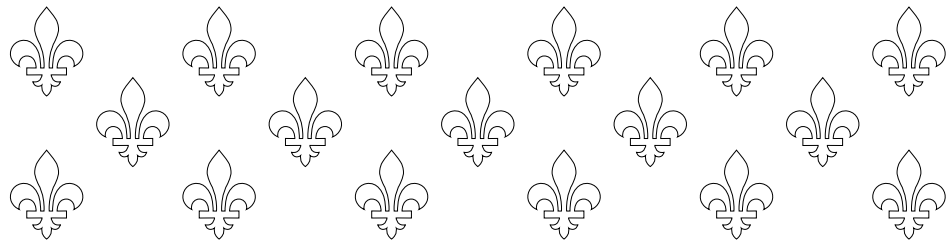

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 122

An Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers

Introduction

Introduced by
Mr. Martin Coiteux
Minister of Municipal Affairs and Land Occupancy

Québec Official Publisher
2016

EXPLANATORY NOTES

This bill proposes various amendments to municipal laws to increase the autonomy and powers of municipalities and to recognize that they are local governments.

The bill gives local municipalities broader powers over urban planning, including zoning, over regulation of contributions for parks and over proper maintenance of immovable assets.

The bill abolishes the obligation to have amendments to the planning by-laws of Ville de Montréal and Ville de Québec approved through a referendum. It also abolishes the same requirement for amendments to planning by-laws of any other municipality when those amendments apply exclusively in a requalification zone whose boundaries are determined by the municipality.

Moreover, the bill stipulates that the Government has a formal obligation to consult the municipal sector when developing its government policy directions regarding land use planning.

The bill modifies the obligation to obtain certain authorizations or approvals in order for certain municipal decisions to come into force and simplifies the financial management and reporting of municipal bodies. It also provides for new transparency requirements and makes it possible, on certain conditions, for municipalities to change the way their public notices are disseminated.

The bill introduces new procedures concerning the rules governing the awarding of contracts applicable to municipalities and makes contracts of emphyteusis as well as contracts entered into by various bodies related to them subject to those rules.

Under the bill, local municipalities are granted a general taxation power and the power to charge regulatory dues. Furthermore, certain taxation powers held by local municipalities are amended and duties on transfers of immovables are modified.

The bill grants municipalities new powers over local and regional development and business assistance. It also contains certain amendments concerning liquor permit applications, highway safety and the preservation of agricultural land.

Lastly, the bill amends the rules that apply to the remuneration of elected municipal officers.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting land use planning and development (chapter A-19.1);

– Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);

– Charter of Ville de Gatineau (chapter C-11.1);

– Charter of Ville de Lévis (chapter C-11.2);

– Charter of Ville de Longueuil (chapter C-11.3);

– Charter of Ville de Montréal (chapter C-11.4);

– Charter of Ville de Québec (chapter C-11.5);

– Cities and Towns Act (chapter C-19);

– Highway Safety Code (chapter C-24.2);

– Code of Penal Procedure (chapter C-25.1);

– Municipal Code of Québec (chapter C-27.1);

– Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

– Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

– Municipal Powers Act (chapter C-47.1);

– Act respecting duties on transfers of immovables (chapter D-15.1);

– Act respecting elections and referendums in municipalities (chapter E-2.2);

– Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001);

– Act respecting municipal taxation (chapter F-2.1);

– Act establishing the Eeyou Istchee James Bay Regional Government (chapter G-1.04);

– Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1);

– Act respecting liquor permits (chapter P-9.1);

– Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

– Act respecting the Réseau de transport métropolitain (chapter R-25.01);

– Act respecting public transit authorities (chapter S-30.01);

– Act respecting the remuneration of elected municipal officers (chapter T-11.001);

– Transport Act (chapter T-12);

– Act respecting off-highway vehicles (chapter V-1.2);

– Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

REGULATION AMENDED BY THIS BILL:

– Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5).

