

1985, chapter 31

**AN ACT TO AMEND THE ACT RESPECTING
THE COMMUNAUTÉ URBAINE DE MONTRÉAL
AND OTHER LEGISLATION**

Bill 49

Introduced by Mr Alain Marcoux, Minister of Municipal Affairs

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Assented to 20 June 1985

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Acts amended:

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

Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)

Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)

Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1)

Montreal Urban Community Act (1969, chapter 84)

Act to amend the Act respecting the Communauté urbaine de Montréal (1982, chapter 18)





CHAPTER 31

An Act to amend the Act respecting the Communauté urbaine de Montréal and other legislation

[Assented to 20 June 1985]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

c. C-37.2,
s. 1, am.

1. Section 1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by striking out paragraph *h*.

c. C-37.2,
ss. 12.1-
12.6,
added

2. The said Act is amended by inserting, after section 12, the following sections:

Declaration
of interest

“12.1 Within sixty days of his appointment, the chairman of the executive committee shall table before the Council a written declaration stating the existence of the pecuniary interests he has in immovables situated in the territory of the Community and in legal persons, partnerships or undertakings.

Content

The declaration shall mention any position or directorship held by the chairman as well as any loan, contracted by him with a person or institution other than a financial institution, the balance of which, in principal and interest, is in excess of \$2 000.

Exceptions

The declaration shall not mention the value of the interests listed therein, nor the extent of the chairman's interest in legal persons, partnerships or undertakings. The declaration shall not mention the

existence of sums deposited with financial institutions, nor the possession of bonds issued by a government, a municipality or another public body.

Updating “**12.2** Each year, within sixty days of the anniversary of his appointment, the chairman shall table an updated declaration before the Council.

New interest In the meantime, the chairman shall disclose in writing any new interest that entails a conflict with the interest of the Community. The writing shall be tabled before the Council at the first sitting following the acquisition of that interest.

Failure to file declaration “**12.3** If he fails to table the declaration within the prescribed time, the chairman, from the tenth day after the expiry of that time and until he has tabled it, no longer has the right to sit on the Council, on the executive committee, on the board of directors of the Société de transport of the Community or on any committee of the latter or on any council, committee, commission or public body of which he is a member by the fact that he is the chairman of the executive committee. He shall lose for the same period his right to speak at sittings of the commissions of the Council.

Notice Upon the expiry of the time prescribed for tabling the declaration, the secretary of the Community shall notify the chairman of his failure to do so and of the effects thereof.

Consequences “**12.4** Where the chairman loses the right to sit, he shall consequently lose the right to receive the remuneration or allowance provided for each sitting in which he is not allowed to take part.

Deduction Where his remuneration or allowance is not established for each sitting, 1% of the annual amount of the remuneration or allowance shall be deducted for each sitting in which he is not allowed to take part.

Disqualification “**12.5** Any person who knowingly makes a false or incomplete declaration of his pecuniary interests is disqualified from holding the office of chairman and that of member of the council of a municipality.

Disqualification The disqualification lasts until the expiry of a period of five years from the day the final judgment declaring the person disqualified becomes executory.

Validity of acts “**12.6** Any act performed by a council, committee, commission or body during a sitting in which the chairman takes part despite his being disqualified from holding office or his having lost the right to take part therein is not invalid by reason only of the fact that the chairman has taken part in it.”

c. C-37.2, s.
33.1, added

3. The said Act is amended by inserting, after section 33, the following section:

Delega-
tion of
powers

“33.1 The executive committee, with the approval of the Council, may make a by-law delegating to any officer or employee of the Community the power to authorize expenditures and to make contracts accordingly, in the name of the Community.

By-law

The by-law shall indicate:

- (1) the area of competence to which the delegation applies;
- (2) the amounts of the expenditures the officer or employee may authorize;
- (3) the other conditions on which the delegation is made.

Contracts

The rules for the awarding of contracts by the executive committee, adapted as required, apply to any contract awarded under this section. However, in any case where the authorization of the Minister of Municipal Affairs is required for the awarding of a contract to any other person than the person who made the lowest tender, only the executive committee may apply to the Minister for the authorization.

Authorized
expendi-
tures

To be valid, an authorization to make expenditures granted pursuant to a delegation shall be the subject of a certificate of the treasurer establishing that there are sufficient appropriations for that purpose. No such authorization may be granted if it commits the credit of the Community for a period extending beyond the current fiscal year.

Report

Every officer or employee who grants an authorization to make expenditures shall transmit a report thereof to the executive committee within the next thirty days.”

c. C-37.2, s.
42, am.

4. Section 42 of the said Act is amended by replacing the second paragraph by the following paragraph:

Delegate *ex*
officio

“In the case of municipalities other than the city of Montréal, the mayor is a delegate *ex officio* to the Council of the Community. The council of the municipality may designate a substitute delegate among its members to replace the mayor if he is absent or incapacitated or refuses to act, or if the office of mayor is vacant; the designation is made by resolution and a copy thereof shall be sent to the Community before the first meeting the substitute delegate attends; the member of the council of the municipality who is designated as a substitute delegate shall so remain until the designation is revoked or for the term indicated in the designation provided he remains a member of the council of the municipality.”

c. C-37.2, s. 56, am. **5.** Section 56 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

Remuneration of the substitute delegate
“The by-law provided for in the first paragraph may determine the cases where the substitute delegate, rather than the delegate, receives the remuneration and allowance; the substitute delegate’s remuneration and allowance fixed in the by-law may be different from those fixed for the members of the Council who are referred to in the first paragraph of section 42.”

c. C-37.2, s. 57, repealed **6.** Section 57 of the said Act is repealed.

c. C-37.2, s. 82.10, am. **7.** Section 82.10 of the said Act is amended by adding, at the end of the fourth paragraph, the following sentence: “At a sitting, he has the right to speak but not the right to vote.”

c. C-37.2, s. 82.12, am. **8.** Section 82.12 of the said Act is amended by replacing the third paragraph by the following paragraphs:

Transmission of report
Tabling
“The report shall be transmitted to the executive committee.

The executive committee shall table the report before the Council not later than at the first meeting held after a period of thirty days from its receipt.

Confidential information
The fourth paragraph does not apply to the report containing the confidential recommendations of the public safety committee and the advice and examination of that committee provided for in section 178.1.”

c. C-37.2, s. 113, am. **9.** Section 113 of the said Act is amended by replacing the word “section” in the fourth line of paragraph *j* by the words and figures “sections 151.01 and”.

c. C-37.2, s. 120, am. **10.** Section 120 of the said Act is amended

(1) by replacing subsection 4 by the following subsection:

Contracts without tenders
“(4) The executive committee may award, without calling for tenders, any contract for carrying out work for the removal, shifting or reconstruction of conduits or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids, provided that the contract is awarded to the owner of such conduits or installations or to a public utility undertaking at a price generally required for work of that kind by an undertaking which generally carries out such work, or that it is awarded to a municipality.”;

(2) by inserting, after subsection 4, the following subsection:

Contracts
without
tenders

“(4.1) The executive committee may award, without calling for tenders, any contract for the supply of software or for the maintenance of computer or telecommunications systems provided that the contract is awarded to an undertaking which generally carries out such work and at a price generally required for work of that kind by such an undertaking.”

c. C-37.2, s.
139,
replaced

11. Section 139 of the said Act is replaced by the following section:

Interpreta-
tion

“**139.** In this subdivision,

“waste
water”

(1) “waste water” means water carrying solid, liquid or gaseous residue from a process, an establishment or a building, mixed or not with underground, cooling, rain or surface water and, unless the context indicates otherwise, underground water, cooling water, rain water and surface water;

“cooling
water”

(2) “cooling water” means water, from an air-conditioning apparatus or from a cooling or refrigeration process, which causes only thermal pollution;

“domestic
waste
water”

(3) “domestic waste water” means waste water from the plumbing system of a building and not mixed with underground, surface, rain or cooling water nor with industrial waste water;

“industrial
waste
water”

(4) “industrial waste water” means waste water from an industrial, manufacturing, commercial or institutional process or establishment, or any other process or establishment of the same nature, except domestic waste water;

“purifica-
tion works”

(5) “purification works” means a sewer, a sewer system, a waste water pumping station, a water purification station or any other works used to collect, receive, carry, treat or drain waste water, or a part of any such equipment.”

c. C-37.2, s.
141, am.

12. Section 141 of the said Act is amended

(1) by inserting, after the second paragraph, the following paragraph:

Local
project

“The executive committee may approve any project of a purely local nature. It may also approve a project that has repercussions in any territory larger than that of the municipality if it is approved by the municipalities involved, if the municipalities involved agree to the project alterations required by the executive committee or if the project results from an order of the Minister or Deputy Minister of the Environment.”;

(2) by replacing the words “If the executive committee decides that the project has intermunicipal repercussions” in the first and second lines of the third paragraph by the words “In any other case”.

c. C-37.2, s. 143, am. **13.** Section 143 of the said Act is amended by replacing the figure “14” in the first line of the second paragraph by the figure “7”.

c. C-37.2, ss. 151.1, 151.2, replaced **14.** Sections 151.1 and 151.2 of the said Act are replaced by the following sections:

Supply of services and equipment

“151.01 The Community is authorized to supply other persons, for remuneration, with any service, advice, matter, material and equipment relating to the study, construction, operation, supervision or management of a water purification system.

Approval

Every agreement made under this section requires the approval of the Minister of the Environment.

Powers of the Community

“151.1 The Community may, by by-law,

(1) prescribe quantitative standards for the discharge of surface, rain, underground or cooling water or industrial waste water into a purification works; prohibit or regulate such discharge; impose conditions to control, reduce, regularize or spread out such discharge;

(2) prescribe, according to the source of contamination, the class of establishment or the industrial process, a maximum quantity or concentration of or limit to the acidity, alkalinity, temperature, chemical or biochemical requirement for oxygen, oil, grease, suspended matter, dissolved matter, toxic substances or substances that are harmful to the environment in waste water discharged into a purification works; prohibit or regulate the discharge, into a purification works, of waste water having a content of a substance in excess of the prescribed maximum or having characteristics not in conformity with such maximum;

(3) regulate the discharge of rain, surface or underground water into a domestic or unitary sewer; prohibit the discharge of domestic waste water into a storm sewer; prescribe qualitative or quantitative standards for the discharge of water into a storm sewer;

(4) regulate the elimination of ground waste or residue in a purification works; prohibit or regulate the connection of a waste or residue grinder to such a works;

(5) determine the method of computing the quantity of water discharged into a purification works; prescribe the use of meters, and

determine the conditions, including payment of the cost, for connection to the purification works of the Community;

(6) regulate the construction, maintenance and operation of a purification works and prescribe standards to prevent and control the supply of parasitic water through filtration or catchment;

(7) fix a tariff for the receiving by the Community of waste water from the municipalities;

(8) prohibit or regulate the discharge of waste water into a watercourse;

(9) prohibit or regulate the discharge into a purification works of a substance which may, by itself or by reaction with another substance,

(a) damage the works, affect its operation, overload it or clog it;

(b) have an unfavourable effect on a watercourse;

(c) constitute a danger to the life or health of humans, wildlife or vegetation;

(d) cause a fire, an explosion or any other material damage; or

(e) constitute a nuisance by the emission of toxic or foulsmelling gas;

(10) require any person or class of persons that discharges or intends to discharge industrial waste water or cooling water into a purification works to obtain a permit from the Community and prescribe the information that shall be furnished with permit applications; exempt any person or class of persons it determines from the requirement to obtain a permit;

(11) prescribe the conditions, procedures and fees relating to the issue, renewal, suspension or revocation of a permit.

