the said Act is amended by replacing the words
", at a special or regular meeting, the business submitted" in the first and second lines of the first paragraph by the words "the business submitted at a meeting".

c. C-37.1,
s. 33,
replaced **16.** Section 33 of the said Act is replaced by the following section:

Vote **"33.** Each representative of a municipality has one vote on the Council; except for the election of the chairman, each representative has, where applicable, an additional vote for every 15 000 inhabitants of the municipality he represents. However, representatives of the city of Gatineau, the city of Hull or the town of Aylmer cannot have less than 6, 5 and 3 votes, respectively.

Chairman The chairman has no vote."

c. C-37.1,
s. 34, am. **17.** Section 34 of the said Act is amended by striking out the second paragraph.

c. C-37.1,
s. 34.2,
replaced **18.** Section 34.2 of the said Act is replaced by the following section:

Voting
members

"34.2 For the purposes of the exercise by the Community of its jurisdiction in a matter referred to in section 84, or a competence conferred on it by the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the members of the Council who represent the municipalities required to contribute to the expenses incurred by the Community in the exercise of such competence may vote."

c. C-37.1,
s. 35, am.

19. Section 35 of the said Act is amended by striking out the words "or the vice-chairman" in the second line.

c. C-37.1,
ss. 36
to 36.3,
replaced

20. Sections 36 to 36.3 of the said Act are replaced by the following sections:

Remunera-
tion or
indemnity

"36. The Council may, by by-law, fix the remuneration or indemnity of its members. It may also, in the same by-law, fix any additional remuneration or indemnity for members of the Council and the remuneration and indemnity of the chairman of the Council, the chairman of a committee or another member of a committee.

Indemnity

An indemnity is paid as reimbursement for the part of the expenses attached to the office which are not reimbursed pursuant to sections 36.1 to 36.3. The indemnity shall not exceed one half of the remuneration.

Effect

The by-law may have retroactive effect from 1 January of the year in which it comes into force.

Additional
remunera-
tion or
indemnity

"36.0.1 The Council may, by by-law, where the replacement of its chairman under section 20 lasts for the number of days specified by the Council, provide for the payment by the Community, to the person replacing the chairman, of an additional remuneration or indemnity equal to that of the chairman for the period beginning at the time specified and ending at the same time as the replacement.

Remunera-
tion or
indemnity

"36.0.2 A member of the Council or a committee shall receive the remuneration or indemnity provided for him by a by-law adopted under section 36 or 36.0.1, unless the application of section 23 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) prevents him from receiving such remuneration or indemnity, or reduces the amount thereof.

Expenses

"36.1 No member of the Council or a committee may, as part of his duties, perform any act involving expenses chargeable to the Community except with the prior authorization of the Council to perform the act and incur, in consequence thereof, expenses which do not exceed the amount fixed by the Council.

Authoriza-
tion However, the chairman of the Council is not required to obtain prior authorization when acting in his capacity as representative of the Community.

Expenses **"36.1.1** A member of the Council or a committee who, as part of his duties, has incurred expenses chargeable to the Community is entitled, on presentation of a statement accompanied with the proper vouchers, to be reimbursed by the Community for the amount of the expenses, up to the maximum amount fixed in the prior authorization, where that is the case.

Tariff **"36.2** The Council may, by by-law, establish a tariff applicable where expenses chargeable to the Community are entailed by particular classes of acts performed in Québec, or within a radius of 100 kilometers from the place where the corporate seat of the Community is located, for a purpose other than travel outside Québec or such radius, and prescribe what vouchers must be presented to prove that such an act was performed.

Authoriza-
tion If such a by-law is in force, the prior authorization required by section 36.1 in respect of an act covered by the tariff is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed.

Statement
and
vouchers Notwithstanding section 36.1.1, a member of the Council or a committee who, as part of his duties, has performed an act covered by the tariff in force is entitled, on presentation of a statement accompanied with the vouchers prescribed in the by-law, to receive from the Community the amount prescribed in the tariff for that act.

Appropriations **"36.3** The Council may provide sufficient appropriations in the budget of the Community for the reimbursement, pursuant to section 36.1.1 or 36.2, of expenses entailed by particular classes of acts that the members of the Council or a committee may perform on behalf of the Community as part of their duties.

Authoriza-
tion The prior authorization required by section 36.1 in respect of an act included in a class for which appropriations are provided in the budget is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed. In such case, the maximum amount is deemed to be the balance of the appropriations for acts of that class, after deducting all previous reimbursements, or, where applicable, the amount prescribed in the tariff for that act.

Appropriations If no appropriations are available, the Council may appropriate, for the purposes of the first paragraph, all or part of the balance of

the sums provided in the budget to cover emergencies; the sums so appropriated are deemed to be appropriations.

Maximum
amount of
expenses

“36.3.1 Notwithstanding sections 36.2 and 36.3, the Council may fix the maximum amount of expenses allowed where it authorizes one of its members or a member of a committee to perform an act which is covered by the tariff or which is in a class for which appropriations are provided in the budget.

Applicable
provisions

Section 36.1.1 applies in such case even if the act is covered by the tariff.”

c. C-37.1,
s. 36.4, am.

21. Section 36.4 of the said Act is amended by replacing the words “and allowance” in the third line of the second paragraph by the words “or indemnity”.

c. C-37.1,
s. 37,
French
text, am.

22. Section 37 of the said Act is amended by replacing the word “spéciale” in the sixth line of the French text by the word “extraordinaire”.

c. C-37.1,
s. 42, am.

23. Section 42 of the said Act is amended by replacing the word “régionale” in the third line of the first paragraph by the word “urbaine”.

c. C-37.1,
s. 63.2,
replaced

24. Section 63.2 of the said Act is replaced by the following section:

Appointment
of members

“63.2 The members of a committee, other than the chairman of the Council, are appointed by the Council from among the members of the council of each municipality whose territory is included in that of the Community.

Appointment
of chairman

The Council shall appoint the chairman of a committee from among its members referred to in the first paragraph.”

c. C-37.1,
s. 63.3,
replaced

25. Section 63.3 of the said Act is replaced by the following section:

Term of
office

“63.3 The term of office of a member of a committee, other than the chairman of the Council, is for an indefinite period.

Termina-
tion of
office

Such a member ceases to be a member of the committee upon being replaced, upon ceasing to be a member of the municipal council or upon his resignation as member of the committee.

Termina-
tion of
office

The chairman of a committee ceases to hold that office upon ceasing to be a member of the committee, upon being replaced as chairman or upon his resignation as chairman.

Resignation A resignation under the second or third paragraph takes effect on the date on which the secretary of the Community receives a writing to that effect signed by the person resigning."

c. C-37.1,
s. 63.6, am. **26.** Section 63.6 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

Replacement "Where the chairman is absent or unable to act or where the office of chairman is vacant, the other members of the committee present at a sitting thereof shall designate one of their number to preside at the sitting."

c. C-37.1,
s. 63.7, am. **27.** Section 63.7 of the said Act is amended by striking out the third sentence of the first paragraph.

c. C-37.1,
s. 64.1, am. **28.** Section 64.1 of the said Act is amended

(1) by striking out the second paragraph;

(2) by replacing the figure " , 63.2" in the fourth paragraph by the word and figure "to 63.3".

c. C-37.1,
s. 65, am. **29.** Section 65 of the said Act is amended

(1) by replacing the words "in accordance with" in the second line of the first paragraph by the words "for the purposes of the exercise of the jurisdiction conferred on the Community by";

(2) by striking out the last two sentences of the third paragraph;

(3) by striking out the fourth paragraph;

(4) by replacing the words " , unable to act or refuse" in the third and fourth lines of the fifth paragraph by the words "or unable";

(5) by replacing the words "in the territory" in the fourth line of the sixth paragraph by the words "whose territory is included in that".

c. C-37.1,
s. 67,
replaced **30.** Section 67 of the said Act is replaced by the following sections:

Officers or employees "67. The Council may engage any other officer or employee of the Community that it considers useful thereto and define his duties.

Remuneration and benefits "67.0.1 The Council shall establish the remuneration, benefits and other conditions of employment of the officers and employees of the Community."

c. C-37.1,
s. 67.1, am. **31.** Section 67.1 of the said Act is amended by adding the following paragraph:

Department
head “For the purposes of this division, any person appointed under any of sections 65, 66 and 68 is the head of a department.”

c. C-37.1,
s. 76, am. **32.** Section 76 of the said Act is amended by striking out the words “on the recommendation of the Superintendent of Insurance,” in the seventh and eighth lines of paragraph *g*.

c. C-37.1,
s. 77, am. **33.** Section 77 of the said Act is amended

(1) by striking out the words “municipality and a” in the fifth line of the first paragraph;

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

Agreement “However, to make an agreement with any municipality of Québec, the Community shall proceed according to sections 87.1 and 87.2.”

c. C-37.1,
s. 83.2, am. **34.** Section 83.2 of the said Act is amended by striking out the last two sentences.

c. C-37.1,
s. 83.7, am. **35.** Section 83.7 of the said Act is amended by replacing the words “mentioned in Schedule A” in the third line of the first paragraph by the words “whose territories are included in that of the Community”.

c. C-37.1,
s. 84, am. **36.** Section 84 of the said Act is amended by striking out paragraph 4.

c. C-37.1,
s. 84.2,
repealed **37.** Section 84.2 of the said Act is repealed.

c. C-37.1,
s. 87.1, am. **38.** Section 87.1 of the said Act is amended

(1) by striking out the words “, by which the Community undertakes to supply the municipality with a service or receives from the latter a delegation of competence” in the second, third and fourth lines of the first paragraph;

(2) by striking out the words “on the supply of services or the delegation of competence” in the third and fourth lines of the second paragraph;

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

Agreement “However, an agreement between the Community and a municipality whose territory is included in that of the Community may only provide, as mode of operation, for the supply of services or the delegation of a jurisdiction.”

c. C-37.1,
s. 87.2, am. **39.** Section 87.2 of the said Act is amended by adding, at the end, the following paragraph:

Applicability “The first two paragraphs do not apply to an agreement between the Community and a municipality whose territory is not included in that of the Community.”

c. C-37.1,
s. 106.1,
added **40.** The said Act is amended by inserting, after section 106, the following section:

Exclusion **“106.1** A municipality whose territory is included in that of the Community may, by resolution, exclude itself from the jurisdiction of the Community with regard to the making of collection rolls and the billing and sending of tax accounts.

Resolution The clerk of the municipality shall transmit a certified copy of the resolution adopted under the first paragraph to the Community by bailiff or by registered or certified mail.