ORDERS IN COUNCIL AMENDED BY THIS BILL:

– Order in Council 846-2005 dated 14 September 2005, concerning the urban agglomeration of Mont-Tremblant;

– Order in Council 1055-2005 dated 9 November 2005, concerning the urban agglomeration of La Tuque;

– Order in Council 1059-2005 dated 9 November 2005, concerning the urban agglomeration of Sainte-Agathe-des-Monts;

– Order in Council 1062-2005 dated 9 November 2005, concerning the urban agglomeration of Mont-Laurier;

– Order in Council 1065-2005 dated 9 November 2005, concerning the urban agglomeration of Sainte-Marguerite-Estérel;

– Order in Council 1068-2005 dated 9 November 2005, concerning the urban agglomeration of Cookshire-Eaton;

– Order in Council 1072-2005 dated 9 November 2005, concerning the urban agglomeration of Rivière-Rouge;

– Order in Council 1130-2005 dated 23 November 2005, concerning the urban agglomeration of Îles-de-la-Madeleine;

– Order in Council 1211-2005 dated 7 December 2005, concerning the urban agglomeration of Québec;

– Order in Council 1214-2005 dated 7 December 2005, concerning the urban agglomeration of Longueuil;

– Order in Council 1229-2005 dated 8 December 2005, concerning the urban agglomeration of Montréal.

Bill 122

AN ACT MAINLY TO RECOGNIZE THAT MUNICIPALITIES ARE LOCAL GOVERNMENTS AND TO INCREASE THEIR AUTONOMY AND POWERS

AS the National Assembly recognizes that municipalities are, in the exercise of their powers, local governments that are an integral part of the Québec State;

AS elected municipal officers have the necessary legitimacy, from a representative democracy perspective, to govern according to their powers and responsibilities;

AS municipalities exercise essential functions and offer their population services that contribute to maintaining a high-quality, safe and healthy living environment, including in a context of sustainable development, reducing greenhouse gas emissions, and adapting to climate change;

AS it is advisable to amend certain Acts to increase the autonomy and powers of municipalities and to improve certain aspects of their operation;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. The Act respecting land use planning and development (chapter A-19.1) is amended by inserting the following section after section 1.1:

"**1.2.** In this Act, "government policy directions" means:

(1) the objectives and policy directions that the Government, its ministers, mandataries of the State and public bodies are pursuing with respect to land use development, as defined in any document adopted by the Government after consultation, by the Minister, with the authorities representing the municipal sector, and the equipment, infrastructure and land use development projects they intend to carry out in the territory; and

(2) any land use plan prepared under section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1).

Any document adopted by the Government under subparagraph 1 of the first paragraph must be published in the *Gazette officielle du Québec*."

2. Sections 47.2, 53.16 and 61.1 of the Act are repealed.

3. The Act is amended by inserting the following sections after section 85.4:

"**85.5.** A municipality may delimit, in its planning program, any part of its territory that constitutes a requalification zone within which no regulatory amendment will be subject to approval by way of referendum.

Such a zone concerns a territory that the council considers a priority for urban renewal, rehabilitation or densification, in keeping with sustainable development.

"**85.6.** Every municipality that wishes to avail itself of the power provided for in section 85.5 shall first adopt an information and consultation policy.

The policy must contain measures that are complementary to those in this Act and are designed to foster public participation and the dissemination of information. The policy must enable the public to make comments or suggestions, orally or in writing, and provide for dissemination of information via the Internet.

The policy must also provide for the production of a consultation report and its tabling before the council of the municipality.

The Minister may, by regulation, fix any other requirement concerning the content of an information and consultation policy.

The policy applies, throughout the territory of the municipality, to any amendment or revision of the planning program and to any instrument referred to in the first or second paragraph of section 123.

"**85.7.** Every municipality that wishes to amend or revise its zoning or subdivision by-law in a way that significantly modifies the standards applicable in a territory situated within a requalification zone must first produce and make public an analysis of the probable social, economic and environmental effects of these new standards. The analysis must draw a connection between the modifications and the directions and objectives contained in the planning program."

4. Section 113 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

"(23) to prescribe any other additional measure to distribute the various uses, activities, structures and works across its territory and make them subject to standards; such a measure may not however have the effect of restricting agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in an agricultural zone established under that Act."

5. Section 115 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

"(12) to prescribe any other additional measure to govern division of the land as well as the dimensions of and development standards for public and private thoroughfares."

6. Section 117.1 of the Act is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

"(2) the building permit relates to work that will make it possible to carry on new activities, as defined by the by-law, or intensify, within the meaning of the by-law, existing activities on the immovable."

7. Section 117.3 of the Act is amended by replacing the second sentence of the third paragraph by the following sentence: "The rules must also take into account, in favour of the owner, any transfer or payment made previously in respect of all or part of the site."