Approval

“**151.2** A by-law passed under section 151.1 requires the approval of the Minister of the Environment.

Tariffs and
duties es-
tablished by
order

“**151.2.1** The Community may, by order,

(1) fix the amount of the duties that shall be paid by any person who discharges industrial waste water into a purification works; the duties may be fixed on the basis of the volume of waste water, the quantity or concentration of suspended particles it contains, its biochemical or chemical requirement for oxygen, its chlorine requirement, the nature of its polluting agent or any other criterion;

(2) prescribe a tariff establishing the duties required for the use of a household waste or refuse grinder, for the receiving and treatment of residue or sediment from septic tanks, drain-tanks or industrial processes, and for the analysis and measuring of the waste water flow.

Publication

Every order shall be published and come into force in the same manner as a by-law but need not be approved by the Minister of the Environment.

Prohibited discharge

“151.2.2 The Community may prohibit the discharge into a purification works of a substance which may, by itself or by reaction with another substance, have any of the effects enumerated in paragraph 9 of section 151.1. The Community may claim, from any person who discharges waste water into a purification works in contravention of a by-law passed under section 151.1 or of a prohibition made under this section, the reimbursement of the costs incurred for the maintenance or repair of the purification works because of such discharge.

Conditions

“151.2.3 The Community may

(1) require that any person discharging waste water into purification works comply with all or part of the following conditions:

(a) the construction of a man-hole in conformity with the requirements prescribed by the Community, to allow the inspection, sampling, measuring and registration of the quality and flow of the discharged waste water;

(b) the installation and maintenance in good repair of appropriate equipment for the sampling, analysis, measuring and registration of the quality and flow of the discharged waste water, in accordance with the methods prescribed by the Community;

(c) the installation and maintenance in good repair of equipment for the treatment or pre-treatment of industrial waste water, to regularize the flow of the discharged waste water or to bring it into conformity with the prescriptions of a by-law passed under section 151.1;

(d) the presentation, for approval, of the plans relating to the installation of the equipment contemplated in subparagraph *a*, *b* or *c*, and the procedures for the use of such equipment;

(e) the maintenance of the discharged waste water within an average or maximum concentration or mass of discharged pollutants according to the class of pollutants;

(f) the presentation of periodic discharge reports indicating the volume and the qualitative and quantitative characteristics of the discharged waste water;

(2) determine the schedule of execution of work required

(a) for the issue, renewal or retention of a permit; or

(b) for the prevention or cessation of an offence or a nuisance.

Analysis

“151.2.4 The Community may prescribe the devices and methods whose use is recognized for the purposes of analysis, sampling or computation of concentration.

Sampling
program

The Community may also fix the duration of a sampling program, determine the analysis parameters and carry out its own sampling or analysis program at the expense of a permit holder if it considers that the data supplied by him are inaccurate.

Preventive
measures

“151.2.5 The Community may require a person to take the necessary measures to prevent the discharge into a purification works or a watercourse of a substance harmful to humans or to the works or watercourse and to submit the plans for the required work as well as the operation procedures, for approval.

Accidental
discharge

The Community may also require a person to notify it in the event of an accidental discharge.

Delegation

“151.2.6 The Community may, by by-law, delegate

(1) the powers conferred on it by section 151.2.1 to the executive committee;

(2) the powers conferred on it by sections 151.2.2 to 151.2.5 to the executive committee or to the head of a department.

Immunity

“151.2.7 In no case may the Community, the executive committee, the head of a department or an officer of the Community be prosecuted for an act done in good faith under sections 151.2.1 to 151.2.5.

Appeal

“151.2.8 Any decision of the Community or, in the case of a delegation, any decision of the executive committee or of the head of a department made under sections 151.2.1 to 151.2.5 may be appealed from before the Commission municipale du Québec. Division XI of Chapter I of the Environment Quality Act, adapted as required, applies to the appeal.

Executory
decision

Notwithstanding the appeal, the decision remains executory unless the Commission municipale orders otherwise in accordance with section 99 of the said Act."

c. C-37.2, s.
151.5, am.

15. Section 151.5 of the said Act is amended by replacing the word and figure "section 151.3" in the third line by the word and figures "section 151.2.1, 151.3".

c. C-37.2, s.
153.1, am.

16. Section 153.1 of the said Act is amended

(1) by inserting after the word "consumers" in subparagraph *b* of paragraph 1 the words "or in a vending machine";

(2) by replacing the words "transporting or causing to be transported, in an establishment or vehicle" in the second and third lines of paragraph 2 by the words "giving, transporting or causing to be transported, in an establishment, vehicle or vending machine";

(3) by replacing subparagraph *b* of paragraph 8 by the following subparagraph:

"(b) for any subsequent offence within two years, to a fine of not less than \$300 nor more than \$3 000 in the case of an individual and of not less than \$600 nor more than \$6 000 in the case of a corporation."

c. C-37.2, s.
199,
repealed

17. Section 199 of the said Act is repealed.

c. C-37.2, s.
209, am.

18. Section 209 of the said Act is amended by replacing the last two sentences of the second paragraph by the following sentences:

"The treasurer shall file the certificate and the amendment thereto, where such is the case, in the office of the secretary. The secretary shall notify the Council at the first sitting held after the filing."

c. C-37.2, s.
220, am.

19. Section 220 of the said Act is amended

(1) by replacing the word and figures "278 and 279" in the fifth line of the twelfth paragraph by the word and figures "306.1, 306.2 and 306.6";

(2) by replacing the word and figure "section 279" in the fourth line of the fourteenth paragraph by the words and figures "sections 306.4 and 306.5".

c. C-37.2, s.
221, am.

20. Section 221 of the said Act is amended by adding, at the end, the following paragraph:

Indication
on the tax
account

“Where part of the revenue from the general real estate tax of the municipality is used for the purpose of paying its share of the expenses of the Community, the account of taxes sent to each ratepayer shall indicate what proportion of the rate of the general real estate tax payable by him is assigned to financing the payment of that share.”

c. C-37.2, s.
223,
replaced
Capital ex-
penditures
program

21. Section 223 of the said Act is replaced by the following sections:

“**223.** The Community shall adopt a program of capital expenditures for the next three fiscal years. The program shall be adopted by a by-law of which it is a part.

Content

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 make or to incur 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.

Transmis-
sion of
by-law

Every by-law adopted under this section shall be transmitted to the Minister not later than 31 October preceding the beginning of the first fiscal year contemplated in the program. Upon sufficient proof that the Community has been actually unable to adopt the program or to transmit it within the prescribed time, the Minister may grant the Community any additional period he may fix.

Form

The Minister may order that the program be transmitted by means of the form furnished by him for that purpose. He may also require, through such form or in any other manner, that the Community provide him with any information relating to such program even in the case where such information is not provided for in this section.

Approval

To come into force, the by-law adopting the program of capital expenditures of the Community requires the approval of the Government, on the recommendation of the Minister.

Compliance
with the
program

No loan or pledge of credit intended to finance capital expenditures may be validly ordered if the loan or pledge of credit does not comply with the program of capital expenditures in force. However, the loan or pledge of credit indorsed with the approvals required by the law is deemed to have been ordered in conformity with that program.

Provisions
applicable

To the extent that they are consistent with this section, the provisions applicable to the procedure prior to the adoption of the budget

of the Community also apply, adapted as required, to the procedure prior to the adoption of the program of capital expenditures.

Plan
amendment

“223.1 The Community may amend its program of capital expenditures. Section 223, adapted as required, applies to such an amendment, except that the by-law shall be transmitted within thirty days of its adoption.”

c. C-37.2, s.
234.7,
added

22. The said Act is amended by inserting, after section 234.6, enacted by section 113 of chapter 38 of the statutes of 1984, the following section:

Use of sub-
sidies

“234.7 The Minister of Transport may cause a person he designates to examine the use of the subsidies granted by him to the Community and the nature of the expenditures related to those subsidies.”

c. C-37.2,
headings,
ss. 235-291,
replaced

23. The heading of Title II and that of Divisions I to V of the said Act, and sections 235 to 291, are replaced by the following:

“TITLE II

“SOCIÉTÉ DE TRANSPORT

“DIVISION I

“INCORPORATION AND ORGANIZATION

“§ 1.—*Incorporation*

Incorpora-
tion

“235. A public corporation is hereby established under the name of “Société de transport de la Communauté urbaine de Montréal”.

Object

“236. The object of the corporation is to operate a public transport undertaking to provide passenger transportation by any means of public transportation on the surface, underground or above the ground, in the territory of the municipalities referred to in Schedule B; that territory is the territory of the corporation.

Head office

“237. The corporation shall have its head office in its territory, at the place it determines; it shall publish a notice of the location or of any change in the location of its head office in the *Gazette officielle du Québec*.

“§ 2.—*Organization*

Administra-
tion

“238. The affairs of the corporation shall be administered by its board of directors.

Board of
directors

“239. The board of directors shall consist of nine members, including a chairman and vice-chairman.

Composition

“240. The board of directors shall consist of:

(1) three members designated by the Council from among its members representing the city of Montréal;

(2) three members designated by the Council from among its members representing the other municipalities situated in the territory of the corporation;

(3) two members chosen by the Council from among the citizens who reside in the territory of the corporation, one on the proposal of a member of the Council representing the city of Montréal and the other on the proposal of a member of the Council representing the other municipalities situated in the territory of the corporation;

(4) the chairman of the executive committee.

Terms of
office

“241. The term of office of a member of the board of directors contemplated in paragraph 1 or 2 of section 240, is four years and it may be renewed.

Terms of
office

However, the term of office of a member of the board chosen from among the citizens is two years. His term of office is renewable but once.

Applicable
provisions

Sections 12.1 to 12.6, adapted as required, apply to a member of the board chosen from among the citizens.

Chairman
and vice-
chairman

“242. The board of directors shall appoint the chairman and vice-chairman from among the members contemplated in paragraphs 1, 2 and 4 of section 240.

Terms of
office

“243. The term of office of the chairman and that of the vice-chairman shall be four years and may be renewed.

Continuance
in office

“244. Each member of the board of directors shall remain in office at the expiry of his term as a member of the board until he is replaced or reappointed.

Vacancy

“245. A member of the board of directors shall cease to be a member when he ceases to be a member of the Council. A vacancy occurs in the office of a member when he ceases to be a member of the board of directors.