Jurisdiction The Community does not have jurisdiction with regard to the making of collection rolls and the billing and sending of tax accounts for any fiscal year from the fiscal year commencing after the lapse of the twelve month period which follows the day on which the copy of the resolution is received by the Community.

Payment of
expenses The municipality is not required to contribute to the payment of the expenses incurred, by the Community, in any fiscal year referred to in the third paragraph, for the making of collection rolls and the billing and sending of tax accounts. However, where applicable, it shall pay to the Community a sum to cover the expenses incurred by the latter to retain an employee whose services are no longer required as a result of a decision of the municipality, or to terminate his employment, or maintain equipment or material which, for the same reason, has become useless or superfluous.

Aliquot
share of
expenses . The municipality shall pay to the Community its aliquot share of the expenses incurred by the latter for the making of collection rolls and the billing and sending of tax accounts for any fiscal year prior to those referred to in the third paragraph. It is not, however, required to contribute to the expenses of the Community incurred during a prior fiscal year if their effects on the service provided by

the Community do not begin before a fiscal year referred to in the third paragraph.

Applicability The third, fourth and fifth paragraphs do not apply if the resolution adopted under the first paragraph is repealed and if a certified copy of the resolution repealing it is transmitted to the Community, in the manner provided for in the second paragraph, before the time limit fixed in accordance with a by-law adopted under paragraph 3 of the seventh paragraph or, failing such a by-law, before the beginning of the first fiscal year referred to in the third paragraph.

By-laws The Council may, by by-law,

(1) determine rules permitting the establishment of the sum referred to in the fourth paragraph or the aliquot share referred to in the fifth paragraph;

(2) determine the terms and conditions applicable to the payment of the aliquot share including the interest on any sum exigible;

(3) fix the time before which a certified copy of the resolution repealing the resolution adopted under the first paragraph must be transmitted to the Community, in the manner provided for in the second paragraph, in order to avoid the application of the third, fourth and fifth paragraphs."

c. C-37.1,
s. 128.2,
am.

41. Section 128.2 of the said Act is amended by replacing the words "volume of" in the sixth line of the first paragraph by the words "weight of the".

c. C-37.1,
s. 134, am.

42. Section 134 of the said Act is amended

(1) by striking out the words "and of that of the Transit Commission" in the fourth line of the first paragraph;

(2) by striking out the sixth paragraph.

c. C-37.1,
s. 135, am.

43. Section 135 of the said Act is amended

(1) by replacing the first, second and third paragraphs by the following paragraphs:

**Adoption
of budget**

"135. The Council, not later than 15 November preceding each fiscal year, shall hold a special meeting for the adoption of the budget of the Community for that fiscal year.

**Adjournment
of meeting**

The meeting shall be adjourned as often as necessary and shall not end until the budget has been adopted.";

(2) by replacing the words “deux quarts” in subparagraph 2 of the fifth paragraph of the French text by the words “la moitié”;

(3) by striking out the words “or of the Transit Commission” in the first and second lines of the sixth paragraph;

(4) by replacing the word “seventh” in the fourth line of the sixth paragraph by the word “sixth”;

(5) by replacing the word “sixth” in the second line of the seventh paragraph by the word “fifth”;

(6) by replacing the word “fourth” in the first line of subparagraph 2 of the seventh paragraph by the word “third”;

(7) by replacing the word “fifth” in the second line of subparagraph 3 of the seventh paragraph by the word “fourth”;

(8) by replacing the word “sixth” in the first line of the eighth paragraph by the word “fifth”;

(9) by striking out the ninth paragraph;

(10) by striking out the words “and of the Transit Commission” in the first and second lines of the tenth paragraph.

c. C-37.1,
s. 137, am.

44. Section 137 of the said Act is amended by striking out the fourth paragraph.

c. C-37.1,
s. 144, am.

45. Section 144 of the said Act is amended

(1) by replacing the words “programme of its capital expenditures and the programme of the capital expenditures of the Transit Commission. Each such programme” in the second, third and fourth lines of the first paragraph by the words “program of its capital expenditures. The program”;

(2) by replacing the second, third, fourth, fifth and sixth paragraphs by the following paragraphs:

Program
of capital
expenditures

“The program shall be divided into annual phases. It shall describe, in respect of the period coincident therewith, the object, the amount and the mode of financing of the capital expenditures or expenses that the Community plans to incur or make and for which the financing period exceeds twelve months. The program shall also mention the capital expenditures that the Community plans to make beyond the period contemplated therein, if those expenditures result from commitments made during that period.

Transmission The program adopted shall be transmitted to the Minister of Municipal Affairs and to the Minister of the Environment not later than 31 October preceding the beginning of the first fiscal year in which it applies. Upon sufficient proof that the Community is actually unable to adopt and transmit the program within the prescribed time, the Minister of Municipal Affairs may grant such extension as he may determine.

Transmission The Minister of Municipal Affairs may order that the program be transmitted by means of the form furnished by him for that purpose.

Loan by-law Every loan by-law of the Community relating to expenditures for water purification purposes that is transmitted to the Minister of Municipal Affairs must, in order to be approved, be accompanied with a writing of the Minister of the Environment authorizing such expenditures."

c. C-37.1,
s. 144.1,
am. **46.** Section 144.1 of the said Act is amended by striking out the words "and that of the Transit Commission" in the second line.

c. C-37.1,
ss. 151
and 152,
replaced **47.** Sections 151 and 152 of the said Act are replaced by the following section:

Signature **"151.** The bonds, notes and other debt securities, cheques, bills of exchange and other negotiable instruments issued by the Community shall be signed by the chairman and the treasurer.

Facsimile The facsimile of the signature of the chairman or treasurer may be engraved, lithographed or printed on such documents and has the same effect as if they had been duly signed."

c. C-37.1,
ss. 153.11,
153.12,
added **48.** The said Act is amended by inserting, after section 153.10, the following sections:

Working fund **"153.11** The Council may, by by-law, constitute a working fund, fix the amount thereof and appropriate for that purpose all or part of the accumulated surplus of the general fund of the Community.

Maximum amount of fund The amount of the fund may not exceed 10 % of the appropriations provided for in the budget of the Community for the fiscal year during which the amount is fixed.

Copy of by-law The secretary shall transmit a certified true copy of the by-law adopted under the first paragraph to the Minister.

Expenditures **"153.12** The Council may take out of the working fund sums which are needed by the Community for capital expenditure or

current expenditure made before revenues are collected or the aliquot shares payable by the municipalities are received.

Reimbursement

The fund must be reimbursed within five years or within one year, according to whether the sums were taken out for capital expenditure or for current expenditure."

c. C-37.1,
Title II,
heading,
replaced

49. The heading of Title II of the said Act is replaced by the following heading:

"SOCIÉTÉ DE TRANSPORT DE L'OUTAOUAIS".

c. C-37.1,
ss. 154
to 156,
replaced

50. Sections 154 to 156 of the said Act are replaced by the following sections:

Establishment

"154. A public corporation, consisting of the municipalities listed in Schedule A.1 and the inhabitants and taxpayers of their territories, is hereby established under the name of "Société de transport de l'Outaouais", hereinafter referred to as "the Corporation".

Territory

The territory of the Corporation consists of the territories of all the municipalities listed in Schedule A.1.

Corporate seat

"155. The corporate seat of the Corporation shall be situated within its territory, at the place determined by the Corporation.

Corporate seat

After establishing or changing the location of its corporate seat, the Corporation shall have a notice of the location published in a newspaper circulated in its territory.

Object

"156. The object of the Corporation is to operate an undertaking for the public transport of passengers in all or part of its territory and, where provided for by a legislative provision, outside its territory."

c. C-37.1,
s. 157,
repealed

51. Section 157 of the said Act is repealed.

c. C-37.1,
ss. 159
to 162,
replaced

52. Sections 159 to 162 of the said Act are replaced by the following sections:

Powers

"159. The powers of the Corporation are exercised by its board of directors which represents the Corporation and administers its affairs.

Composition

"160. The board of directors is composed of one representative of each municipality whose territory is included in that of the Corporation and served by its public transport network.

Representative The council of each of the municipalities shall designate its representative from among its members.

Resolution The clerk or secretary-treasurer of each of the municipalities shall, before the first meeting of the board of directors which its representative must attend, transmit to the Corporation a certified copy of the resolution designating the representative.

Replacement **"161.** Where a representative is absent or unable to act, the council of the municipality shall designate another of its members as representative, and the clerk or secretary-treasurer shall transmit to the Corporation, before the first meeting that the representative must attend, a certified copy of the resolution designating the representative. The designation is valid for as long as the absence or inability to act lasts, and until it is revoked by the council of the municipality, provided that the person designated thereby remains a member of the council.

Replacement The council of the municipality may, at any time, designate in advance one of its members to provisionally replace the representative of the municipality under the circumstances mentioned in the first paragraph.

Replacement If the replacement referred to in the second paragraph is absent or unable to act at a time when he should be replacing the representative, the representative shall be replaced by a member of the council of the municipality designated in accordance with the first paragraph for as long as both the representative and the replacement are absent or unable to act.

Replacement The resolution designating the replacement must specify that the replacement is provisional, failing which the replacement terminates the term of office of the person replaced as member of the board of directors.

Chairman **"162.** The board of directors shall designate its chairman from among its members.

Term of office **"162.1** The term of office of a member of the board of directors is for an indefinite period.

Termination of office A member of the board of directors ceases to hold that office upon being replaced, other than provisionally, upon ceasing to be a member of the municipal council or upon his resignation as member of the board of directors.

Termination of office

The chairman ceases to hold that office upon ceasing to be a member of the board of directors, upon being replaced as chairman or upon his resignation as chairman.

Resignation

A resignation under the second or third paragraph takes effect on the date on which the secretary of the Corporation receives a writing to that effect signed by the person resigning.

Continuance in office

"162.2 Where the term of office of the person holding the office of chairman ends as a result of the expiration of his term of office as member of the council of a municipality, that person may continue to act as chairman until the appointment of his successor, unless he is prevented by law from attending the meetings of the board of directors."

c. C-37.1,
s. 163, am.

53. Section 163 of the said Act is amended

(1) by replacing the words "of the Commission shall preside over the meetings of the Commission" in the first and second lines of the first paragraph by the words "shall preside over the meetings of the board of directors";

(2) by replacing the word "Commission" in the first and third lines of the second paragraph by the word "Corporation".

c. C-37.1,
ss. 164
and 165,
replaced

54. Sections 164 and 165 of the said Act are replaced by the following sections:

Replacement

"164. Where the chairman is absent or unable to act or where the office of chairman is vacant and the person who last held that office does not continue to act as chairman until the appointment of his successor, the members present at a meeting of the board of directors shall designate one of their number to preside over the meeting and to temporarily hold the office of chairman.