8. Section 117.4 of the Act is amended by adding the following paragraphs at the end:

"Despite the two preceding paragraphs, the municipality may require the transfer of land whose surface area is greater than 10% of the surface area of the site if the land in respect of which the subdivision or building permit is applied for is situated within a central sector of the municipality and if all or part of the immovable is green space.

If the municipality requires both the transfer of land and the payment of a sum, the amount paid must not exceed 10% of the value of the site.

The council shall, by by-law, determine the boundaries of the central sectors of the municipality and define what constitutes green space for the purposes of the third paragraph."

9. Section 123 of the Act is amended

(1) by replacing "22" in subparagraph 1 of the third paragraph by "23";

(2) by adding the following subparagraph at the end of the third paragraph:

"(3) does not apply to a territory situated exclusively within a requalification zone whose boundaries are determined in accordance with section 85.5."

10. The Act is amended by inserting the following sections after section 145.41:

"**145.41.1.** If the owner of a building does not comply with the notice sent under the second paragraph of section 145.41, the council may require a

notice of deterioration containing the following information to be registered in the land register:

(1) the designation of the immovable concerned and the name and address of the owner;

(2) the name of the municipality and the address of its office, and the title, number and date of the resolution by which the council requires the notice to be registered;

(3) the title and number of the by-law made under the first paragraph of section 145.41; and

(4) a description of the work to be carried out.

No notice of deterioration may be registered in respect of an immovable owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

"**145.41.2.** If the municipality ascertains that the work prescribed in the notice of deterioration has been carried out, the council shall, within 60 days after that fact is ascertained, require that a notice of regularization be registered in the land register; the notice of regularization must contain, in addition to the information in the notice of deterioration, the registration number of the notice of deterioration and an entry that the work described in that notice has been carried out.

"**145.41.3.** Within 20 days after the registration of any notice of deterioration or notice of regularization, the municipality shall notify the owner of the immovable and any holder of a real right registered in the land register in respect of the immovable of the registration of the notice.

"**145.41.4.** The municipality shall keep a list of the immovables for which a notice of deterioration has been registered in the land register. It shall publish this list on its website or, if it does not have a website, on the website of the regional county municipality whose territory includes that of the municipality.

The list must contain, in respect of each immovable, all the information contained in the notice of deterioration.

If a notice of regularization is registered in the land register, the municipality shall withdraw from the list any entry concerning the notice of deterioration relating to the notice of regularization.

"**145.41.5.** A municipality may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously and on which the work required in the notice has not been carried out. Such an immovable may then be alienated to any

person by onerous title, to any person or to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19) by gratuitous title."

11. Section 148.0.4 of the Act is amended by inserting the following paragraph after the first paragraph:

"The by-law may prescribe that a preliminary program for the utilization of the vacated land be submitted after the committee has rendered an affirmative decision on the application for authorization to demolish, rather than before the application is considered. In that case, authorization to demolish is conditional on the program receiving the committee's approval."

12. Section 148.0.11 of the Act is repealed.

13. Section 148.0.22 of the Act is amended by replacing "$5,000" and "$25,000" in the first paragraph by "$10,000" and "$250,000", respectively.

14. The Act is amended by inserting the following section after section 264.0.8:

"**264.0.9.** Ville de Gatineau, Ville de Laval, Ville de Lévis, Ville de Mirabel, Ville de Rouyn-Noranda, Ville de Saguenay, Ville de Shawinigan, Ville de Sherbrooke and Ville de Trois-Rivières may maintain in force a single document that contains both provisions specific to the content of both a land use and development plan and provisions specific to the content of a planning program. In such a case, sections 47 to 53.11, 53.11.5 to 56.12, 56.12.3 to 56.12.5, 56.12.8 to 57, 57.3, 58, 59 to 61.1, 61.3 to 71 and 71.0.3 to 72, rather than sections 88 to 100 and 102 to 112.8, apply, with the necessary modifications, to the provisions specific to the content of a planning program."

ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN

15. Section 98 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is replaced by the following section:

"**98.** At the end of the fiscal year, the Authority's treasurer draws up the financial report for that fiscal year and certifies that it is accurate. The report must include the Authority's financial statements and any other document or information required by the Minister of Municipal Affairs, Regions and Land Occupancy.