Absence
from meet-
ings

A member of the board of directors other than the chairman of the executive committee shall also cease to be a member if he fails

to attend the meetings of the board for ninety consecutive days from the last meeting he attended. If a member attends no meeting whatever from the time he becomes a member of the board, the ninety-day period shall run from the first meeting he could have legally attended. His term of office shall terminate at the close of the next meeting held after the ninety-day period, unless, at that sitting, the other members of the board are of the opinion that it was impossible in fact for him to attend the meetings of the board.

Vacancy If the member attends no meeting of the board of directors called within thirty days after the meeting contemplated in the second paragraph, a vacancy occurs on the thirtieth day; the secretary of the corporation shall notify the Council immediately.

Continuance in office “**246.** The chairman of the board of directors shall remain in office, notwithstanding the vacancy in his office, until his successor is appointed.

Resignation “**247.** The resignation of a member of the board of directors entails a vacancy in the office of that member.

Resignation The resignation becomes effective from the day on which the secretary of the corporation receives a notice to that effect signed by the resigning member. The secretary shall immediately notify the Council.

Resignation The chairman and vice-chairman may resign their offices of chairman and vice-chairman in the manner prescribed in the second paragraph. The secretary shall notify the board of directors thereof without delay.

Continuance in office “**248.** Except in the case of resignation, every member of the board of directors shall remain in office, notwithstanding the vacancy in his office, until his successor is appointed.

Filling of vacancies “**249.** Any vacancy in the office of a member of the board of directors shall be filled by the Council within sixty days from the day on which the vacancy became effective.

Chairman and vice-chairman Any vacancy in the office of the chairman or vice-chairman of the board shall be filled by the board of directors within sixty days of the day on which the vacancy became effective.

Replacement “**250.** If the chairman is absent or is unable or refuses to act or if a vacancy occurs in the office of the chairman where the chairman is unable or refuses to continue to perform his duties until his successor is appointed, the vice-chairman of the board of directors shall replace the chairman.

Replace-
ment of the
vice-
chairman

If the vice-chairman, where he is replacing the chairman, is absent or is unable or refuses to act or in the case of a vacancy in the office of vice-chairman, the members present at a meeting of the board of directors shall designate from among themselves a member to preside at the meeting. The secretary shall preside at the meeting for the purposes of the designation.

Meetings

“251. The chairman of the board of directors shall preside at the meetings of the board and see that good order is maintained.

Quorum

“252. Five members of the board of directors, including two representatives of the city of Montréal and two representatives of the other municipalities situated in the territory of the corporation, constitute a quorum.

Vote

“253. Each member of the board of directors is entitled to one vote.

Decisions

“254. Subject to section 281, decisions of the board of directors are made by a majority of the votes cast.

Conflict of
interest

“255. Each member of the board of directors present at a meeting has an obligation to vote. However, any member who has any direct or indirect interest in any undertaking putting his personal interest in conflict with that of the corporation shall disclose his interest to the board of directors and abstain from participating in the deliberations and voting on any question relating to the undertaking in which he has an interest.

Meetings

“256. The board of directors may hold its meetings anywhere in the territory of the corporation. The meetings of the board are public.

Monthly
meeting

“257. The board of directors shall hold a regular meeting at least once every month. The board shall, at its first meeting of the year, adopt the schedule of the meetings for the whole year.

Notice

Within fifteen days after the first meeting of the year, the secretary of the corporation shall publish in a newspaper circulating in the territory of the corporation a notice stating the date, time and place of the regular meetings of the board of directors.

Special
meeting

“258. The board of directors shall hold a special meeting at the written request of the chairman, of two members or of the president and managing director addressed to the secretary of the corporation.

Agenda

“259. The board of directors shall put on the agenda of the first regular meeting held after the receipt by the secretary of the corporation of a written request signed by 250 or more residents of the territory

of the corporation, the matter that is the subject of the request. The request shall be delivered to the secretary not later than ten days before the meeting is held.

Questions At the meeting, any resident who signed the request may address the members of the board of directors orally on the matter, in accordance with the procedure and during the period determined under the by-law passed in that respect by the board of directors.

Calling “**260.** The meetings of the board of directors shall be called by the secretary of the corporation.

Sending of agenda In the case of a regular meeting, a copy of the agenda shall be sent by the secretary of the corporation to each member of the board of directors not later than three days before the holding of the meeting.

Special meeting In the case of a special meeting, a copy of the notice setting out the matters to be debated shall be sent by the secretary of the corporation to each member of the board of directors not later than twenty-four hours before the time fixed for the holding of the meeting.

Calling notice Every member present at a regular or special meeting of the board of directors may waive the calling notice.

Question period “**261.** The board of directors shall schedule a question period at each meeting; the persons present may put oral questions to the members of the board.

Question period The question period shall not exceed one hour unless the board of directors decides otherwise.

Internal management “**262.** The board of directors may make by-laws for its internal management and that of the corporation.

Minutes “**263.** The minutes of the meetings of the board of directors shall be kept in a register by the secretary of the corporation. They shall be signed by the chairman of the board of directors and by the secretary. The minutes are authentic.

Reading of minutes The minutes of a meeting shall be read at the next regular meeting unless a copy thereof was given to each member of the board of directors at the latest when the latter meeting was called. The minutes shall be ratified at the latter meeting by the board of directors.

Remuneration and expense allowances “**264.** The Council shall fix, by by-law, the remuneration and expense allowances of the members of the board of directors and the attendance fees of the members of the board of directors who are chosen from among the citizens. It may also, in the by-law, fix additional

remuneration and expense allowances for the chairman and the vice-chairman. The remuneration, allowances and fees are paid out of the revenues of the corporation.

Retroactive effect The by-law may be retroactive to 1 January preceding its coming into force.

Authorized expenses “**265.** The board of directors shall give prior authorization to any expense incurred by a member of the board on behalf of the corporation.

Reimbursement On the presentation of a statement of account accompanied with the vouchers required by the board of directors, the board shall authorize the reimbursement of the expenses.

Tariff “**266.** The board of directors may establish a tariff applicable where expenses are incurred by any of its members on behalf of the corporation.

Reimbursement On the presentation of a statement of account accompanied with the vouchers required by the board of directors, the board shall authorize the reimbursement of the amount provided for in the tariff in respect of an expense contemplated in the first paragraph.

Budgetary provisions “**267.** The budget of the corporation may provide sufficient appropriations for the reimbursement of a class of expenses which the members of the board of directors may incur on behalf of the corporation during the fiscal year, whether such expenses are actually incurred or provided for in the tariff contemplated in section 266.

Authorization The board of directors is not required to give prior authorization for an expense included in such a class, if it does not exceed the balance of the appropriations, after subtracting the sums already used or set aside to reimburse previous expenses.

Unforeseen expenses If all the appropriations for a fiscal year have been used, the board of directors may appropriate, for the purposes provided in this section, all or part of the balance of the sums provided for in the budget to cover unforeseen administrative and operating expenses.

“§ 3.—*Committees of the board of directors*

Committees “**268.** The board of directors may set up committees to study specific questions and require them to report their findings and recommendations to it at the time it indicates.

Members Each committee shall consist of not less than three nor more than seven members. It may consist wholly or in part of members of the board of directors.

Chairman The chairman of each committee shall be chosen from among the members of the board of directors.

Sittings “**269.** Any sitting of a committee may be public.

Notice “**270.** The secretary of the corporation shall publish a notice of the holding of each public sitting of a committee in a newspaper circulating in the territory of the corporation at least two days before the holding of the sitting.

Internal management “**271.** The board of directors may pass a by-law respecting the internal management of a committee.

Attendance allowance The board of directors shall also fix, by by-law, the attendance allowance of the members of a committee who are not members of the board of directors. Sections 265 to 267 apply, adapted as required.

“§ 4.—*President and managing director and other officers*

President and managing director “**272.** The Council shall appoint a president and managing director, on the recommendation of the board of directors, for a term that may in no case exceed five years. His term may be renewed.

Remuneration and conditions of employment “**273.** The board of directors shall fix the remuneration, social benefits and other conditions of employment of the president and managing director, which shall be paid for by the corporation out of its revenues.

Exclusive employment “**274.** Unless expressly authorized by the board of directors, the president and managing director shall discharge the duties of his office on a full-time basis and have no other remunerated employment or occupation.

Incompatibilities “**275.** The office of president and managing director is incompatible with that of member of the board of directors or of the Council or with that of officer or employee of the Community or of a municipality situated in the territory of the corporation.

Duties “**276.** The president and managing director, under the authority of the board of directors and within the scope of the orientations established by it, shall be responsible for the administration and direction of the corporation.

Duties He shall, in particular, have the following duties:

(1) to direct the work of the directors general, the heads of departments and the other persons who perform similar duties and who

report to him, hire and direct the work of the other members of the administrative staff and the employees of the corporation, and exercise in their respect a right of supervision and control;

(2) to ensure liaison between the board of directors and its committees, and the persons contemplated in paragraph 1;

(3) to see that the decisions of the board of directors are complied with and carried out;

(4) to perform any other duty entrusted to him by the board of directors.

Meetings of
the board

“277. The president and managing director shall attend the meetings of the board of directors; at such meetings he has the right to speak but he is not entitled to vote.

Replace-
ment

“278. If the president and managing director is absent or if he is unable or refuses to act, or if a vacancy occurs in the office of the president and managing director, the board of directors shall appoint a person to perform the duties of the president and managing director.

Delegation
of powers

If the president and managing director is temporarily absent, he may delegate his powers in writing, for a period of not over one month, to a person designated by him. The delegation may be general or limited to the objects determined by the president and managing director.

Vacancy

“279. Any vacancy in the office of the president and managing director shall be filled without delay by the Council.

Officers of
the corpora-
tion

“280. The secretary, the assistant-secretary, and the treasurer, the assistant-treasurer and every other officer that the corporation may decide to appoint are officers of the corporation.

Duties

The officers contemplated in the first paragraph shall perform the duties required of them by this Act and those that may be required of them by the by-laws and resolutions of the corporation.

Secretary
and
assistant-
secretary

The board of directors shall appoint the secretary and the assistant-secretary. They may in no case be members of the board of directors.

Custody of
books and
records

The secretary shall have custody of the books, registers, plans, maps, records and other documents of the corporation or filed or kept by the corporation. Every document of the corporation and every copy certified by the secretary are authentic.

Minutes

The secretary shall attend all the meetings of the board of directors and draw up the minutes of those meetings.

Assistant-
secretary

The assistant-secretary may perform the duties attaching to the office of secretary with the same rights, powers and privileges.

Treasurer
and
assistant-
treasurer

The board of directors shall also, on the recommendation of the president and managing director, appoint the treasurer and the assistant-treasurer who shall, in particular, have the same powers, privileges and duties, adapted as required, as those provided for in the Cities and Towns Act (R.S.Q., chapter C-19) in respect of a treasurer and assistant-treasurer.

Duties of
manager

In respect of the officers of the corporation, the president and managing director shall exercise his authority as a manager of the human, material and financial resources of the corporation and in no case may his authority result in hindering the officers in the performance of their duties.