Replacement

The board of directors may, at any time, designate one of its members in advance as temporary replacement for the chairman in the circumstances mentioned in the first paragraph. The board may give that person the title of vice-chairman.

Replacement

If the replacement referred to in the second paragraph is absent or unable to act at a time when he should be replacing the chairman, the chairman shall be replaced by a member of the board of directors designated in accordance with the first paragraph for as long as both the chairman and the replacement are absent or unable to act, or the office of chairman is vacant.

Vote **"164.1** Each representative of a municipality on the board of directors has one vote; each representative has, where applicable, an additional vote for every 15 000 inhabitants of the municipality he represents. However, representatives of the city of Gatineau, the city of Hull or the town of Aylmer cannot have less than 6, 5 and 3 votes, respectively.

Decisions **"165.** The decisions of the board of directors are made by a majority of the votes cast.

Quorum A majority of the members constitutes a quorum at a meeting of the board of directors."

c. C-37.1,
ss. 165.1
to 165.3,
added

55. The said Act is amended by inserting, after section 165, the following sections:

Vote **"165.1** Every member of the board of directors present at a meeting is required to vote unless, in accordance with the Act respecting elections and referendums in municipalities, he is prevented from doing so as a result of his interest in the question concerned.

Meetings **"165.2** The board of directors may hold its meetings anywhere in the territory of the Corporation which is served by its public transport network.

Regular meetings **"165.3** The board of directors shall hold at least ten regular meetings per calendar year.

Days and time of meetings It shall determine, by by-law, the days on which they are held and the time at which they begin.

Notice At the beginning of each year, the secretary of the Corporation shall have a notice published in a newspaper circulated in its territory, stating the places and dates of the year's regular meetings and the time at which they will begin."

c. C-37.1,
s. 166, am.

56. Section 166 of the said Act is amended

(1) by replacing the words "of the Transit Commission" in the first and second lines of the first paragraph by the words "of the board of directors";

(2) by replacing the word "Commission" in the second and fourth lines of the first paragraph by the word "Corporation";

(3) by striking out subparagraph 2 of the first paragraph;

(4) by replacing the word “Commission” in subparagraph 3 of the first paragraph by the words “board of directors”;

(5) by replacing the word “Commission” in the first line of the second paragraph by the words “board of directors”;

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

Written
request

“It must also include any matter that is the subject of a written request signed by 50 or more residents of the territory of the Corporation and received by the secretary not later than 10 days before the meeting is held.”

c. C-37.1,
s. 167, am.

57. Section 167 of the said Act is amended by replacing the first sentence by the following sentence: “The special meetings of the board of directors are called by the secretary of the Corporation upon the request of the chairman or upon the written request of three or more members of the board of directors.”

c. C-37.1,
s. 168,
replaced

58. Section 168 of the said Act is replaced by the following section:

Public
meetings

“168. The meetings of the board of directors are public.

Question
period

Each meeting shall include a period during which persons present at the meeting may address oral questions to the members of the board of directors.

Notice

The secretary shall have a prior notice of the holding of each meeting published in a newspaper circulated in the territory of the Corporation.”

c. C-37.1,
s. 169, am.

59. Section 169 of the said Act is amended

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

Administra-
tion and
internal
management

“169. The board of directors may adopt a by-law respecting the administration and internal management of the Corporation.”;

(2) by replacing the words “meetings where it sits as a standing committee of the Council” in the second and third lines of the second paragraph by the words “meetings of the board of directors”.

c. C-37.1,
ss. 169.0.1
to 169.0.8,
added

60. The said Act is amended by inserting, after section 169, the following sections:

Remuneration or indemnity

“169.0.1 The board of directors may, by by-law, fix the remuneration or indemnity of its members. It may also, in the same by-law, fix an additional remuneration or indemnity for the chairman.

Indemnity

An indemnity is paid as reimbursement for the part of the expenses attached to the office which are not reimbursed pursuant to sections 169.0.4 to 169.0.8. The indemnity shall not exceed one half of the remuneration.

Effect

The by-law may have retroactive effect from 1 January of the year in which it comes into force.

Additional remuneration or indemnity

“169.0.2 The board of directors may, by by-law, where the replacement of the chairman under section 164 lasts for the number of days specified by the board, provide for the payment by the Corporation, to the person replacing the chairman, of an additional remuneration or indemnity equal to that of the chairman for the period beginning at the time specified and ending at the same time as the replacement.

Remuneration or indemnity

“169.0.3 A member of the board of directors shall receive the remuneration or indemnity provided for him by a by-law adopted under section 169.0.1 or 169.0.2, unless the application of section 23 of the Act respecting the remuneration of elected municipal officers prevents him from receiving such remuneration or indemnity, or reduces the amount thereof.

Expenses

“169.0.4 No member may, as part of his duties, perform any act involving expenses chargeable to the Corporation except with the prior authorization of the board of directors to perform the act and incur, in consequence thereof, expenses which do not exceed the amount fixed by the board.

Authorization

However, the chairman of the board is not required to obtain prior authorization when acting in his capacity as representative of the Corporation.

Expenses

“169.0.5 A member of the board of directors who, as part of his duties, has incurred expenses chargeable to the Corporation is entitled, on presentation of a statement accompanied with the proper vouchers, to be reimbursed by the Corporation for the amount of the expenses, up to the maximum amount fixed in the prior authorization, where that is the case.

Tariff

“169.0.6 The board of directors may, by by-law, establish a tariff applicable where expenses chargeable to the Corporation are entailed by particular classes of acts performed in Québec, or within a radius of 100 kilometers from the place where the corporate seat of

the Corporation is located, for a purpose other than travel outside Québec or such radius, and prescribe what vouchers must be presented to prove that such an act was performed.

Authorization If such a by-law is in force, the prior authorization provided for in section 169.0.4 in respect of an act covered by the tariff is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed.

Statement and vouchers Notwithstanding section 169.0.5, a member of the board of directors who, as part of his duties, has performed an act covered by the tariff in force is entitled, on presentation of a statement accompanied with the vouchers prescribed in the by-law, to receive from the Corporation the amount prescribed in the tariff for that act.

Appropriations “**169.0.7** The board of directors may provide sufficient appropriations in the budget of the Corporation for the reimbursement, pursuant to section 169.0.5 or 169.0.6, of expenses entailed by particular classes of acts that the members of the board may perform on behalf of the Corporation as part of their duties.

Authorization The prior authorization required by section 169.0.4 in respect of an act included in a class for which appropriations are provided in the budget is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed. The maximum amount is deemed to be the balance of the appropriations for acts of that class, after deducting all previous reimbursements, or, where applicable, the amount prescribed in the tariff for that act.

Appropriations If no appropriations are available, the board of directors may appropriate, for the purposes of the first paragraph, all or part of the balance of the sums provided in the budget to cover emergencies; the sums so appropriated are deemed to be appropriations.

Maximum amount of expenses “**169.0.8** Notwithstanding sections 169.0.6 and 169.0.7, the board of directors may fix the maximum amount of expenses allowed where it authorizes one of its members to perform an act which is covered by the tariff or which is in a class for which appropriations are provided in the budget.

Provisions applicable Section 169.0.5 applies in such case even if the act is covered by the tariff.”

c. C-37.1,
s. 169.1,
replaced **61.** Section 169.1 of the said Act is replaced by the following section:

General manager “**169.1** The board of directors shall appoint the general manager of the Corporation.”

c. C-37.1,
s. 169.2, am.

62. Section 169.2 of the said Act is amended

(1) by striking out the words “of the Transit Commission” in the first and second lines of the first paragraph;

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

“(a) to manage the affairs of the Corporation under the authority of the board of directors;”;

(3) by replacing the word “Commission” in the second line of subparagraph *b* of the first paragraph by the word “Corporation”;

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

“(c) to ensure liaison between the board of directors and the officers and employees of the Corporation;”;

(5) by replacing the word “Commission” in the third line of subparagraph *d* of the first paragraph by the word “Corporation”;

(6) by replacing the word “Commission” in the second line of the second paragraph by the word “Corporation”.

c. C-37.1,
s. 169.3, am.

63. Section 169.3 of the said Act is amended

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

Secretary
and
treasurer

“**169.3** The board of directors shall appoint the secretary and the treasurer of the Corporation, and may appoint assistants for them.”;

(2) by replacing the word “Commission” in the third line of the second paragraph by the word “Corporation”.

c. C-37.1,
s. 169.7,
am.

64. Section 169.7 of the said Act is amended by replacing the words “Transit Commission” in the second line by the words “board of directors”.

c. C-37.1,
ss. 169.8,
169.8.1,
added

65. The said Act is amended by inserting, after section 169.7, the following sections:

Officer or
employee

“**169.8** The board of directors may engage any other officer or employee of the Corporation that it considers useful thereto, other than those referred to in sections 169.1 and 169.3, and define his duties.

Remuneration and benefits

"169.8.1 The board of directors shall establish the remuneration, benefits and other conditions of employment of the officers and employees of the Corporation."

c. C-37.1,
s. 169.10,
am.

66. Section 169.10 of the said Act is amended by replacing the words "Transit Commission, the general manager and the secretary" in the first and second lines by the words "board of directors, the general manager, the secretary, the treasurer and the assistants to the secretary and the treasurer."

c. C-37.1,
ss. 169.11
to 170,
replaced

67. Sections 169.11 to 170 of the said Act are replaced by the following sections:

Extraordinary recourse

"169.11 Except on a question of jurisdiction, no extraordinary recourse provided in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised nor may any injunction be granted against the Corporation or any of the persons referred to in section 169.10 acting in his official capacity.

Recourse

The first paragraph shall not prevent a municipality whose territory is included in that of the Corporation and served by its public transportation network from exercising such a recourse or from obtaining an injunction against the Corporation or against any such person acting in his official capacity.

Writ, order, injunction

"170. A judge of the Court of Appeal may, upon a motion, summarily annul any writ, order or injunction issued or granted contrary to section 169.11."

c. C-37.1,
Title II,
Div. III,
heading,
am.

68. The heading of Division III of Title II of the said Act is amended by replacing the word "COMMISSION" by the word "CORPORATION".

c. C-37.1,
s. 171, am.