The treasurer must also produce any other document or information required by that minister.

That minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs."

16. The Act is amended by inserting the following section after section 101:

"**101.1.** If, after the report is submitted under section 101, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the necessary correction as soon as possible. The treasurer must table any corrected report before the Authority's board of directors and the Authority must send it to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and to the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 98."

CHARTER OF VILLE DE GATINEAU

17. Section 3 of Schedule B to the Charter of Ville de Gatineau (chapter C-11.1) is amended

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

"The leader of the governing party and the leader of the Opposition for the city council are designated in accordance with this section.";

(2) by striking out the second paragraph;

(3) by replacing "third and fourth" in the fifth paragraph by "second and third".

CHARTER OF VILLE DE LÉVIS

18. Section 19 of the Charter of Ville de Lévis (chapter C-11.2) is repealed.

CHARTER OF VILLE DE LONGUEUIL

19. Section 21 of the Charter of Ville de Longueuil (chapter C-11.3) is repealed.

20. Section 2 of Schedule C to the Charter is amended by striking out ", but is not entitled to the additional remuneration provided for in a by-law adopted under the Act respecting the remuneration of elected municipal officers (chapter T-11.001)".

21. Section 4 of Schedule C to the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing "For the purposes of this section, the opposition leader" in the second paragraph by "The leader of the opposition for the city council".

CHARTER OF VILLE DE MONTRÉAL

22. Section 43 of the Charter of Ville de Montréal (chapter C-11.4) is amended by striking out the second and third paragraphs.

23. Section 89.1 of the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing "second" in the first sentence of the third paragraph by "first";

(3) by striking out the second sentence of the third paragraph;

(4) by striking out the fourth paragraph;

(5) by replacing the fifth paragraph by the following paragraph:

"However, neither the first paragraph, nor sections 125 to 127 of the Act respecting land use planning and development, apply to the draft version of a by-law whose sole purpose is to enable the carrying out of a project referred to in subparagraph 4 of the first paragraph of section 89."

24. Section 131 of the Charter is amended by striking out subparagraphs 3, 4 and 5 of the second paragraph.

25. Divisions III and IV of Chapter IV of the Charter, comprising sections 151.8 to 151.18, are repealed.

26. Section 16 of Schedule C to the Charter is amended

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

"The majority floor leader, leader of the opposition and opposition floor leader for the city council are designated in accordance with this section.";

(2) by striking out the second paragraph;

(3) by replacing "third and fourth" in the fifth paragraph by "second and third".

27. Schedule C to the Charter is amended by inserting the following section after section 162.1:

"**162.2.** No act of the city is subject to approval by way of referendum for the purposes of Division V of Chapter IV of Title I of the Act respecting land use planning and development (chapter A-19.1)."

CHARTER OF VILLE DE QUÉBEC

28. Section 19 of the Charter of Ville de Québec (chapter C-11.5) is repealed.

29. Section 72.1 of the Charter is amended by striking out "and, notwithstanding the third paragraph of section 123 of the Act respecting land use planning and development, is not subject to approval by way of referendum" in the second paragraph.

30. Section 73 of the Charter is repealed.

31. Section 74.3 of the Charter is amended by striking out "and, if the draft by-law contains a provision making it a by-law subject to approval by way of referendum, it is considered to be the second draft by-law referred to in section 128 of that Act".

32. Section 74.5 of the Charter is amended by striking out the first paragraph.

33. Section 115 of the Charter is amended by striking out subparagraphs 3, 4 and 5 of the second paragraph.

34. Section 2 of Schedule C to the Charter is amended by striking out ", except the entitlement to additional remuneration provided for in a by-law under the Act respecting the remuneration of elected municipal officers (chapter T-11.001)".

35. Section 8 of Schedule C to the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing "For the purposes of this section, the opposition leader" in the second paragraph by "The leader of the opposition for the city council".

36. Section 110 of Schedule C to the Charter is amended by replacing "123 to 137" in the second paragraph by "124 to 127".

37. Section 111 of Schedule C to the Charter is amended by replacing "123" in the second paragraph by "124".

38. Section 112 of Schedule C to the Charter is amended by replacing subsection 4 by the following subsection:

"(4) Sections 124 to 127 of the Act respecting land use planning and development (chapter A-19.1) apply to a by-law under this section."