Dismissal or
suspension

“281. Two-thirds of the votes cast at a meeting of the board of directors are required to enable the board to dismiss or suspend without salary the secretary, the assistant-secretary, a director general, the head of a department or any other person who performs similar duties and who is under the supervision of the president and managing director, if he has been in office for six months or more. The same rule applies in the case of a reduction of salary. Except in the case of the secretary or assistant-secretary, the dismissal, suspension without salary or the reduction of salary may be decided only upon the recommendation of the president and managing director.

Decision

The decision of the board of directors shall be served or sent by registered or certified mail to the person contemplated in the first paragraph.

Appeal

Every person dismissed or suspended without salary or whose salary has been reduced under this section may appeal from the decision before the Commission municipale du Québec, which, after an inquiry, shall decide in last instance. The appeal shall be brought within fifteen days after the decision of the board of directors is served.

Compensa-
tion

If the appeal is maintained, the Commission municipale du Québec may also order the corporation to pay the appellant the amount it determines as compensation for expenses incurred by him for the appeal; the order for that purpose shall be homologated by the Provincial Court or the Superior Court on a motion by the appellant, according to their respective jurisdictions; the appellant may then enforce the judgment against the corporation.

“§ 5.—Immunity

Immunity “**282.** In no case may the members of the board of directors, the president and managing director, the secretary, the assistant-secretary, the treasurer or the assistant-treasurer of the corporation be sued by reason of official acts done in good faith in the performance of their duties.

Recourses “**283.** Except on a matter of jurisdiction, none of the extraordinary recourses provided in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) shall be exercised and no injunction shall be granted against the corporation, the members of the board of directors, the president and managing director, the secretary, the assistant-secretary, the treasurer or the assistant-treasurer of the corporation acting in his official capacity.

Recourses The first paragraph shall not prevent the urban community or any municipality situated in the territory of the corporation from exercising any of such recourses or obtaining an injunction against the corporation or any of such persons acting in his official capacity.

Annulment
of injunc-
tion “**284.** A judge of the Court of Appeal, upon motion, may annul summarily any writ, order or injunction issued or granted contrary to section 283.

“DIVISION II

“DUTIES AND POWERS

Duties and
powers “**285.** The board of directors shall exercise the duties and powers of the corporation, except where the Act provides otherwise.

Develop-
ment of
transport
policies “**286.** The corporation shall devise development policies concerning the public transport services and coordinate the development of the public transport network in its territory.

Public
transport
undertaking “**287.** The corporation shall organize, possess, develop and administer a public transport undertaking in its territory. The corporation may also provide links to points outside its territory.

Transport to
airport “**288.** The corporation may organize, possess, develop and administer a public transport service between a point situated in its territory and the international airport situated at Mirabel.

Contracts
with munic-
ipalities “**289.** The corporation may make a contract with a municipality not included in its territory or an intermunicipal board of transport contemplated in the Act respecting intermunicipal boards of transport

in the area of Montréal (R.S.Q., chapter C-60.1) to supply that municipality or board with a public transport service.

Pupil transportation

“290. The corporation may make a contract for pupil transportation within the scope of the Education Act (R.S.Q., chapter I-14), the Act respecting private education (R.S.Q., chapter E-9) or the General and Vocational Colleges Act (R.S.Q., chapter C-29).

Competence outside its territory

The corporation is empowered to carry out, outside its territory, a contract entered into with a regional school board, a school board or a school corporation, provided that the territory of the regional school board, school board or school corporation coincides with the territory of the corporation, of a municipality or of an intermunicipal board of transport served by the corporation pursuant to a contract.

Transportation for the handicapped

“291. The corporation may provide a special transportation service for handicapped persons who are unable to use its public transport service. The special service may provide links to points outside the territory of the corporation.

Powers of the corporation

For that purpose the corporation may

(1) directly possess, organize, develop and administer such a service;

(2) make, with any public transport undertaking for passenger transportation or with any non-profit organization, a contract to provide for the operation of the whole or part of the service;

(3) make any contract considered necessary to provide for the operation of the whole or part of the transportation service by taxi.

Contract with municipalities

The corporation may also make, with a municipality not situated in its territory, an intermunicipal management board or an intermunicipal board of transport, a contract to provide, in the territory of such a municipality or board, a special transportation service for handicapped persons.

Contract with carriers

“291.1 The corporation may make a contract with a public transit permit holder or a school bus carrier for the supply of certain public transport services.

Agreements with public bodies

“291.2 The corporation may make an agreement with another public body providing public transport to extend its public transport service to the territory of that public body.

Transporta-
tion by taxi

“291.3 The corporation may, with a view to organizing shared transportation by taxi, make a contract for the supply of certain public transportation services.

Charter
trips

“291.4 The corporation may provide special or charter trips in its territory and from its territory to an outside point.

Sightseeing
service

“291.5 The corporation may operate, inside its territory and from its territory to outside points, any sightseeing service or seasonal transport service.

Approval of
tariffs

“291.6 Before operating a sightseeing service, the corporation shall submit its tariffs to the Commission des transports du Québec for approval.

Service out-
side its ter-
ritory

“291.7 The corporation may operate, outside its territory, any sightseeing service or seasonal transport service for which it has come to hold a permit through the acquisition of a public transport undertaking.

Agreements

“291.8 The corporation may make, with any other public transport body, any holder of a public transport permit, any transport undertaking for passengers, any undertaking engaged in related or similar activities, any intermunicipal board of transport or any municipality not forming part of its territory, any agreement it considers expedient to improve the service provided to users.

Approval

The agreement requires the approval of the Minister of Transport.

Accessory
activities

“291.9 The corporation may perform any other activity accessory or related to a public transport undertaking and may, in particular,

- (1) acquire, possess and operate businesses in or on its immovables;
- (2) lease space in or on its immovables for the businesses it determines;
- (3) lease advertising space in or on its immovables and vehicles;
- (4) alienate, without any permission or special formality, any movable or immovable property the value of which is not over \$10 000;
- (5) perform the work it considers necessary for the better operation of its services, and build, possess and operate grounds or garages for parking, boarding platforms and bus-stop shelters, perform any work it considers necessary or useful for the efficient operation of its services;
- (6) with the approval of the Minister of Transport and without any other permission or special formality, alienate all or part of a public

transport undertaking situated outside its territory that it has acquired and the permits related thereto;

(7) take the measures it considers appropriate to promote the setting up and operation of public transport services not operated by it and provide support services to the users of such transport services and to those who organize them.

Notice of alienation

“291.10 In respect of property the value of which is over \$10 000, the alienation shall be made by auction or public tenders, failing which the corporation shall publish every month in a newspaper circulating in the territory of the corporation, a notice mentioning any property otherwise alienated by the corporation during the preceding month, the person to whom it was alienated and the price of alienation, and it shall send a copy of the notice to the Minister of Transport and the Minister of Municipal Affairs.

Authorization to alienate

“291.11 In no case may the corporation alienate, except with the authorization of the Minister of Transport, any property of a value of \$25 000 or over and for which it was granted a specific subsidy.

Notice

Subject to section 291.10, the corporation shall notify the Minister of Transport of the alienation of any other property for which it was granted a specific subsidy, within fifteen days of the alienation.

Acquisition of equipment

“291.12 The corporation may entrust to any other public body providing public transport the mandate to acquire equipment for the corporation.

Joint purchase

The corporation, where it intends to acquire equipment for itself, may accept such a mandate from another public body providing public transport. The Minister of Transport may authorize the corporation to make the joint purchase of equipment without a call for tenders.

Duties of the corporation

“291.13 The corporation shall also

(1) prepare its staffing requirements;

(2) determine the wage policy, the social benefits and the other conditions of employment applicable to the directors general, heads of departments and persons who perform similar duties and report to the president and managing director, and to the other officers and employees of the corporation;

(3) hire, on the recommendation of the president and managing director, the directors general, the heads of departments and the persons who perform similar duties and report to the president and managing director;

(4) adopt a master plan for the middle term and the long term;

(5) subject to section 291.14, establish a tariff of passenger fares according to the classes it determines;

(6) establish and maintain or assist in establishing or maintaining a relief fund, a retirement fund or a pension fund for the benefit of the directors general, the heads of departments and the persons who perform similar duties and report to the president and managing director, and the employees of the corporation and their spouses and dependents and, for that purpose, effect, in their respect, payment of the premiums, subject to the Act respecting supplemental pension plans (R.S.Q., chapter R-17).

Tariffs “**291.14** The tariffs contemplated in paragraph 5 of section 291.13 and applicable in the territory of the corporation and the tariff relating to the public transport service contemplated in section 288 shall be approved by the Council.

Decision The secretary of the corporation shall transmit without delay to the Council and to the municipalities served by the corporation a copy of the decision of the corporation rendered pursuant to paragraph 5 of section 291.13.

Publication The secretary of the corporation shall cause a copy of the decision to be published in a newspaper circulating in the territory of the corporation and posted up in the vehicles used by the corporation to provide its public transport service.

Approval The Council shall approve the tariff on or after the thirtieth day following the publication of the decision in the newspaper. The tariffs shall come into force on the day of their approval or on any later date fixed by the Council.

Publication “**291.15** The tariffs not contemplated in section 291.14 shall be published by the secretary of the corporation in a newspaper circulating in the territory of the corporation and posted up in the vehicles used by the corporation to provide its public transport service.

Coming into force The tariffs shall come into force on the thirtieth day following their publication in the newspaper or on any later date fixed therein.

Studies “**291.16** The corporation may cause the studies it considers necessary for the exercise of its powers to be made in respect of its territory or another territory.

By-laws “**291.17** The corporation may make by-laws respecting

- (1) the conduct of persons in or on its vehicles and immovables;
- (2) the tickets, transfers and passes used in respect of a public transport service organized by the corporation;
- (3) the use of shop windows and show cases of establishments which have leased commercial space from the corporation;
- (4) the alienation of any article lost and found in or on its immovables or vehicles.

Publication The by-laws shall be published by the secretary of the corporation in a newspaper circulating in the territory of the corporation.

Coming into force The by-laws shall come into force on the fifteenth day after their publication in the newspaper or on any later date fixed therein.

Lines established, changed or cancelled **“291.18** The corporation may establish, change or cancel lines, replace lines of a means of public transport by lines of another means of public transport or change the routes and, for any of these purposes, use any public street of its territory that it considers expedient.

Decision notified and published The secretary of the corporation shall send a notice of the decision of the corporation made under the first paragraph to the Council and cause the notice to be published in a newspaper circulating in the territory of the corporation.

Replacement of means of transportation Where the president and managing director is of opinion that the public transport service of the corporation is in danger of being disturbed, he may replace a means of public transport by another means of public transport or change the route of a means of public transport.

Report In such a case, he shall make a substantiated report to the board of directors of the corporation at the next meeting.

Decision **“291.19** Every decision of the corporation made under the first paragraph of section 291.18 becomes effective on the fifteenth day after the date of the publication of the notice in the newspaper or on any later date fixed in the notice.

Acquisition by agreement **“291.20** The corporation may acquire, by agreement, within or outside the limits of its territory, all or part of any immovable or real right it may require for the carrying out of its objects.