69. Section 171 of the said Act is amended

(1) by striking out the figures "4, 50," in the first line of the first paragraph;

(2) by replacing the words "Transit Commission" in the second line of the first paragraph by the word "Corporation";

(3) by replacing the word "Commission" in the second line of the second paragraph by the word "Corporation";

(4) by replacing the words "public transport undertaking" in the second and third lines of subparagraph *a* of the second paragraph by the words "undertaking for the public transport of passengers";

(5) by replacing subparagraph *d* of the second paragraph by the following subparagraphs:

“(d) to make by-laws respecting the conduct of persons in or on its vehicles and immovables;

“(d.1) to make by-laws respecting the tickets, transfers and passes used in respect of a service for the public transport of passengers organized by the Corporation;

“(d.2) to make by-laws respecting the alienation of any article lost and found in or on its vehicles or immovables;”;

(6) by replacing subparagraph *e* of the second paragraph by the following subparagraph:

“(e) to perform such work as it deems necessary or useful for the efficient operation of its services, including the power to build, possess and operate grounds and garages for parking, boarding platforms and bus-stop shelters, and to widen or straighten streets, with the approval of the municipality concerned where the work is performed in its territory;”;

(7) by replacing the words “from outside its territory” in the first line of subparagraph *g* of the second paragraph by the words “whose territory is not included in that of the Corporation”;

(8) by replacing the words “Transit Commission” in the third line of the third paragraph by the word “Corporation”.

c. C-37.1,
s. 172.5,
added

70. The said Act is amended by inserting, after section 172.4, the following section:

Irresistible
force

“172.5 Notwithstanding sections 83 and 171, the chairman of the board of directors may, in case of irresistible force of such a nature as to imperil the life or health of the population or seriously damage the equipment of the Corporation, order any expenditure and award, without calling for tenders, any contract that he considers necessary to remedy the situation.

Report

In such a case, he must make a report with reasons to the board of directors at the following meeting.”

c. C-37.1,
s. 173, am.

71. Section 173 of the said Act is amended

(1) by replacing the words “Transit Commission, with the authorization of the Community,” in the first and second lines of the first paragraph by the words “Corporation, with the authorization of”;

(2) by replacing the words “public transport undertaking” in the fourth line of the first paragraph by the words “undertaking for the public transport of passengers”;

(3) by striking out the second paragraph;

(4) by replacing the words “*mutatis mutandis*” in the second line of the third paragraph by the words “adapted as required”;

(5) by replacing the word “Commission” in the third line of the third paragraph by the word “Corporation”.

c. C-37.1,
s. 174, am.

72. Section 174 of the said Act is amended

(1) by replacing the words “Transit Commission” in the first line by the word “Corporation”;

(2) by replacing the word “Commission” in the fourth line by the words “board of directors”.

c. C-37.1,
s. 180, am.

73. Section 180 of the said Act is amended

(1) by replacing the words “Transit Commission” in the first line by the word “Corporation”;

(2) by striking out the second sentence;

(3) by adding the following paragraph:

Notice

“The secretary shall transmit a notice of the decision referred to in the first paragraph to the interested municipalities and have the notice published in a newspaper circulated in the territory of the Corporation.”

c. C-37.1,
s. 181,
replaced

74. Section 181 of the said Act is replaced by the following section:

Effect

“181. A decision made under section 180 takes effect fifteen days after the date of publication of the notice referred to in that section.

Effect

The board of directors may, however, provide that the decision takes effect on a later date or, if it considers that exceptional circumstances so warrant, ten days after the date of publication of the notice referred to in section 180.

Notice

The notice must mention the day on which the decision takes effect.”

c. C-37.1,
s. 182, am.

75. Section 182 of the said Act is amended

(1) by replacing the words "Transit Commission" in the first line of the first paragraph by the word "Corporation";

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

Notice

"The secretary shall transmit a notice of the decision referred to in the first paragraph to the interested municipalities and have the notice published in a newspaper circulated in the territory of the Corporation. He shall have the passenger fares posted in the vehicles of the Corporation."

c. C-37.1,
s. 183,
replaced

76. Section 183 of the said Act is replaced by the following section:

Effect

"183. A decision made under section 182 takes effect thirty days after the date of publication of the notice referred to in that section.

Effect

The board of directors may, however, provide that the decision takes effect on a later date or, if it considers that exceptional circumstances so warrant, ten days after the date of publication of the notice referred to in section 182.

Notice

The notice must mention the day on which the decision takes effect."

c. C-37.1,
s. 184, am.

77. Section 184 of the said Act is amended

(1) by replacing the words "Transit Commission" in the first line of the first paragraph by the word "Corporation";

(2) by striking out the words "des transports du Québec" in the first line of the second paragraph;

(3) by replacing the words "Transit Commission" in the second line of the second paragraph by the word "Corporation";

(4) by replacing the word "Commission" in the second and fourth lines of the third paragraph by the word "Corporation";

(5) by replacing the words "*mutatis mutandis* to the Commission" in the second line of the fourth paragraph by the words ", adapted as required, to the Corporation".

c. C-37.1,
s. 185,
replaced

78. Section 185 of the said Act is replaced by the following section:

Liability **"185.** The Corporation is exempt from any liability towards the owners of objects lost in or on its vehicles or immovables."

c. C-37.1,
ss. 187
to 189,
replaced
Budget
for next
fiscal
year **79.** Sections 187 to 189 of the said Act are replaced by the following sections:

"187. For the purposes of the adoption of the Corporation's budget for the next fiscal year, the treasurer shall, not later than 15 October each year, determine in a certificate the appropriations he considers necessary to pay the interest on securities issued or to be issued by the Corporation, to repay or redeem such securities, to establish their sinking funds, to cover any other charge related to the debt of the Corporation and to make any payment required by collective agreements or regulatory or legislative provisions. However, amounts required in principal, interest and accessories which concern renewable loans falling due during that fiscal year shall not be included.

Appropriations **"188.** The appropriations provided in the certificate shall be included in the budget of the Corporation.

Reserve The budget shall also include a separate appropriation of not more than 1.5 % of the expenses as a reserve for unforeseen administration and operation costs.

Amendment
to
certificate **"188.1** The treasurer may amend the certificate until 31 December preceding the fiscal year, if the appropriations mentioned therein have not been adopted.

Notice The treasurer shall transmit such an amendment to the secretary who shall give notice thereof to the board of directors at the next meeting.

Adoption
of budget **"188.2** The board of directors shall, not later than 31 October preceding each fiscal year, hold a special meeting for the purpose of adopting the budget of the Corporation for that fiscal year.

Adjournment
of meeting The meeting shall be adjourned as often as necessary and shall not be closed until the budget has been adopted.

Separate
appropriations **"188.3** The board of directors is not bound to adopt simultaneously all the appropriations of the budget. It may also adopt an appropriation separately.

Adoption
of appropriations The board of directors may, before 1 January, adopt temporarily, for a period of three months, one-quarter of every appropriation

provided for in the budget. It may, in the same manner, adopt one-quarter of every appropriation before each period beginning 1 April, 1 July and 1 October.

Adoption
of appropria-
tions

It may also adopt, at the same time:

(1) three-quarters of every appropriation, if it does so before 1 April;

(2) one-half of every appropriation, if it does so before 1 July.

Presumption

"188.4 If, on 1 January, the budget of the Corporation has not been adopted, the appropriations provided for in the certificate of the treasurer and included in the budget are deemed to be adopted and shall come into force.

Supplemen-
tary budget

"188.5 During a fiscal year, the board of directors may adopt a supplementary budget by following the same procedures employed for the adoption of the annual budget, adapted as necessary.

Presumption

However, the meeting held for the purpose of adopting the supplementary budget may close before it has been adopted. If the supplementary budget has not been adopted within 15 days from the opening of the meeting, the appropriations mentioned in the certificate of the treasurer and included in the supplementary budget, if any, shall be deemed adopted and come into force.

Copy of
budget

"189. The secretary shall, within 30 days of its adoption, transmit a certified copy of the budget or supplementary budget to the Minister of Municipal Affairs and the Minister of Transport."

c. C-37.1,
s. 191,
replaced

80. Section 191 of the said Act is replaced by the following section:

Transfer
of funds

"191. Any transfer of funds in the budget must be approved by the board of directors."

c. C-37.1,
s. 192, am.

81. Section 192 of the said Act is amended

(1) by replacing the words "Transit Commission, by by-law approved by the Council" in the first and second lines of the first paragraph by the words "Corporation, by by-law";

(2) by inserting the words "whose territories are" after the word "municipalities" in the third line of the first paragraph;

(3) by replacing the figures and word "135 and 188" in the second line of the second paragraph by the figures and word "188.2 to 188.5";

(4) by replacing the words "the fiscal potential of a municipality" in paragraph 5 of the second paragraph by the words "the criterion for apportionment provided for in section 193";

(5) by replacing the words "Commission when its budget is transmitted" in the third line of the third paragraph by the words "Corporation when its budget is adopted".

c. C-37.1,
s. 193, am.

82. Section 193 of the said Act is amended

(1) by replacing the words "Transit Commission" in the first and second, fifth, sixth, seventh, twelfth and thirteenth, and fifteenth and sixteenth lines of the first paragraph by the word "Corporation" and by replacing the word "Commission" in the fourth line by the word "Corporation";

(2) by inserting the words "whose territories are" after the word "municipalities" in the fourth line of the first paragraph;

(3) by inserting, at the end of the third paragraph, the following sentence: "Section 578 of the Act respecting municipal taxation applies as if the territory of the Community consisted of the aggregate of the territories of the municipalities mentioned in Schedule A.1.";

(4) by replacing the words "Transit Commission's" in the first and second lines of the fourth paragraph by the word "Corporation's";

(5) by replacing the words "Transit Commission" in the first line of the fifth paragraph by the word "Corporation".

c. C-37.1,
ss. 193.1
to 193.3,
added

83. The said Act is amended by inserting, after section 193, the following sections:

Program
of capital
expenditures

"193.1 The board of directors shall, each year, adopt by by-law a program of capital expenditures of the Corporation for the next three fiscal years.

Program
of capital
expenditures

The program shall be divided into annual phases. It shall describe, in respect of the period coincident therewith, the object, the amount and the mode of financing of the capital expenditures or expenses that the Corporation plans to incur or make and for which the financing period exceeds twelve months. The program shall also mention the capital expenditures that the Corporation plans to make beyond the period for which it applies, if those expenditures result from commitments made during that period.

Transmission

"193.2 The program adopted shall be transmitted to the Minister of Municipal Affairs and to the Minister of Transport not later

than 31 October preceding the beginning of the first fiscal year for which it applies. Any amendment to the program shall be transmitted within 30 days from its adoption.

Extension Upon sufficient proof that the Corporation is actually unable to adopt and transmit the program within the prescribed time, the Minister of Municipal Affairs may grant the Corporation such extension as he may determine.

Transmission The Minister of Municipal Affairs may require that the program be transmitted by means of the form furnished by him for that purpose.

Loan by-law **"193.3** Every loan by-law of the Corporation relating to expenditures for public transport purposes transmitted to the Minister of Municipal Affairs must, in order to be approved, be accompanied with a writing from the Minister of Transport authorizing such expenditures."

**c. C-37.1,
s. 194, am.** **84.** Section 194 of the said Act is amended

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

Loans **"194.** The Corporation may contract loans in accordance with sections 145 to 150, which apply, adapted as required.";

(2) by replacing the word "Commission" in the second line of the second paragraph by the word "Corporation";

(3) by striking out the third and fourth paragraphs.

**c. C-37.1,
s. 194.1,
added** **85.** The said Act is amended by inserting, after section 194, the following section:

Signature **"194.1** The bonds, notes and other debt securities and the cheques, bills of exchange and other negotiable instruments issued by the Corporation shall be signed by the chairman of the board of directors and the treasurer.

Facsimile A facsimile of the signature of the chairman or the treasurer may be engraved, lithographed or printed on such documents and has the same effect as if they had been duly signed."

**c. C-37.1,
s. 195.1,
added** **86.** The said Act is amended by inserting, after section 195, the following section:

Offences and penalties **"195.1** The Corporation may, in the by-laws referred to in subparagraphs *b*, *d* and *d.1* of the second paragraph of section 171,

establish offences and prescribe for each of them a fine of not more than \$500 and, for a second or subsequent conviction, a minimum fine of not more than \$200 and a maximum fine of not more than \$1 000.

Officers or
employees

The board of directors may designate specifically the officers or employees of the Corporation who are responsible for the enforcement of such by-laws."

c. C-37.1,
s. 196, am.

87. Section 196 of the said Act, amended by section 563 of chapter 84 of the statutes of 1988 and by section 4 of chapter 17 of the statutes of 1989, is again amended

(1) by replacing the words "Transit Commission" in the first line of subsection 1 by the word "Corporation";

(2) by replacing the words "Transit Commission unless the Commission des transports du Québec, after calling upon the Transit Commission" in the third, fourth and fifth lines of subsection 2 by the words "Corporation unless the Commission, after calling upon the Corporation";

(3) by replacing the words "Transit Commission" in the first line of the first paragraph of subsection 3 by the word "Corporation";

(4) by replacing the words "Transit Commission" in the first line of the second paragraph of subsection 3 and the word "Commission" in the fourth line of the second paragraph of subsection 3 by the word "Corporation";

(5) by replacing the words "Transit Commission" in the third and fifth lines of the first paragraph of subsection 4 by the word "Corporation";

(6) by replacing the words "Transit Commission" in the first line of the second paragraph of subsection 4 by the word "Corporation";

(7) by striking out the words "des transports du Québec" in the third line of the second paragraph of subsection 4;

(8) by striking out of the words "des transports du Québec" in the first line of the third paragraph of subsection 4;

(9) by replacing the words "Transit Commission" in the second and third lines and in the fourth line of the third paragraph of subsection 4 by the word "Corporation".

c. C-37.1,
s. 197, am. **88.** Section 197 of the said Act is amended by replacing the words “Transit Commission” in the first line by the word “Corporation”.

c. C-37.1,
s. 198, am. **89.** Section 198 of the said Act is amended

(1) by replacing the words “Transit Commission” in the first and fifth lines of the first paragraph by the word “Corporation”;

(2) by replacing the words “des transports du Québec to the Transit Commission” in the second and third lines of the second paragraph by the words “to the Corporation”.

c. C-37.1,
s. 199,
replaced **90.** Section 199 of the said Act is replaced by the following section:

Report of
activities **“199.** The Corporation shall, not later than 1 July each year, transmit to the Minister of Municipal Affairs and to the Minister of Transport, and to each municipality whose territory is served by its public transport network, a report of its activities during the preceding fiscal year.”

c. C-37.1,
s. 211, am. **91.** Section 211 of the said Act is amended by striking out the second sentence.

c. C-37.1,
s. 215, am. **92.** Section 215 of the said Act is amended by striking out the words “, the Community or any municipality thereunto authorized by the Community” in the fifth and sixth lines.

c. C-37.1,
s. 216, am. **93.** Section 216 of the said Act is amended by striking out the words “, the Community or any municipality thereunto authorized by the Community” in the third and fourth lines.

c. C-37.1,
s. 223.1, am. **94.** Section 223.1 of the said Act is amended

(1) by inserting the words “the territory of” after the word “in” in the first line of the first paragraph;

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

Taxable
immovables **“The tax provided for in section 251 may be imposed on the taxable immovables referred to in the first paragraph and not on all the taxable immovables in the territory of the municipality.”**

c. C-37.1,
s. 223.2,
added **95.** The said Act is amended by inserting, after section 223.1, the following section:

Applicability **“223.2** Sections 221 to 223.1 do not apply to immovables contemplated therein which are not situated in the territory of the Community.”

c. C-37.1,
s. 231,
repealed **96.** Section 231 of the said Act is repealed.

c. C-37.1,
s. 233, am. **97.** Section 233 of the said Act is amended by replacing the words “Transit Commission any contiguous” in the second and third lines by the words “transit corporation the contiguous territory of any local”.

c. C-37.1,
s. 238, am. **98.** Section 238 of the said Act is amended

(1) by replacing the words “*mutatis mutandis*” in the second line of the first paragraph by the words “, adapted as required,”;

(2) by replacing the words “Transit Commission” in the second line of the second paragraph by the words “transit corporation”.

c. C-37.1,
s. 239,
replaced **99.** Section 239 of the said Act is replaced by the following sections:

Summary
report of
activities **“239.** Before 1 May each year, the Community shall transmit a summary report of its activities during the preceding fiscal year to the Minister and to each municipality whose territory is included in that of the Community.

Financial
statement
and
auditor's
report It shall also, before the same date, transmit a copy of its financial statement and of the auditor's report for the preceding fiscal year to each municipality contemplated in the first paragraph. The transit corporation shall do the same with regard to the municipalities whose territories are served by its public transport network.

Information **“239.1** The Community, the transit corporation and the development corporation shall provide the Minister of Municipal Affairs with any information he may require.

Information The transit corporation has the same obligation toward the Minister of Transport.”

c. C-37.1,
s. 246, am. **100.** Section 246 of the said Act is amended

(1) by replacing the word “The” in the first line of the first paragraph by the words “In addition to the case provided for in section 151, the”;

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

Applicability

"In addition to the case provided for in section 194.1, the first two paragraphs of this section apply, adapted as required, to a facsimile of the signature of the chairman of the board of directors, of the general manager, of the secretary or of the treasurer of the transit corporation."

c. C-37.1,
s. 248, am.

101. Section 248 of the said Act is amended by adding the following paragraph:

Presumption

"The transit corporation is, for the purposes of section 23 of the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1) and section 3.11 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), deemed to be an urban community."

c. C-37.1,
s. 250,
repealed

102. Section 250 of the said Act is repealed.

c. C-37.1,
s. 251, am.

103. Section 251 of the said Act is amended

(1) by replacing the last six lines of the first paragraph by the following lines: "aliquot share of the net anticipated amount of expenses of the transit corporation to be apportioned, every municipality may, in addition to its power to use a tariff under section 244.1 of the Act respecting municipal taxation, impose a special real estate tax based on the value of the taxable immovables situated in its territory.";

(2) by striking out the second and third paragraphs.

c. C-37.1,
s. 251.2, am.

104. Section 251.2 of the said Act is amended

(1) by replacing the words "The Council or, as the case may be, the Transit Commission" in the first and second lines of the first paragraph by the words "The Community or, as the case may be, the transit corporation";

(2) by replacing the words "Council or, as the case may be, of the Transit Commission" in the third and fourth lines of the second paragraph by the words "Community or, as the case may be, of the transit corporation".

c. C-37.1,
s. 251.3,
am.

105. Section 251.3 of the said Act is amended by replacing the words "Transit Commission" in the first line of the first paragraph by the words "transit corporation".

c. C-37.1,
s. 260, am.

106. Section 260 of the said Act is amended by replacing the words "Transit Commission or of the Corporation" in the seventh and

eighth lines by the words “transit corporation or of the development corporation”.

c. C-37.1,
s. 263,
replaced

107. Section 263 of the said Act is replaced by the following section:

Agreement

“263. The development corporation and every municipality in whose territory an immovable of the Corporation is situated may, with prior authorization of the Government, make an agreement on the terms and conditions of the transfer of the immovable to the municipality.

Agreement

Where an immovable referred to in the first paragraph is situated in a park or complex contemplated in paragraph *c* or *d* of section 220 in which immovables owned by third parties are also situated, the agreement may also bear on the terms and conditions of the transfer to the municipality of any jurisdiction connected with the development and operation of the park or complex.

Party
to the
agreement

If the immovable to be transferred or if the park or complex whose development and operation is to come under the jurisdiction of the municipality is used for activities carried on by the Community or another municipality, in accordance with section 221 or 222, the latter must be a party to the agreement, which must provide the terms and conditions of the cessation of such activities.

Presumption

Where the Corporation transfers, to the municipality, its jurisdiction with respect to the development and operation of a park in which immovables used for industrial, para-industrial or research purposes are situated, the immovables situated in the park which have been acquired, built, transformed, alienated or leased by the Corporation before the transfer of jurisdiction are, from that transfer and for the purposes of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), deemed to have been acquired, built, transformed, alienated or leased by the municipality. The park shall thereupon become an industrial park of the municipality.”

c. C-37.1,
s. 266, am.

108. Section 266 of the said Act is amended by replacing the word “Corporation” in the third line of the first paragraph by the words “development corporation”.

c. C-37.1,
Sched. A,
replaced

109. Schedule A to the said Act is replaced by the following schedules:

"SCHEDULE A

"Town of Aylmer, city of Buckingham, city of Gatineau, city of Hull, town of Masson.