Acquisition by expropriation **“291.21** After obtaining the authorization of the Council, the corporation may also acquire by expropriation all or part of an immovable or real right it may require for the carrying out of its objects in accordance with the Expropriation Act (R.S.Q., chapter E-24).

Acquisition
of transport
undertaking

“291.22 After obtaining the authorization of the Council, of the Minister of Transport and of the Minister of Municipal Affairs, the corporation may acquire by agreement the whole or part of the property or capital stock of any public transport undertaking operating in whole or in part within its territory.

Expropria-
tion

After obtaining the authorization of the Council, the corporation may also acquire all or part of the property or capital stock contemplated in the first paragraph by expropriation. The expropriation is made in the manner provided in the Expropriation Act, adapted as required. However, the notice of expropriation shall not indicate any lot number and the amount of the provisional indemnity shall be at least 70% of the offer by the expropriating party.

Recourses

Should the expropriated party refuse to hand over to the expropriating party the share certificates and the expropriated property, the expropriating party may institute proceedings pursuant to article 565 of the Code of Civil Procedure.

Effect

This section has effect notwithstanding section 38 of the Expropriation Act.

Powers of
directors to
end

“291.23 Notwithstanding any inconsistent provision of any law, articles of incorporation, by-law or convention, as soon as the corporation acquires all of the capital stock of a public transport undertaking, the powers of the directors of the undertaking then in office shall cease and the members of the board of directors of the corporation shall become the sole directors of the undertaking, without remuneration, and without personally being shareholders of the undertaking.

Issue of
shares void

“291.24 Every issue of shares or bonds made by a public transport undertaking after the date of the resolution of the corporation ordering the expropriation of the capital stock of the undertaking shall be null and void.

Restriction

“291.25 Notwithstanding any law, agreement, trust deed or other provision, none of the provisions of this Act or the exercise of any of the powers which it assigns to the corporation, or any of the acts which it authorizes shall have the effect of placing a public transport undertaking in default under the terms of the agreements and trust deeds relating to bonds, or of making the payment exigible before maturity, or of enabling the creditors, their representatives or the trustees to exercise the powers and recourses contemplated in the case of default of the public transport undertaking as regards such bonds, except in the case where payment of the debt has not been assumed by the corporation.

Transfer of
obligations

“291.26 In the case of acquisition by agreement or expropriation by the corporation of the capital stock of a public transport undertaking, the corporation shall assume the obligations of the undertaking and all hypothecs and guarantees relating thereto and encumbering the property of such undertaking shall be extinguished.

Cancellation
of registra-
tion

The cancellation of the registration of the hypothecs and guarantees shall be effected by the presentation and deposit, for purposes of cancellation, at the office of the registration division contemplated, of a requisition therefor, signed by the chairman of the board of directors and the secretary of the corporation.

Requisition

The requisition shall

(1) attest that the corporation has assumed the obligations of the public transport undertaking at the time of the acquisition, by agreement or expropriation, as the case may be, of the capital stock thereof;

(2) designate the immovable property affected by such registration;

(3) specify the registration numbers of the hypothecs and guarantees to be cancelled.

Proof

The requisition shall make *prima facie* proof of its contents without having to prove the authority of the signatories.

Rights and
obligations

“291.27 In the case of acquisition by agreement or expropriation of the capital stock of a public transport undertaking, the property, rights and obligations of such undertaking shall devolve upon the corporation.

Cancellation
of articles
of incorpo-
ration

The Government may, by order, whenever the total amount of the price or indemnity payable for the shares has been paid to those entitled thereto or deposited according to law cancel the articles of incorporation of the public transport undertaking. The cancellation shall take effect from the date fixed in the order.

Subrogation

If there then remains any claims or judicial proceedings pending between such undertaking and third parties, the corporation, from the cancellation of the articles of incorporation of such undertaking, shall be subrogated to the rights and obligations of the undertaking. Upon such cancellation, the corporation, in all cases pending, shall be substituted for the undertaking of right and without proceedings in continuance of suit, and the judgments obtained shall be executory by or against the corporation, as the case may be.

Contracts
for profes-
sional serv-
ices

“291.28 The corporation may, without any special formality, award any contract for professional services of whatever amount and any other contract involving an expenditure of less than \$50 000.

Tenders

However, no insurance contract and no contract for the execution of works or the supply of vehicles, equipment or materials or for the supply of services other than professional services and involving an expenditure of more than \$5 000 and less than \$50 000 may be awarded unless a call for tenders has been issued and is made by inviting in writing at least two contractors, two suppliers or two insurers, as the case may be, to tender.

Interpreta-
tion

For the purposes of the second paragraph, a contract for the supply of vehicles or equipment includes any leasing contract with an option to purchase.

Contracts
without
tenders

“291.29 The corporation may award, without calling for tenders, any contract for the supply of software or for the maintenance of computer or telecommunications systems provided that the contract is awarded to an undertaking which generally carries out such work and at a price generally required for work of that kind by such an undertaking.

Awarding
of contracts

“291.30 The corporation may award, after a call for public tenders published in a newspaper circulating in its territory, a contract contemplated in the second and third paragraphs of section 291.28 that involves an expenditure of not less than \$50 000.

Time limit

The time prescribed for the receipt of tenders shall not be less than eight days.

Contract
bases

Tenders shall not be called for nor shall the contracts resulting therefrom be awarded except on one or the other of the following bases:

- (1) for a fixed price;
- (2) at unit prices.

Opening of
tenders

“291.31 All tenders contemplated in section 291.30 must be opened publicly in the presence of at least two witnesses, on the day and at the time and place mentioned in the call for tenders.

Presence of
tenderers

The tenderers may be present at the opening of the tenders.

Names and
prices

The names of the tenderers and their respective prices must be mentioned aloud at the opening of the tenders.

Lowest
tender

“291.32 The corporation shall not, except with the prior authorization of the Minister of Municipal Affairs who shall obtain the advice of the Minister of Transport, award the contract to any person other than the person who submitted the lowest tender within the prescribed time.

Government
subsidy

If, however, to comply with the conditions governing the granting of a government subsidy, it is necessary that the contract be awarded to a person other than the person who made the lowest tender within the prescribed time, the corporation may, without the authorization of the Minister of Municipal Affairs, award the contract to the person whose tender is the lowest among the persons fulfilling those conditions, if that tender was made within the prescribed time.

Single ten-
derer

If there is only one tenderer, the corporation shall not, except with the prior approval of the Council, award the contract where the amount exceeds \$500 000.

Irresistible
force

“291.33 The chairman of the board of directors or, in his absence, the president and managing director may, in case of irresistible force of such a nature as to imperil the life or health of the population, seriously damage the equipment of the corporation or seriously disturb the public transport service, order any expenditure and award any contract he considers necessary to remedy the situation.

Report

Where an expenditure is ordered under the first paragraph, the chairman or the president and managing director is not required to obtain the treasurer's certificate contemplated in section 306.13 but he shall make a substantiated report to the board of directors of the corporation and to the Council at the next meeting.

Delegation
of powers

“291.34 The corporation may pass a by-law to delegate to the president and managing director the power to authorize expenditures and to make contracts accordingly in the name of the corporation.

Subdelega-
tion

The corporation may, in the by-law contemplated in the first paragraph, authorize the president and managing director to subdelegate to any officer or employee of the corporation the power to authorize certain expenditures and to make contracts accordingly in the name of the corporation.

By-law

The by-law shall indicate

(1) the area of competence to which the delegation or subdelegation applies;

(2) the amounts of the expenditures the president and managing director, officer or employee may respectively authorize;

(3) the other conditions on which the delegation or subdelegation is made.

Awarding
of contracts

The rules for the awarding of contracts, adapted as required, apply to any contract awarded under this section. Notwithstanding the foregoing, in any case where the authorization of the Minister of Municipal Affairs is required for the awarding of a contract to any other person than the person who made the lowest tender, only the president and managing director may apply to the Minister for the authorization.

Authoriza-
tion of ex-
penditures

Every authorization of expenditures granted pursuant to a delegation or subdelegation requires, to be valid, a certificate of the treasurer indicating that sufficient appropriation is available for that purpose. No authorization may be granted if it entails commitment of the corporation's funds for a period extending beyond the current fiscal year.

Report

Every person who authorizes expenditures shall transmit a report thereof to the board of directors within the next thirty days."

c. C-37.2, s.
296.1,
repealed, s.
297, am.

24. The said Act is amended

(1) by inserting, before section 292, the following:

"DIVISION III

"METRO";

(2) by repealing section 296.1;

(3) by replacing the figure "278" in the eighth line of the fourth paragraph of section 297 by the figure "306.1".

c. C-37.2,
Div. VI,
replaced

25. Division VI of the said Act is replaced by the following:

"DIVISION IV

"FINANCIAL PROVISIONS

Fiscal year

"299. The fiscal year of the corporation ends on 31 December each year.

Use of
revenues

"300. All revenues of the corporation, including subsidies, shall be used to fulfil the obligations of the corporation and to organize, possess, develop and administer its public transport undertaking.

Property of the corporation **“301.** The property of the corporation shall belong to the corporation as the mandatary of the Community.

Ownership of immovable **“302.** For the purposes of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), an immovable is deemed to belong to the corporation as soon as the corporation takes possession of it in accordance with the Expropriation Act.

Annual budget **“303.** Each year the corporation shall prepare its budget for the ensuing fiscal year and transmit it to the secretary of the Community before 1 October.

Provisions applicable **“304.** Sections 210.1, 212 and 212.1, adapted as required, apply.

Transmission of the budget **“305.** The secretary of the corporation shall transmit the budget of the corporation and any supplementary budget to the Minister of Municipal Affairs and to the Minister of Transport within thirty days of their adoption by the Council.

Interest and amortization of loans **“306.** The interest on and amortization of the loans by bonds contracted by the city of Montréal for the construction and equipping of the Metro and the payment of the corporation's operating deficits, including those resulting from payment of the interest on and amortization of the loans of the corporation, shall be charged to the municipalities of the territory of the corporation.

Certification **“306.1** The interest on and amortization of all loans of the city of Montréal contemplated in section 306 and payable by it in a fiscal year of the Community shall be certified by the director of finance of the city not later than 1 September of the year preceding that fiscal year.

Apportionment of expenditure The expenditure provided for in the certificate shall form part of the budget of the Community for the said fiscal year. It shall be apportioned by the treasurer of the Community within the time fixed in section 220 and shall be payable to the Community by the municipalities situated in the territory of the corporation in accordance with that section.

Payment The Community shall pay the amount of the expenditure to the city of Montréal in four instalments, the last of which may be lesser, on 1 March, 1 June, 1 September and 1 November each year.

Apportionment of operating deficit **“306.2** The treasurer of the Community shall apportion among the municipalities of the territory of the corporation in accordance with section 220, the estimated portion of the operating deficit provided for in the budget of the corporation for a fiscal year and determined as payable by the municipalities.