"SCHEDULE A.1

"Town of Aylmer, city of Buckingham, municipality of Cantley, municipality of Chelsea, city of Gatineau, city of Hull, municipality of L'Ange-Gardien, municipality of La Pêche, town of Masson, municipality of Notre-Dame-de-la-Salette, municipality of Pontiac, municipality of Val-des-Monts."

c. C-37.1,
words
replaced

110. The words "Transit Commission" and "Commission" are replaced by the word "Corporation" wherever they appear in the following provisions of the said Act:

- (1) section 158;
- (2) section 169.4;
- (3) section 169.5;
- (4) section 169.6;
- (5) section 169.9;
- (6) section 171.1;
- (7) section 171.2;
- (8) section 172;
- (9) section 172.1;
- (10) section 172.2;
- (11) section 172.3;
- (12) section 172.4;
- (13) section 175;
- (14) section 177;
- (15) section 178;
- (16) section 179;
- (17) section 186;

- (18) section 190;
- (19) section 195;
- (20) section 196.1.

ACT RESPECTING MUNICIPAL TAXATION

c. F-2.1,
s. 1, am.

111. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 613 of chapter 84 of the statutes of 1988, is again amended by replacing the word “régionale” in the second line of the definition of the word “community” in the first paragraph by the word “urbaine”.

c. F-2.1,
s. 4.1,
added

112. The said Act is amended by inserting, after section 4, the following section:

Exclusion

“4.1 A municipal corporation whose territory is included in that of the Communauté urbaine de l’Outaouais may, with the approval of the Government, pass a resolution to exclude itself from the jurisdiction of the Community.

Resolution

The clerk of the municipal corporation shall transmit a certified copy of the resolution passed pursuant to the first paragraph to the Community by bailiff or by registered or certified mail. The Minister shall inform the corporation and the Community in writing of the decision of the Government.

Jurisdiction

If the resolution is approved by the Government, the Community shall cease to have jurisdiction with regard to the municipal corporation from 1 January following the lapse of the 12 month period following the day on which the copy of the resolution is received by the Community.

Expenses

In the case provided for in the third paragraph, the municipal corporation is not required to contribute to the payment of the expenses incurred by the Community in matters of assessment, for every fiscal year, from the first year commencing after the lapse of the 12 month period referred to in the said paragraph. However, it shall pay to the Community, where applicable, a sum to cover the expenses incurred by the latter to retain an employee whose services are no longer required as a result of a decision of the municipal corporation, to terminate his employment, or to maintain equipment or material which, for the same reason, has become useless or superfluous.

Aliquot
share of
expenses

In the case provided for in the third paragraph, the municipal corporation shall pay to the Community its aliquot share of the

expenses incurred by the latter in matters of assessment for every fiscal year prior to those referred to in the fourth paragraph.

Applicability The third paragraph does not apply if the resolution passed under the first paragraph is repealed and a certified copy of the repealing resolution is transmitted to the Community, in the manner provided for in the second paragraph, before the time limit fixed in accordance with a by-law passed under subparagraph 3 of the seventh paragraph or, failing such a by-law, before 1 January following the lapse of the 12 month period referred to in the third paragraph. The repealing resolution does not require the approval of the Government; the clerk of the corporation must, however, transmit a certified true copy of the resolution to the Minister.

By-law The council of the Community may, by by-law:

(1) determine rules permitting the establishment of the sum referred to in the fourth paragraph or the aliquot share referred to in the fifth paragraph;

(2) determine the terms and conditions applicable to the payment of that sum or aliquot share, including the interest on any sum exigible;

(3) fix the time before which a certified copy of the resolution repealing the resolution passed under the first paragraph must be transmitted to the Community, in the manner provided for in the second paragraph, in order to avoid the application of the third paragraph."

c. F-2.1,
s. 236, am. **113.** Section 236 of the said Act, amended by section 9 of chapter 17 of the statutes of 1989, is again amended by inserting the words "or corporation" after the word "commission" in the seventh line of paragraph 1.

c. F-2.1,
s. 578, am. **114.** Section 578 of the said Act is amended by replacing the word "régionale" in the fourth line of the first paragraph by the word "urbaine".

CONCORDANCE AMENDMENTS TO VARIOUS ACTS

c. C-11,
Sched., am **115.** The schedule to the Charter of the French language (R.S.Q., chapter C-11) is amended, in the paragraph following the words "the urban communities" in subparagraph a of paragraph 3 of part A, by replacing

(1) the word "régionale" in the second line by the word "urbaine";

(2) the words “Commission de transport de la Communauté régionale” in the fifth and sixth lines by the words “Société de transport”.

c. C-19,
s. 468.11,
am. **116.** Section 468.11 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out the words “regional community,” in the fifth line of the first paragraph.

c. C-27.1,
a. 580, am. **117.** Article 580 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out the words “regional community,” in the fifth line of the first paragraph.

c. M-21.1,
s. 23, am. **118.** Section 23 of the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1), amended by section 697 of chapter 84 of the statutes of 1988, is again amended by replacing the words “, urban community or regional community” in the first and second lines of the first paragraph by the words “or urban community”.

c. M-30,
s. 3.11, am. **119.** Section 3.11 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), amended by section 664 of chapter 84 of the statutes of 1988, is again amended by replacing the words “, urban community or regional community” in the second and third lines of the first paragraph by the words “or urban community”.

c. V-1.1,
s. 41, am. **120.** Section 41 of the Securities Act (R.S.Q., chapter V-1.1), amended by section 700 of chapter 84 of the statutes of 1988, is again amended

(1) by striking out the words “or regional community” in the first and second lines of subparagraph *a* of paragraph 2;

(2) by inserting the words “or corporation” after the word “commission” in subparagraph *b* of paragraph 2.

c. V-1.1,
s. 44, am. **121.** Section 44 of the said Act, amended by section 700 of chapter 84 of the statutes of 1988, is again amended by striking out the words “or regional community” in the first and second lines of paragraph 8.

Words
replaced **122.** The words “an urban or regional” and “a regional or urban” are replaced by the words “an urban” and the words “urban and regional”, “urban or regional” and “regional or urban” are replaced by the word “urban” wherever they appear in the following provisions:

(1) subparagraph 3 of the first paragraph of section 42, the first and second paragraphs of section 133 and section 193 of the Building Act (R.S.Q., chapter B-1.1);

(2) paragraph *g* of section 51, section 128 and section 129 of the Cultural Property Act (R.S.Q., chapter B-4);

(3) the second paragraph of section 3 of the Act respecting truck transportation (R.S.Q., chapter C-5.1);

(4) the second paragraph of section 573.10 of the Cities and Towns Act (R.S.Q., chapter C-19);

(5) the definition of the word “municipality” in the first paragraph of section 1 of the Highway Safety Code (R.S.Q., chapter C-24.1);

(6) the definition of the word “municipality” in section 4, the second paragraph of section 127, the second paragraph of section 128 and paragraphs 10 and 11 of section 619 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(7) the second paragraph of article 3 and the second paragraph of article 944 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(8) paragraph *a* of the schedule to the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);

(9) paragraph 2 of section 63, the second paragraph of section 260, the second paragraph of section 297, the third paragraph of section 298, the third paragraph of section 312, the first paragraph of section 357, the first and third paragraphs of section 359, paragraphs 2 and 3 of section 504 and the first paragraph of section 511 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

(10) the first paragraph of section 53.15 of the Expropriation Act (R.S.Q., chapter E-24);

(11) section 493 of the Taxation Act (R.S.Q., chapter I-3);

(12) paragraph *b* of section 17 of the Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39);

(13) the second paragraph of section 7 of the National Museums Act (R.S.Q., chapter M-44);

(14) the first paragraph of section 1, the first paragraph of section 4, section 6, section 82, section 126, section 177, section 191 and section 200 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9);

(15) section 18, section 19, the second paragraph of section 20, the second paragraph of section 74, section 102 and the first and second paragraphs of section 103 of the Pesticides Act (R.S.Q., chapter P-9.3);

(16) paragraph *f* of section 1 of the Police Act (R.S.Q., chapter P-13);

(17) paragraph *c* of section 4 of the Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1);

(18) paragraph *h* of section 81 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

(19) paragraph 2 of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

(20) subparagraph 3 of the first paragraph of section 19 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);

(21) the fourth paragraph of section 23 and the first paragraph of section 25 of the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1);

(22) the second paragraph of section 63 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1);

(23) paragraph *c* of section 8 of the Public Works Act (R.S.Q., chapter T-15);

(24) section 5 of the Tourist Establishments Act (1987, chapter 12);

(25) section 2 of the Roadside Advertising Act (1988, chapter 14);

(26) paragraph 1 of section 6 of the Act respecting municipal courts and amending various legislation (1989, chapter 52).

Words
replaced

123. The words “Communauté régionale” are replaced by the words “Communauté urbaine” wherever they appear in the following provisions:

(1) paragraph 1 of section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);

(2) section 171, the first paragraph and subparagraphs 2 and 5 of the third paragraph of section 264.3 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(3) paragraph 4 of the schedule to the Archives Act (R.S.Q., chapter A-21.1);

(4) paragraph 2 of section 24.4 of the Act respecting the Commission municipale (R.S.Q., chapter C-35);

(5) the first paragraph of section 128.16 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

(6) section 37 of the Expropriation Act (R.S.Q., chapter E-24);

(7) section 5 of the Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01);

(8) paragraph 5 of section 1 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1);

(9) paragraph 10 of section 1 of the Environment Quality Act (R.S.Q., chapter Q-2);

(10) the definition of the word "municipality" in section 1 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1);

(11) the definition of the term "regional authority" in section 1 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1);

(12) the first paragraph of section 26 of the Act respecting threatened or vulnerable species and amending the Act respecting the conservation and development of wildlife (1989, chapter 37).

TRANSITIONAL AND FINAL PROVISIONS

DIVISION I

ESTABLISHMENT OF A REGIONAL COUNTY MUNICIPALITY

Establish-
ment

124. A regional county municipality is hereby established under the name of "Municipalité régionale de comté des Collines-de-l'Outaouais".

Establishment It shall be regarded as a regional county municipality established under the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

Territory **125.** The territory of the regional county municipality shall consist of the territories of the following municipalities: municipality of Cantley, municipality of Chelsea, municipality of L'Ange-Gardien, municipality of La Pêche, municipality of Notre-Dame-de-la-Salette, municipality of Pontiac, municipality of Val-des-Monts.

Secretary-treasurer **126.** The secretary-treasurer of the municipality of Chelsea shall act as the secretary-treasurer of the regional county municipality until the close of its first special meeting.

Replacement If he is absent or unable to act, or if the office of secretary-treasurer is vacant, the Minister of Municipal Affairs shall appoint a person to replace him.

First special meeting **127.** After having consulted the members of the council of the regional county municipality, the acting secretary-treasurer shall fix the place, date and time of the first special meeting of the council and shall call that meeting.

Notice He shall enter in the notice of meeting, in addition to the election of the warden and the appointment of the secretary-treasurer, any other item that a member of the council requested him to include during the consultation held under the first paragraph.

Acting secretary-treasurer **128.** The acting secretary-treasurer shall preside over the first special meeting of the council of the regional county municipality until the warden has been elected.

Powers **129.** Until the opening of the first special meeting of the council of the regional county municipality, the Community shall exercise, with regard to the local municipalities listed in section 125 and their territories, the powers of the regional county municipality in cases where urgent action is required of it, which do not come under the jurisdiction of the acting secretary-treasurer.

By-laws and resolutions **130.** The by-laws, resolutions and other documents of the Communauté régionale de l'Outaouais relating to the development of the territory of the regional county municipality and the jurisdiction exercised by county corporations or, as the case may be, extracts from such by-laws, resolutions and other documents relating to such matters, shall become those of the regional county municipality.

Copy

A certified true copy thereof must be transmitted free of charge to the regional county municipality by the Communauté urbaine de l'Outaouais and shall constitute the original for the purposes of the regional county municipality.

Establishment

131. The Government may, in accordance with the Act respecting land use planning and development, establish a regional county municipality whose territory includes the territories of all or some of the local municipalities listed in section 125 of this Act.

Establishment

For the purposes of sections 166 to 176 of the Act respecting land use planning and development, the regional county municipality established by section 124 of this Act shall be regarded as a county corporation.

Existence

132. The regional county municipality established by section 124 shall cease to exist on the date of the coming into force of the letters patent establishing the regional county municipality which succeeds it, in accordance with the Act respecting land use planning and development.

"regional county municipality"

For the purposes of the other divisions of this Act, the term "regional county municipality" means, without distinction, either of the regional county municipalities referred to in the first paragraph.

DIVISION II

ESTABLISHMENT OF AN INTERMUNICIPAL MANAGEMENT BOARD AND OTHER TRANSITIONAL PROVISIONS RESPECTING WASTE MANAGEMENT

Establishment

133. An intermunicipal management board is hereby established under the name of "Régie intermunicipale de gestion des déchets de l'Outaouais".

Establishment

It shall be regarded as an intermunicipal management board established under the Municipal Code of Québec (R.S.Q., chapter C-27.1) and as the subject of an agreement between the Communauté urbaine de l'Outaouais and the regional county municipality under which the management board exercises, in their territories, the powers of the Community provided for in sections 128 to 128.2 of the Act respecting the Communauté urbaine de l'Outaouais, as amended by this Act.

Officers or employees

For the purpose of exercising such powers, the Community may assign certain of its officers or employees to the management board or allow the management board to use certain property of the Community.

Head office	134. The head office of the management board is located at the same place as that of the Community.
Composition	135. The board of directors of the management board shall be composed of four delegates from the Community and three from the regional county municipality.
Delegates	The delegates are designated by the council of the Community or regional county municipality, as the case may be, from among its members. The secretary or the secretary-treasurer of the Community or of the regional county municipality shall transmit, as soon as possible, to the secretary of the management board a certified true copy of the resolution designating a delegate.
Vote	136. Each member of the board of directors has one vote.
Decisions	137. The decisions of the board of directors shall be made by double majority: that of the votes cast by the delegates of the Community and that of the votes cast by the delegates of the regional county municipality.
Secretary	138. The secretary of the Community shall act as secretary of the management board until the close of the first special meeting of the board of directors.
Replacement	If he is absent or unable to act, or if the office of secretary is vacant, the Minister of Municipal Affairs shall appoint a person to replace him.
First special meeting	139. After having ascertained that the first seven delegates referred to in section 135 have been designated and after having consulted them, the acting secretary shall fix the place, date and time of the first special meeting of the board of directors and call that meeting.
Notice	He shall include in the notice of meeting, in addition to the appointment of the chairman of the board of directors and that of the secretary and of the treasurer of the management board, any other item that a delegate requested him to include during the consultation held under the first paragraph.
Notice	He shall have notice of the meeting delivered to each delegate at least 24 hours before the time fixed for the beginning of the meeting.
Publication	In addition, he shall have prior notice of the meeting published in a newspaper circulated in the territories of the Community and the regional county municipality.

Acting
secretary

140. The acting secretary shall preside over the first special meeting of the board of directors until the chairman has been appointed.

Powers

141. Until the opening of the first special meeting of the board of directors, the Community shall exercise, with regard to the municipalities whose territories are included in its own and in that of the regional county municipality and with regard to that territory, the powers provided for in sections 128 to 128.2 of the Act respecting the Communauté urbaine de l'Outaouais, as amended by this Act, in cases where urgent action is required of the management board, which do not come under the jurisdiction of the acting secretary.

Operating
surplus

142. The operating surplus of the Communauté régionale de l'Outaouais in matters of waste disposal, recovery and recycling, as it stands on 31 December 1990, shall become a revenue of the management board for its 1991 fiscal year.

Aylmer

143. The management board shall, before 1 January 1992, pay a sum of \$600 000 to the town of Aylmer.

Agreement
on "dépotoir
Cook"

144. All the local municipalities whose territories are included in that of the Community or the regional county municipality and which have made use of the site for burying waste known as the "dépotoir Cook" in the territory of the town of Aylmer shall, before 1 January 1992, enter into an agreement concerning the apportionment of the expenses involved in closing and maintaining the site.

Rules on
apportion-
ment
of expenses

Failing an agreement within the prescribed time, such a municipality may request the Commission municipale du Québec to intervene. After giving the interested municipalities an opportunity to be heard, the Commission shall determine the rules governing the apportionment of the expenses referred to in the first paragraph. Its decision is binding on the municipalities concerned.

Apportion-
ment
of expenses

145. The expenses of the management board shall be apportioned between the Community and the regional county municipality in proportion to the weight of the waste or sludge, generated in each of their territories during a fiscal year, which is taken to an establishment or site referred to in section 128.1 of the Act respecting the Communauté urbaine de l'Outaouais, as amended by this Act.

Apportion-
ment
of expenses

That part of the expenses of the Community or the regional county municipality which corresponds to its aliquot share of the

expenses of the management board is itself apportioned among the local municipalities whose territories are included in that of the Community or regional county municipality, as the case may be, in proportion to the weight of the waste or sludge generated in the territory of each local municipality during the same fiscal year which is taken to the establishment or site referred to in the first paragraph.

Expenses The following expenses shall be regarded as expenses of the management board:

(1) expenses incurred by the Community in respect of its officers or employees while they are assigned to the management board;

(2) expenses incurred by the Community, during the existence of the management board, for the repayment of the principal and the payment of the interest on a loan contracted by the Communauté régionale de l'Outaouais in exercising its jurisdiction in matters of waste disposal, recovery and recycling.

Different rules However, if the by-law authorizing a loan referred to in subparagraph 2 of the third paragraph provides a rule governing the apportionment of the financial expenses which differs from that provided in the first and second paragraphs, the rule provided for in the by-law takes precedence.

Apportionment of expenses Notwithstanding the first four paragraphs, the expenses of the management board incurred for the purposes of any phase of the program of the Communauté régionale de l'Outaouais concerning the selective collection of waste that may be recycled shall be apportioned in proportion to the number of residences, other than multi-family residences, situated in the territory of each local municipality participating in the phase in question.

Agreement **146.** The Community and the regional county municipality may make, in accordance with the Municipal Code of Québec, an agreement concerning waste disposal, recovery and recycling according to the jurisdiction determined under sections 128 to 128.2 of the Act respecting the Communauté urbaine de l'Outaouais, as amended by this Act, as if the regional county municipality had such jurisdiction in its territory.

Existence of management board **147.** The management board established by section 133 shall cease to exist:

(1) on 1 January 1992, if no agreement made under section 146 has been received by the Minister of Municipal Affairs before that date;

(2) on the date fixed by the Minister, if he does not approve the agreement made under section 146 and received by him before 1 January 1992;

(3) on the date of the coming into force of the agreement made under section 146, if it was received by the Minister before 1 January 1992 and if it provides, as mode of operation, the supply of services or the delegation of jurisdiction;

(4) on the date of the coming into force of the order establishing a new management board, if the agreement made under section 146 was received by the Minister before 1 January 1992 and if it provides, as mode of operation, an intermunicipal management board.

Notice

The Minister shall notify the Community and the regional county municipality in writing of the date on which the management board established under section 133 will cease to exist.

Assets and liabilities

148. In every case provided for in subparagraphs 1 to 3 of the first paragraph of section 147, the assets and liabilities of the management board established by section 133 and those of the Community relating to waste disposal, recovery and recycling, as determined on the date on which the management board ceases to exist, shall be apportioned between the Community and each local municipality mentioned in section 125.

Apportionment

The apportionment shall be in proportion to the weight of the waste or sludge, generated in the respective territories of the Community and each local municipality mentioned in section 125 during the five fiscal years preceding the date on which the management board ceases to exist, which was taken to an establishment or site referred to in section 128.1 of the Act respecting the Communauté urbaine de l'Outaouais, as amended by this Act.

Applicability

The first two paragraphs do not apply to assets and liabilities related to the selective collection of waste that may be recycled.

Municipal Code

Articles 622 and 623 of the Municipal Code of Québec apply, adapted as required, in the event of a disagreement over the application of this section.

Auditor's report

149. In every case provided for in subparagraphs 1 to 3 of the first paragraph of section 147:

(1) if the auditor's report of the management board established by section 133 could not be transmitted to its treasurer before it ceased to exist, it shall be transmitted to the treasurer of the Community and to the secretary-treasurer of the regional county municipality;

(2) if the auditor's report and the financial statement of that management board could not be laid before its board of directors before it ceased to exist, they shall be laid before the council of the Community and of the regional county municipality.

Management
board

150. In the case provided for in subparagraph 4 of the first paragraph of section 147, the management board established by order of the Minister succeeds the management board established by section 133.

Assets
and
liabilities

Subject to the provisions of the agreement referred to in the said subparagraph, if any, the assets and liabilities of the management board established by section 133 and those of the Community relating to waste disposal, recovery and recycling, as established on the date on which the management board ceases to exist, shall become the assets and liabilities of the management board which succeeds it.

Jurisdiction

151. After the management board established by section 133 has ceased to exist in any of the cases provided for in subparagraph 1 or 2 of the first paragraph of section 147, the regional county municipality shall have, in its territory, the jurisdiction provided for in sections 128 to 128.2 of the Act respecting the Communauté urbaine de l'Outaouais, as amended by this Act.