Payment of
aliquot
shares

“306.3 The Community shall pay to the corporation, not later than the tenth of each of the months of March, June, September and November of the year corresponding to the fiscal year contemplated in the budget of the corporation, the amount of the payments of the aliquot shares determined by the treasurer of the Community and falling due on the first of each of the months mentioned above.

Payment of
difference

“306.4 The sum representing the difference, for a given fiscal year, between the amount mentioned in the certificate contemplated in section 306.1 and the actual expenditures of the city of Montréal, is, as the case may be,

(1) paid by the Community to the city of Montréal, within thirty days of receipt by the treasurer of the Community of a certificate of the director of finance of the city attesting the difference;

(2) reimbursed by the city of Montréal to the Community at the time of the sending of the certificate.

Payment of
difference

“306.5 The sum representing the difference, for a given fiscal year, between the estimate and the actual amount of the operating deficit of the corporation shall be paid to the corporation by the Community, if the estimate is less than the actual amount, within thirty days of receipt by the treasurer of the Community of a certificate of the treasurer of the corporation attesting the difference.

Excess

If the actual amount is less than the estimate, the corporation shall keep the excess amount which is considered to be a revenue for the following fiscal year.

Additional
deficit

“306.6 If the Community is required, under sections 306.4 and 306.5, to pay to the corporation a sum greater than the sum it received from the municipalities situated in the territory of the corporation in accordance with section 306, the treasurer of the Community shall, not later than 21 December of the current fiscal year, apportion the additional deficit among the municipalities.

Payment

The treasurer of the Community shall notify each municipality not later than the tenth day following the determination of the additional aliquot share, and the municipality shall pay the required amount not later than 1 March of the following fiscal year.

Surplus

“306.7 The Community may use any surplus contemplated in section 217 for the payment of all or part of the additional deficit contemplated in section 306.6.

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|---------------------------|---|
| Fiscal potential | <p>“306.8 The apportionment contemplated in section 306.6 shall be made in proportion to the fiscal potential of each municipality for the fiscal year in which the deficit was incurred.</p> |
| Reimbursement | <p>If the Community is reimbursed, under section 306.4, a sum greater than the sum it is required to pay under section 306.6, the excess amount shall be reimbursed to the municipalities within thirty days of receipt by the treasurer of the last certificate attesting the difference.</p> |
| Reimbursement | <p>The reimbursement provided for in the second paragraph is made in proportion to the fiscal potential of each municipality for the fiscal year during which the difference was incurred.</p> |
| Accounting | <p>“306.9 Any instalment, payment of aliquot share or reimbursement made under sections 306.4 to 306.6 shall constitute an expenditure or a revenue of the Community for the fiscal year during which it is made.</p> |
| Amendment of the budget | <p>The budget for that fiscal year shall be amended accordingly and the corresponding appropriations shall be deemed to be adopted.</p> |
| Provisional share | <p>“306.10 If, on 1 January, the budget of the corporation is not adopted, the treasurer of the Communauté urbaine de Montréal shall determine provisional aliquot shares on 1 January, 1 April, 1 July or 1 October on the basis of one-quarter of the estimated deficit of the budget of the corporation for the preceding fiscal year, until the budget is adopted.</p> |
| Computation | <p>The amounts thus apportioned shall be taken into account in the computation of the difference contemplated in section 306.5.</p> |
| Budgetary transfer | <p>“306.11 The corporation may transfer appropriations from one item to another of the budget up to the amount determined by by-law of the Council.</p> |
| Report | <p>The corporation shall report the transfer of appropriations to the Council at the next regular meeting of the Council.</p> |
| Funds to remain available | <p>“306.12 The funds appropriated by a budget for specified financial commitments during a fiscal year shall remain available during the ensuing fiscal year for the execution of the commitments whether or not the execution has begun.</p> |
| Treasurer's certificate | <p>“306.13 Any by-law or resolution of the board of directors authorizing an expenditure has effect only if it is accompanied with a certificate of the treasurer indicating that the corporation disposes of sufficient funds for the purposes of the expenditure.</p> |

Yearly certificate

Where a convention made pursuant to a by-law or resolution to which this section applies has effect over more than one fiscal year, a certificate shall be produced in accordance with the first paragraph for that portion of the expenditures that will be made during the first year and thereafter at the beginning of each year during which the convention has effect.

Exception

The first paragraph does not apply to the inventory fund.

Inventory fund

The inventory fund contemplated in the third paragraph is made up of a sum representing not more than 2¹/₂% of the budget used for the following purposes:

(1) the purchase in cash of supplies and spare parts entered in the assets of the operating fund;

(2) the purchase of merchandise, materials, supplies and other items that the corporation may need in the course of its day-to-day operations.

Loan by-law

“306.14 The corporation may, by by-law, order a loan for a purpose within its competence. The term of such a loan shall in no case exceed fifty years.

Content

The by-law need only mention the total amount of the principal of the loan that it orders, the purposes for which the proceeds of the loan are to be used and the maximum term for which it may be contracted.

Approval

The by-law requires the approval of the Council and of the Minister of Municipal Affairs.

Temporary loans

“306.15 The corporation may order, by resolution, temporary loans for the payment of current administrative expenses of the corporation and contract them on the conditions and for the term it determines.

Temporary loans

The corporation may also contract temporary loans for the payment of the expenses incurred under a loan by-law.

Conditions of loans

“306.16 Where a loan is ordered by by-law and approved, the secretary of the corporation shall advise the executive committee of the conditions that may be expected when the loan is made.

Issue of securities

The corporation may effect the loan by issuing securities or by contract, up to the total amount of principal indicated in the by-law.

Conditions

The corporation shall determine by resolution

(1) the interest rate on the loan or securities or the manner of fixing that rate;

(2) the time the loan is effected;

(3) the content of the securities or of the contracts;

(4) the conditions of issue of the securities.

Approval Any resolution of the corporation adopted under the third paragraph requires the approval of the Minister of Municipal Affairs.

Short term loans “**306.17** The corporation may effect a loan for a term shorter than that indicated in the by-law contemplated in section 306.14 and determine the part of the loan that shall be renewable at maturity and the maximum term of the renewal.

Renewal Any loan made for purposes of a renewal may be effected within twelve months preceding the date of maturity of the loan to be renewed, provided that the term prescribed by the corporation for the renewal does not exceed the maximum term determined in the by-law contemplated in section 306.14.

Register “**306.18** The corporation may designate a place outside Québec where a register shall be kept to register the securities and appoint a person to keep it.

Rules It may set down rules on any matter respecting its loans.

Provisions applicable “**306.19** Sections 7 and 8 and Divisions V, VI and VIII to X and XII of the Act respecting municipal and school debts and loans, adapted as required, apply to the corporation. The treasurer of the corporation or any other officer designated by it for that purpose shall fulfill the obligations mentioned in sections 24 and 32 of the said Act.

Seal and certificate The Minister of Municipal Affairs may cause the seal and the certificate contemplated in section 12 of the said Act to be affixed to any security issued by the corporation to effect a loan contemplated in section 306.14. The validity of a security bearing such seal and certificate may in no case be contested.

Provisions not applicable Division IX of the said Act does not apply to a security that is not subject to registration under the conditions of its issue.

Advance repayment or redemption A loan of the corporation or a security issued by it may be repaid or redeemed in advance, of its own accord, according to the terms of the contract or security. The date of advance repayment or redemption may be other than a date of payment of interest if the prior notice stipulated in the contract or security is given.

Authorized
investments

“306.20 The bonds, notes and other securities issued by the corporation shall be authorized investments as if they were mentioned in subparagraph *a* of the first paragraph of article 981*o* of the Civil Code of Lower Canada.

Obligations
of the cor-
poration

The commitments attaching to the securities issued by the corporation and the contracts entered into by it constitute direct and general obligations of the corporation and of the municipalities mentioned in Schedules A and B ranking concurrently and without preference with the other general obligations of the corporation and of those municipalities.

Joint and
several lia-
bility

“306.21 The corporation and the municipalities situated in its territory shall be jointly and severally liable toward the holders of bonds, notes and other securities issued by the corporation for the repayment of such bonds, notes and other securities, in principal, interest and other incidental cost, and for all other obligations contracted by the corporation.

Amount of
loan

“306.22 When a by-law authorizes the corporation to borrow a certain amount either in the legal tender of Canada or in the currency of one or more foreign countries, the total amount of the loan thus authorized shall be that expressed in the legal tender of Canada.

Computa-
tion

The amount in Canadian dollars of a loan effected in another currency is obtained by multiplying the amount of the principal of the loan by the value of the unit of the other currency in relation to the Canadian dollar.

Computa-
tion

For the purposes of the computation contemplated in the second paragraph, the value of the unit of the other currency in relation to the Canadian dollar is as it stands

(1) at the time of the conversion into Canadian dollars of all or part of the proceeds of the loan paid to the corporation;

(2) at noon on the day on which all or part of the proceeds of the loan is paid to the corporation, if it is not converted into Canadian dollars.

Renewal

Where all or part of the proceeds of a loan are used to renew a loan already effected by the corporation, for all or part of its unexpired term, the amount used for the renewal is not deducted from the balance of the amount of the loan authorized by by-law, whatever the value of the currency in which the loan is effected.

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|--------------------------------------|---|
| Provision not applicable | “306.23 Notwithstanding any inconsistent legislative provision, the second paragraph of section 306.19 does not apply to a security issued by the corporation to effect a temporary loan. |
| Types of securities | “306.24 Notwithstanding any inconsistent legislative provision, the securities of the corporation may be issued in one of the following forms or as a combination thereof: <ol style="list-style-type: none">(1) fully registered securities;(2) securities that may be registered for the principal only;(3) securities payable to the bearer. |
| Mode of transfer | The corporation may prescribe the mode of transfer or negotiation of its securities and the formalities to be fulfilled for that purpose. However, a bearer security is negotiable by mere delivery and is not subject to registration unless otherwise stipulated. |
| Signatures on bonds | “306.25 The bonds and coupons issued by the corporation shall be signed by the chairman of the board of directors and by the secretary of the corporation or, if the latter is absent or unable to act, by any person designated for that purpose by the corporation to replace him. |
| Validity | The signature of the chairman or of the secretary of the corporation affixed on any bond or coupon of the corporation not issued or delivered before these persons cease to act is nevertheless valid and binds the corporation. |
| Signatures on negotiable instruments | “306.26 The cheques, notes, orders of payment or other negotiable instruments issued by the corporation shall be signed by the president and managing director and by the treasurer of the corporation or, if either is absent or unable to act, by any person designated for that purpose by the corporation to replace him. |
| Facsimile | “306.27 The facsimile of the signature of the chairman of the board of directors of the corporation may be engraved, lithographed or printed on the documents contemplated in section 306.25 and that of the president and managing director or of the treasurer of the corporation may be engraved, lithographed or printed on the documents contemplated in section 306.26. |
| Effect | The facsimile has the same effect as if the signature itself had been affixed to the documents. |
| Loan in foreign country | “306.28 Where the corporation effects a loan in a foreign country, it may elect domicile in that country or elsewhere, for the purposes of receiving a notice or proceeding respecting that loan. |

Foreign
legislation

In the same circumstances, the corporation may order that the securities issued by it or the contracts entered into by it in a foreign country for the purposes of the loan be governed by the law of that country, provided that sections 306.14 to 306.28 are complied with.

"DIVISION V

"PROGRAM OF CAPITAL EXPENDITURES

Program of
capital ex-
penditures

"306.29 The corporation shall, each year, adopt by by-law a program of capital expenditures for the next three fiscal years and have it approved by the Council.

Content

"306.30 The program shall be divided into annual phases. It shall describe, for the period coincident therewith, the object, the cost and the mode of financing of the capital expenditures or expenses that the corporation plans to make or to incur, and for which the financing period exceeds twelve months.

Long term
expendi-
tures

The program shall also mention the capital expenditures the corporation plans to make beyond the period contemplated by it if the expenditures result from commitments made during that period.

Transmis-
sion to the
Minister

"306.31 The program approved by the Council 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 contemplated in the program.

Extension

Upon sufficient proof that the corporation is in fact unable to transmit the program within the prescribed time, the Minister of Municipal Affairs may grant to it any extension he may fix.

Approval

The Government shall approve the program upon the recommendation of the Minister of Municipal Affairs and of the Minister of Transport. The approval may be total or partial.

Form

The Minister of Municipal Affairs may, by order, require that the program be transmitted by means of the form provided by him for that purpose.

Information

The Minister may also require the board of directors to furnish him with any information on the program that is not provided for in section 306.30.

Compliance
with the
program

"306.32 No loan and no financial commitment made in view of the financing of capital expenditures may validly be ordered except in accordance with the program of capital expenditures in force.

However, the loan or financial commitment approved according to law is deemed to have been ordered in accordance with the program.

Amendment The corporation may amend the program in accordance with this division. The amendment shall be transmitted within thirty days of its adoption.

Provisions applicable The provisions applicable to the procedure preceding the adoption of the budget of the corporation, adapted as required, also apply to the procedure preceding the adoption of the program of capital expenditures of the corporation to the extent that they are consistent with the first and second paragraphs.

“DIVISION VI

“AUDIT AND REPORT

Appointment of auditor “**306.33** During the period extending from 1 December to 1 May, the corporation shall appoint an auditor for the fiscal year beginning during that period. If no appointment has been made on 1 May, the auditor appointed for the preceding fiscal year shall remain in office.

Vacancy “**306.34** If a vacancy occurs in the office of the auditor before the expiry of his term, the corporation shall fill the vacancy at the next meeting of the board of directors.

Transmission to the Minister “**306.35** The corporation shall inform the Minister of Municipal Affairs of the name of the auditor appointed for the current fiscal year, as soon as it is known.

Disqualification “**306.36** In no case may the following persons act as an auditor for the corporation:

(1) a member of the board of directors or his associate;

(2) the president and managing director, a director general, the head of a department or any other person who performs similar duties, or an employee of the corporation, or his associate;

(3) a person who, during the fiscal year for which the audit is carried out, has, directly or indirectly, personally or through his associate, any interest in a contract with the corporation, receives a commission pursuant to the contract or derives any benefit from the contract, unless his connection with the contract arises from the practice of his profession.

Appointment by the Minister “**306.37** The Minister of Municipal Affairs may, if he considers it necessary, appoint an auditor other than the auditor appointed under section 306.33 or 306.34 and require a report from him.

Duties of
the auditor

“306.38 The auditor shall, for the fiscal year for which he is appointed, audit the financial statements and any other document the Minister of Municipal Affairs determines by regulation published in the *Gazette officielle du Québec*.

Regulations

Every regulation under the first paragraph comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

Auditor's
report

“306.39 The auditor shall transmit his report to the treasurer of the corporation not later than 31 March following the expiry of the fiscal year for which he was appointed or for which he remained in office.

Content

He shall state in his report, in particular, whether the financial statements of the corporation faithfully represent the financial position of the corporation on 31 December and indicate the results of the operations of the corporation for the fiscal year ending on that date.

Other audit

“306.40 The corporation may require any other audit it considers necessary and require a report from the auditor.

Financial
report

“306.41 At the end of the fiscal year, the treasurer shall draw up the financial report for the past fiscal year and he shall certify it.

Content

The report shall include the financial statements of the corporation and any other information required by the Minister of Municipal Affairs.

Form

The report shall be drawn up on the forms furnished by the Minister of Municipal Affairs, where that is the case.

Filing

“306.42 The financial report shall be filed at a meeting of the board of directors, at the same time as the auditor's report.

Transmis-
sion of the
report

The secretary of the corporation shall send the reports to the Minister of Municipal Affairs and to the Council not later than 1 May.

Transmis-
sion to the
Minister

“306.43 The corporation shall, not later than 1 May each year, transmit to the Minister of Transport a certified copy of the report produced by the auditor for the preceding fiscal year, accompanied with a report of the activities of the corporation for that fiscal year.

Information

The corporation shall transmit to the Minister of Transport any other information required by him.

Use of sub-
sidies

“306.44 The Minister of Transport may cause a person he designates to examine the use of subsidies granted by him to the corporation and the nature of the expenditures related to the subsidies.

"DIVISION VII

"PENAL PROVISIONS

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| Use of name | "306.45 Except with the authorization of the corporation, no person shall in any manner use the name of the "Société de transport de la Communauté urbaine de Montréal" or of any one of its departments, or its emblem or graphic symbol. |
| Offence | "306.46 Every person who contravenes section 306.45 is guilty of an offence and liable, for each offence, in addition to costs, to a fine of not more than \$500. |
| Offences and penalties | "306.47 The corporation may, in the by-laws contemplated in subparagraphs 1, 2 and 3 of the first paragraph of section 291.17, define contraventions and prescribe for each offence, in addition to costs, a fine of not more than \$500. |
| Subsequent offence | In the case of a subsequent offence within two years of the conviction, the fine is not less than \$200 nor more than \$1 000. |
| Provisions applicable | "306.48 Sections 69.1 to 69.4, adapted as required, apply to the corporation. |
| Power of officer | "306.49 Any officer of the corporation specifically designated by the board of directors to enforce the by-laws of the corporation contemplated in subparagraphs 1, 2 and 3 of the first paragraph of section 291.17 may, for the purposes of filing a complaint, require that an offender identify himself by stating his name and address and furnish proof thereof on request. |
| Proceedings | "306.50 Proceedings for an offence contemplated in section 306.46 or for an offence against a by-law shall be instituted by the corporation or by a person generally or specially authorized in writing for that purpose by the corporation. |
| Proceedings | Proceedings under the first paragraph shall be instituted within six months after the offence is committed. |
| Municipal Court | "306.51 Proceedings for an offence contemplated in section 306.46 or for an offence against a by-law shall be instituted before the Municipal Court having jurisdiction in the territory of the corporation, or, where the offence has been committed outside the territory, before the Municipal Court having jurisdiction in the territory where the offence was committed. |

Fines “**306.52** The fines contemplated in sections 306.46 and 306.47 belong to the corporation and the costs belong to the municipality under the jurisdiction of the Municipal Court that has heard the case.

“DIVISION VIII

“GENERAL PROVISIONS

Sufficient interest “**306.53** The corporation has sufficient interest to appear before a judicial, quasi-judicial or administrative court to make or have made any representations it considers necessary respecting any application for a permit made by a carrier of passengers and covering all or part of the territory of the corporation, respecting routes, stops or any other conditions which may affect the permit.

Notice Notice of the hearing of permit applications under the first paragraph shall be transmitted to the corporation.

Extension “**306.54** Any period of time granted to the corporation by this Act to perform any act or to make any decision may be extended by the Minister of Transport, at the request of the corporation.

Decision by the Government “**306.55** If the corporation fails to perform an act or to make a decision within the time prescribed under this Act, the Government may perform the act or make the decision.

Effect Every act performed or decision made by the Government is binding on the corporation as if it had been performed or made by the corporation.

Approval No act performed or decision made by the Government may be revoked, repealed or changed by the corporation except with the approval of the Government.

Decision or act after prescribed time Subject to section 306.54, the corporation may perform an act or make a decision even after the time prescribed under this Act has expired, provided that it does so before the act is performed or the decision is made by the Government.

Lost articles “**306.56** The corporation is exempt from liability towards owners of articles lost on its property or in its vehicles.

Jurisdiction of the C.T.Q. “**306.57** The corporation is not subject to the jurisdiction of the Commission des transports du Québec otherwise than pursuant to a provision of this Act.

Jurisdiction of the C.T.Q. The Commission des transports du Québec has no jurisdiction over any transportation provided on behalf of the corporation pursuant to

a contract contemplated in subparagraphs 2 and 3 of the second paragraph of section 291 and in sections 291.1 and 291.3.

Legislation
not ap-
plicable

“306.58 The public transport undertaking of the corporation is not subject to the Railway Act (R.S.Q., chapter C-14).

City of Lon-
gueuil

“306.59 The Government may, on the recommendation of the Minister of Transport, exclude, by letters patent, the territory of the city of Longueuil from the territory of the corporation.

Letters
patent

The letters patent come into force on the day of their publication in the *Gazette officielle du Québec*.

City of Lon-
gueuil

“306.60 While the territory of the city of Longueuil forms part of the territory of the corporation, the data required for the purposes of sections 220 and 306 to 306.6, as regards the territory of the city of Longueuil served by the corporation, shall be established by the assessor of the Community, in respect of the assessment roll, the roll of rental values and the portion of the real estate values or rental values to be included to take into account any amount or compensation paid in lieu of a real estate or business tax and the rules pertaining to the preparation of the statement of the total assessments provided for in section 220 apply, adapted as required.

Expenses

Expenses incurred by the Community to establish the data required as regards the city of Longueuil shall be subject to section 187 of the Act respecting municipal taxation.

Right to
vote

“306.61 On any matter submitted to the Council in relation to the corporation, the representatives of the municipalities situated in the territory of the corporation shall be entitled to vote in addition to the chairman of the executive committee.

Representa-
tion on the
Council

For the purposes of this section, while the city of Longueuil forms part of the territory of the corporation, the city of Longueuil shall be represented on the Council by a delegate designated in accordance with the second paragraph of section 42, and he shall be considered as a member of the Council.

Jurisdic-
tion of the
C.M.Q.

“306.62 The Commission municipale du Québec shall have jurisdiction to decide, upon the application of the Community, the corporation, the city of Longueuil or the Société de transport de la Rive Sud de Montréal, any question in dispute between those parties respecting the Longueuil metro station.

Effect of
charter

“306.63 Every provision of the charter or of the by-laws of the city of Montréal inconsistent with this title shall be without effect.

Presump-
tion

“306.64 The Société de transport de la Communauté urbaine de Montréal is deemed to be a transit commission for the purposes of sections 1, 18 and 89 of the Act respecting intermunicipal boards of transport in the area of Montréal, paragraph *g* of section 1 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70), paragraph 5 of section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and subparagraph *b* of paragraph 2 of section 41 of the Securities Act (R.S.Q., chapter V-1.1).