Jurisdiction

However, such jurisdiction shall terminate one year after the management board ceases to exist, subject to article 678.0.1 of the Municipal Code of Québec.

Applicability

The first two paragraphs also apply where an agreement referred to in subparagraph 3 or 4 of the first paragraph of section 147 of this Act or any renewal of such agreement terminates without being renewed. In such a case, the one-year period provided for in the second paragraph of this section runs from either the date on which the agreement or its last renewal terminates or the date on which the management board established under the agreement or its last renewal is dissolved, whichever comes first.

DIVISION III

REAL ESTATE ASSESSMENT

Jurisdiction

152. In 1991, the Community shall exercise, in the place of the regional county municipality, the jurisdiction in matters of real estate assessment provided for in the Act respecting municipal taxation, as if there were an agreement under section 195 of the said Act.

Nevertheless, the regional county municipality shall, in 1991, remain a municipality within the meaning of the said Act for the sole purpose of making such an agreement.

Consideration

The regional county municipality shall pay the Community, as consideration, a sum equal to 20 % of the expenses of the latter for real estate assessment purposes in 1991, including interest and reimbursement of a part of the principal on loans. However, expenses incurred in 1991 for the inspection of immovables situated in the territory of the Community, made as part of the process of maintaining the inventory of the data from which the assessment roll is made, shall not be taken into consideration.

Reimbursement

153. The Community shall pay to the regional county municipality, in accordance with the terms and conditions they agree upon, a sum of \$64 606 as reimbursement for the aliquot share paid by the local municipalities mentioned in section 125 for the expenses incurred by the Communauté régionale de l'Outaouais, in 1989 and 1990, for the inspection of immovables situated in the territory of the Communauté urbaine de l'Outaouais.

DIVISION IV

BILLING AND SENDING OF TAX ACCOUNTS

Jurisdiction

154. In 1991, the Community shall exercise, in the place of the local municipalities referred to in section 125, jurisdiction in the making of collection rolls and the billing and sending of tax accounts.

Payment

In exchange, the regional county municipality shall pay the Community a sum equal to 29 % of the expenses of the latter for such purposes in 1991, including interest and reimbursement of a part of the principal on loans. However, expenses incurred in 1991, if their effects on the services provided by the Community do not begin before a subsequent year, shall not be taken into consideration.

DIVISION V

OTHER TRANSITIONAL PROVISIONS RESPECTING INTERMUNICIPAL BODIES

Succession

155. The Communauté urbaine de l'Outaouais succeeds the Communauté régionale de l'Outaouais.

Rights and obligations

The rights, obligations, personnel, material and financial resources and, subject to section 130, the by-laws, resolutions and other documents of the regional community shall become those of the urban community.

Proceedings The proceedings to which the regional community is a party shall be continued by the urban community, without continuance of suit. However, those relating to a matter for which the regional county municipality acquires the jurisdiction of the regional community shall be continued by that municipality without continuance of suit.

Meeting **156.** After having ascertained that the first five councillors referred to in the second paragraph of section 6 of the Act respecting the Communauté urbaine de l'Outaouais have been designated and after having consulted those councillors and the mayors referred to in the said paragraph, the secretary of the Community shall fix the place, date and time of the meeting provided for in the second paragraph of section 7 of that Act and call that meeting.

Meeting Where the condition provided for in section 7.3 of the said Act is met, if the consultation referred to in the first paragraph of this section indicates that a majority of the persons consulted wish that the first special meeting of the council of the Community be held immediately after the election of the chairman, the secretary shall call that meeting. He shall include in the notice of meeting every item that a person consulted requested him to include.

Provisions applicable The provisions to which this section refers are those enacted by section 6 of this Act.

Council of urban community **157.** Until the opening of the first special meeting of the council of the Communauté urbaine de l'Outaouais, the members of the council of the Communauté régionale de l'Outaouais who represent the municipalities listed in Schedule A to the Act respecting the Communauté urbaine de l'Outaouais enacted by section 109 of this Act and who are in office on 31 December 1990 shall form the council of the urban community and shall each have one vote.

Meeting Where necessary, the provisional council may hold a meeting; if that is the case, it shall designate a chairman from among its members.

Regular meeting **158.** Notwithstanding the second paragraph of section 155, the council of the Community is not required to hold the regular meeting for January 1991 provided for in the by-law passed under section 22 of the Act respecting the Communauté régionale de l'Outaouais, as it read before its replacement by section 12 of this Act.

Succession **159.** The Société de transport de l'Outaouais succeeds the Commission de transport de la Communauté régionale de l'Outaouais.

Rights and
obligations

The rights, obligations, personnel, material and financial resources, by-laws, resolutions and other documents of the Commission shall become those of the Corporation.

Proceedings

Proceedings to which the Commission is a party shall be continued by the Corporation without continuance of suit.

First
special
meeting

160. After having ascertained that the first members of the board of directors of the Corporation have all been designated pursuant to section 160 of the Act respecting the Communauté urbaine de l'Outaouais enacted by section 52 of this Act, and after having consulted them, the secretary shall fix the place, date and time of the first special meeting of the board of directors and call that meeting.

Notice of
meeting

He shall include in the notice of meeting, in addition to the appointment of the chairman, any other item that a member requested him to include during the consultation held under the first paragraph.

Secretary

161. The secretary shall preside over the first special meeting of the board of directors of the Corporation until the chairman is designated.

Board of
directors

162. The members of the Commission de transport de la Communauté régionale de l'Outaouais who are in office on 31 December 1990 shall form the board of directors of the Corporation until the opening of the first special meeting of the board of directors of the Corporation. The person who, on that date, is holding office as chairman of the Commission shall become the chairman of this provisional council.

Meeting

Where necessary, this provisional council may hold a meeting.

Reference

163. In every Act, statutory instrument, contract or other document,

(1) a reference to the Communauté régionale de l'Outaouais is, unless the context indicates otherwise, a reference to the Communauté urbaine de l'Outaouais;

(2) a reference to the Commission de transport de la Communauté régionale de l'Outaouais is, unless the context indicates otherwise, a reference to the Société de transport de l'Outaouais.

Use of
documents

164. The Communauté urbaine de l'Outaouais or, as the case may be, the regional county municipality or the intermunicipal

management board established under Division II may use any document or means of identification already prepared in the name of the Communauté régionale de l'Outaouais.

Use of documents

The Société de transport de l'Outaouais may use any document or means of identification already prepared in the name of the Commission de transport de la Communauté régionale de l'Outaouais.

Budget

165. The budget for the 1991 fiscal year or the three-year fixed assets program for the fiscal years 1991, 1992 and 1993, if adopted before 1 January 1991 by the Communauté régionale de l'Outaouais, is valid for the Communauté urbaine de l'Outaouais, the Société de transport de l'Outaouais, the regional county municipality or the intermunicipal management board established by section 133, as though it had been adopted by the body concerned or, in the case of the budget of the management board, by the urban community and by the regional county municipality.

Aliquot share of expenses

Any aliquot share of expenses established in relation to such a budget which is payable by a local municipality and, if applicable, any criterion for apportionment of expenses selected before 1 January 1991 by the regional community for the urban community, transit corporation or regional county municipality, is also valid.

Transmission

Where a legislative provision requires that a budget or a three-year fixed assets program referred to in the first paragraph be transmitted to a minister, it must be transmitted before 1 February 1991 or before any later date fixed by the minister for whom it is intended.

Designation

166. The designation made before 1 January 1991 by the council of a municipality of its representative on the council of the Community under the second paragraph of section 6 of the Act respecting the Communauté urbaine de l'Outaouais, of its representative on the board of directors of the transit corporation under the second paragraph of section 160 of the said Act or of a replacement under the second paragraph of section 7.1, 8 or 161 of the said Act, is valid.

Provisions applicable

The provisions referred to in the first paragraph are those enacted by sections 6, 7 and 52 of this Act.

Loan

167. Where a loan has been contracted by the Communauté régionale de l'Outaouais in exercising a jurisdiction for which its successor is the regional county municipality or a jurisdiction for which the assets and liabilities are apportioned, the urban community shall nevertheless ensure the payment of the interest and the reimbursement of the balance of the principal on the loan, and shall

recover all or part of the amount paid from the regional county municipality or, as the case may be, from the local municipality that assumes a part of the assets and liabilities.

Loan

However, in the case of a loan relating to real estate assessment or the making of collection rolls and the billing and sending of tax accounts, the regional county municipality is required to make only the payment provided for in the second paragraph of section 152 or 154, as the case may be.

Assets and liabilities

168. The assets and liabilities of the Communauté régionale de l'Outaouais, as they stand on 31 December 1990, for the joint services which are provided or made available to municipalities whose territories are included in that of the urban community as well as to municipalities listed in section 125, shall be apportioned in the following manner:

(1) 87.107 % of the available surplus belongs to the urban community and 12.893 % to the regional county municipality;

(2) 87.107 % of the debt arising from loans is assumed by the urban community and 12.893 % by the regional county municipality;

(3) as the successor of the regional community, the urban community retains ownership of the property, subject to the obligation to pay a sum of \$263 600 to the regional county municipality, according to the terms and conditions agreed upon by the two bodies.

Assets and liabilities

However, the first paragraph does not apply to assets and liabilities relating to waste disposal, recovery and recycling; subject to section 142, such assets and liabilities shall become, on 1 January 1991, assets and liabilities of the urban community and shall thereupon be apportioned or transmitted in accordance with section 148 or 150, as the case may be.

Debt arising from loans

Moreover, paragraph 2 of the first paragraph does not apply to the debt arising from loans relating to real estate assessment or the making of collection rolls and the billing and sending of tax accounts; subject to the second paragraph of section 152 or 154 of this Act or the provisions of an agreement made under section 195 or 196 of the Act respecting municipal taxation, such debt shall remain chargeable in whole to the urban community.

DIVISION VI

REFERENDUM ON THE MERGER OF THE TERRITORIES OF THE CITIES AND TOWN OF
GATINEAU, HULL AND AYLMERConsultative
referendum

169. The town of Aylmer, the city of Gatineau and the city of Hull shall hold a consultative referendum on the merger of their territories in accordance with the Act respecting elections and referendums in municipalities.

Resolution

The resolution defining the referendum question must be adopted on the same date by the council of each of the three municipalities; it must be phrased in exactly the same manner by the three councils.

Referendum
poll

The three councils shall fix the same date for the holding of the referendum poll; this date shall not be later than 12 May 1991.

DIVISION VII

COMING INTO FORCE

Coming into
force

170. This Act comes into force on 1 January 1991.

Effect

However, section 41 has effect from 23 June 1983.