Ministers
responsible

“306.65 The Minister of Transport is responsible for the carrying out of sections 234.7 to 298 and 306.43 to 306.64; the Minister of Municipal Affairs is responsible for the carrying out of sections 299 to 306.42.”

c. C-37.2, s.
330.1,
added

26. The said Act is amended by inserting, after section 330, the following section :

Supplemen-
tal pension
plans

“330.1 The Communauté urbaine de Montréal is authorized to establish and maintain the following supplemental pension plans:

(1) the plan provided for in the memorandum of agreement of 27 August 1982 between the negotiating committee of the city of Montréal and of the Communauté urbaine de Montréal and that of the Canadian Union of Public Employees, local section 301;

(2) the plan provided for in the memorandum of agreement of 11 March 1983 between the negotiating committee of the city of Montréal and of the Communauté urbaine de Montréal and that of the Syndicat des fonctionnaires municipaux de Montréal;

(3) the plan provided for in the agreement of 27 June 1984 ratified by the Syndicat des architectes de la ville de Montréal et de la Communauté urbaine de Montréal;

(4) the plan provided for in the agreement of 11 July 1984 ratified by the Syndicat des professionnels de la ville de Montréal et de la Communauté urbaine de Montréal;

(5) the plan provided for in the agreement of 10 August 1984 ratified by the Syndicat professionnel des ingénieurs de la ville de Montréal et de la Communauté urbaine de Montréal;

(6) the plan provided for in the agreement of 21 August 1984 ratified by the Association des chimistes professionnels de la ville de Montréal et de la Communauté urbaine de Montréal.

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| Ratification | The by-law pertaining to the Régime de retraite des cadres de la Communauté urbaine de Montréal, bearing number 75 and passed by the Council on 19 December 1984, is ratified. |
| Effective date | Each supplemental pension plan mentioned in the first paragraph is in force from the date mentioned in the memorandum of agreement or in the agreement providing therefor. |
| Provisions applicable | The Act respecting supplemental pension plans (R.S.Q., chapter R-17) and the regulations shall continue to apply to the pension plans contemplated in this section, to the extent that they are not inconsistent with those pension plans." |

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

c. A-19.1, s. 264.1, am. **27.** The Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing subparagraph 3 of the second paragraph of section 264.1 by the following subparagraph:

"(3) the Community shall adopt the resolution provided for in section 4 not later than 11 July 1985 and its development plan not later than 17 September 1986;"

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

c. C-37.3, ss. 6.3.1-6.3.6, added **28.** The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting, after section 6.3, the following sections:

Declaration of interest **"6.3.1** Within sixty days of his appointment, the chairman of the executive committee shall table before the Council a written declaration stating the existence of the pecuniary interests he has in immovables situated in the territory of the Community and in legal persons, partnerships or undertakings.

Content The declaration shall mention any position or directorship held by the chairman as well as any loan, contracted by him with a person or institution other than a financial institution, the balance of which, in principal and interest, is in excess of \$2 000.

Exceptions The declaration shall not mention the value of the interests listed therein, nor the extent of the chairman's interest in legal persons, partnerships or undertakings. The declaration shall not mention the existence of sums deposited with financial institutions, nor the possession of bonds issued by a government, a municipality or another public body.

Updating

“6.3.2 Each year, within sixty days of the anniversary of his appointment, the chairman shall table an updated declaration before the Council.

New interest

In the meantime, the chairman shall disclose in writing any new interest that entails a conflict with the interest of the Community. The writing shall be tabled before the Council at the first sitting following the acquisition of that interest.

Failure to file declaration

“6.3.3 If he fails to table the declaration within the prescribed time, the chairman, from the tenth day after the expiry of that time and until he has tabled it, no longer has the right to sit on the Council, on any commission of the Council, on the executive committee or on the board of directors of the transit commission of the Community or on any other council, committee, commission or public body of which he is a member by the fact that he is the chairman of the executive committee.

Notice

Upon the expiry of the time prescribed for tabling the declaration, the secretary of the Community shall notify the chairman of his failure to do so and of the effects thereof.

Consequences

“6.3.4 Where the chairman loses the right to sit, he shall consequently lose the right to receive the remuneration or allowance provided for each sitting in which he is not allowed to take part.

Deduction

Where his remuneration or allowance is not established for each sitting, 1% of the annual amount of the remuneration or allowance shall be deducted for each sitting in which he is not allowed to take part.

Disqualification

“6.3.5 Any person who knowingly makes a false or incomplete declaration of his pecuniary interest is disqualified from holding the office of chairman and that of member of the council of a municipality.

Disqualification

The disqualification lasts until the expiry of a period of five years from the day the final judgment declaring the person disqualified becomes executory.

Validity of acts

“6.3.6 Any act performed by a council, committee, commission or body during a sitting in which the chairman takes part despite his being disqualified from holding office or his having lost the right to take part therein is not invalid by reason only of the fact that the chairman has taken part in it.”

MONTRÉAL URBAN COMMUNITY ACT

1969, c. 84,
s. 321, am. **29.** Section 321 of the Montréal Urban Community Act (1969, chapter 84), amended by section 36 of chapter 90 of the statutes of 1971, section 22 of chapter 73 of the statutes of 1972 and section 125 of chapter 18 of the statutes of 1982, is again amended by replacing the word and figures "1 January 1983" in the first line by the word and figures "1 January 1986".

1969, c. 84,
s. 324, am. **30.** Section 324 of the said Act, replaced by section 126 of chapter 18 of the statutes of 1982, is amended by replacing the word and figures "15 January 1984" in the second line by the word and figures "15 January 1986".

ACT TO AMEND THE ACT RESPECTING THE
COMMUNAUTÉ URBAINE DE MONTRÉAL

1982, c. 18,
s. 180, am. **31.** The Act to amend the Act respecting the Communauté urbaine de Montréal (1982, chapter 18) is amended by replacing the word and figures "11 July 1983" in the first line of the first paragraph of section 180 by the word and figures "31 December 1985".

TRANSITIONAL AND FINAL PROVISIONS

Interpreta-
tion **32.** For the purposes of sections 33 to 42,
"Act" "Act" means the Act respecting the Communauté urbaine de Montréal amended by this Act;

"existing
Act" "existing Act" means the Act respecting the Communauté urbaine de Montréal as it existed before 20 June 1985.

c. C-37.2,
s. 290,
replaced
Pupil trans-
portation **33.** Section 290 of the Act shall, from 1 July 1986, read as follows:

"290. The corporation may make a contract for pupil transportation within the scope of the Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1), of the Act respecting private education (R.S.Q., chapter E-9) and of the General and Vocational Colleges Act (R.S.Q., chapter C-29). The corporation has jurisdiction to carry out, outside its territory, any contract it has made with a school board, provided the territory of that school board is comprised in the territory of the corporation or of a municipality or an intermunicipal board of transport served by the corporation under a contract."

Effect **34.** The fourth paragraph of section 291.34 and section 306.13 of the Act have effect from 1 January 1987.

Declaration
of interest

35. The chairman of the executive committee of the Communauté urbaine de Montréal and the chairman of the executive committee of the Communauté urbaine de Québec, in office on 20 June 1985, shall table the declaration of interest provided for in section 12.1 of the Act and in section 6.3.1 of the Act respecting the Communauté urbaine de Québec, introduced by section 28 of this Act, not later than 18 September 1985.

Declaratory
section

36. Section 4 is declaratory.

Succession

37. The Société de transport de la Communauté urbaine de Montréal constituted under section 235 of the Act shall succeed the Commission de transport de la Communauté urbaine de Montréal constituted under the existing Act and, for that purpose, shall acquire every right and assume every obligation of the Commission de transport de la Communauté urbaine de Montréal.

President
and manag-
ing director

38. The president and managing director of the Commission de transport de la Communauté urbaine de Montréal in office on 19 June 1985 shall remain in office until 20 March 1987. At the expiry of her term of office, she is not entitled to the pension contemplated in section 243 of the existing Act.

Transfer of
contribu-
tions

Notwithstanding the foregoing, every contribution paid by her and every contribution paid in her behalf by the Commission de transport de la Communauté urbaine de Montréal into the pension fund shall be transferred to the Government and Public Employees Retirement Plan in full or partial payment of the cost of purchasing the leave without pay for the period during which she held the office of president and managing director.

Commis-
sioners in
office

39. The commissioners of the Commission de transport de la Communauté urbaine de Montréal other than the president and managing director in office on 19 June 1985 shall cease to hold office from the first meeting of the board of directors formed according to the Act. Notwithstanding the foregoing, they shall perform for the corporation, from that date and until the date on which their term of office would have ended, the duties determined by the president and managing director without any reduction of their conditions of employment as commissioners. The commissioners are not entitled to receive a pension from the corporation while a remuneration is paid to them by the corporation.

Officers and
employees

40. The secretary, assistant-secretary, treasurer, assistant-treasurer and other officers and employees of the Commission de transport de la Communauté urbaine de Montréal and the directors

general, heads of departments and other persons who perform similar duties with the Commission in office on 19 June 1985, shall become, without any other formality, the secretary, assistant-secretary, treasurer, assistant-treasurer and officers and employees of the Société de transport de la Communauté urbaine de Montréal and the directors general, heads of departments and other persons who perform similar duties with the corporation.

Decisions to
remain in
force

41. Every decision, by-law, resolution, contract, agreement or convention made or entered into under the existing Act remains in force until it is repealed or replaced by a decision, by-law, resolution, contract, agreement or convention made or entered into under the Act.

Name
replaced

42. The name "Commission de transport de la Communauté urbaine de Montréal", the word "Commission", and the expression "Commission de transport" when they refer to the said commission, are replaced by "Société de transport de la Communauté urbaine de Montréal", "Société de transport" or "corporation" respectively, in sections 104, 204 to 206, 209, 210, 292 to 294, 297, 298, 314, 329 and 330 of the existing Act and in Schedule B to that Act.

Pensions
not affected

43. This Act shall not affect the right of a person to receive from the Commission de transport de la Communauté urbaine de Montréal a pension he is receiving from the Commission nor reduce the amount thereof.

Name
replaced

44. In any Act, regulation, by-law, order, order in council, proclamation, contract or document, the designation "Commission de transport de la Communauté urbaine de Montréal" and the word "Commission" where it refers to the said commission are replaced by "Société de transport de la Communauté urbaine de Montréal" or "corporation", unless otherwise required by the context.

Use of
documents

45. The Société de transport de la Communauté urbaine de Montréal is authorized to use all documents or means of identification already prepared in the name of the Commission de transport de la Communauté urbaine de Montréal, until it replaces them by documents or means of identification prepared in its name.

Effect

46. Sections 27, 29, 30 and 31 have effect from 11 July 1982.

1984, c. 39,
s. 553,
repealed

47. Section 553 of the Act respecting public elementary and secondary education (1984, chapter 39) is repealed.

Exception

48. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of

1985

Communauté urbaine de Montréal

CHAP. **31**

the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into
force

49. This Act comes into force on 20 June 1985.