39. Schedule C to the Charter is amended by inserting the following section after section 113:

"**113.1.** No act of the city is subject to approval by way of referendum for the purposes of Division V of Chapter IV of Title I of the Act respecting land use planning and development (chapter A-19.1)."

CITIES AND TOWNS ACT

40. Section 28 of the Cities and Towns Act (chapter C-19) is amended by adding the following sentence at the end of the first paragraph of subsection 3: "A municipality may also become surety for a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM)."

41. Section 29.3 of the Act is replaced by the following section:

"**29.3.** Every by-law or resolution that authorizes a municipality to enter into a contract, other than a construction contract or an intermunicipal agreement, under which the municipality makes a financial commitment and from which arises, either explicitly or implicitly, an obligation for a third person to build or renovate a building or an infrastructure put at the disposal of the public or used for municipal purposes must, on pain of nullity, be submitted to the approval of the qualified voters according to the procedure provided for loan by-laws."

42. Section 105 of the Act is replaced by the following section:

"**105.** At the end of the fiscal year, the treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include the municipality's financial statements and any other document or information required by the Minister.

The treasurer shall also produce a statement fixing the effective aggregate taxation rate of the municipality, in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1), and any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs."

43. Section 105.1 of the Act is amended by replacing the first paragraph by the following paragraph:

"The treasurer shall, at a sitting of the council, table the financial report, the chief auditor's report referred to in the first paragraph of section 107.14, the external auditor's report referred to in the first paragraph of section 108.2 or

the first paragraph of section 108.2.1 and any other document whose tabling is prescribed by the Minister."

44. Section 105.2 of the Act is replaced by the following section:

"**105.2.** After the reports are tabled under section 105.1 and not later than 15 May, the clerk shall transmit the financial report, the chief auditor's report and the external auditor's report to the Minister.

The clerk shall also transmit the documents and information referred to in the second paragraph of section 105 to the Minister within the time prescribed by the Minister.

If the financial report or the other documents and information referred to in the second paragraph are not transmitted to the Minister within the prescribed time, the Minister may cause them to be prepared, for any period and at the municipality's expense, by an officer of his department or by a person authorized to act as external auditor for a municipality. If the report or the other documents and information are prepared by a person other than an officer of the department, the person's fees are paid by the municipality unless the Minister decides to make the payment, in which case he may require reimbursement from the municipality."

45. The Act is amended by inserting the following section after section 105.2:

"**105.2.1.** If, after the reports are transmitted under section 105.2, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister, the treasurer shall make the correction as soon as possible. The treasurer shall table any corrected report at the next regular sitting of the council and the clerk shall transmit it to the Minister.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 105."

46. Section 105.4 of the Act is amended

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

"The treasurer shall table two comparative statements at the last regular sitting of the council held at least four weeks before the sitting at which the budget for the following fiscal year is to be adopted.";

(2) by striking out the fourth paragraph.

47. Section 107.14 of the Act is replaced by the following section:

"**107.14.** The chief auditor shall report to the council on the audit of the municipality's financial statements.

In the report, which must be transmitted to the treasurer, the chief auditor shall state, in particular, whether the financial statements faithfully represent the municipality's financial position on 31 December and the results of its operations for the fiscal year ending on that date.

The chief auditor shall report to the treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy and on the audit of the statement fixing the aggregate taxation rate, in respect of which the chief auditor shall declare whether the effective rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1)."

48. Section 108.2 of the Act is replaced by the following section:

"**108.2.** Subject to section 108.2.1, the external auditor shall audit the municipality's financial statements for the fiscal year for which he was appointed and report to the council on the audit.

In the report, which must be transmitted to the treasurer, the external auditor shall state, in particular, whether the financial statements faithfully represent the municipality's financial position on 31 December and the results of its operations for the fiscal year ending on that date.

The external auditor shall report to the treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy and on the audit of the statement fixing the aggregate taxation rate, in respect of which the external auditor shall declare whether the effective rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1)."

49. Section 108.2.1 of the Act is replaced by the following section:

"**108.2.1.** In the case of a municipality with a population of 100,000 or more, the external auditor shall audit, for the fiscal year for which the external auditor was appointed, the accounts relating to the chief auditor and the financial statements of the municipality and shall report to the council on the audit.

In the report on the financial statements, which must be transmitted to the treasurer, the external auditor shall state, in particular, whether the financial statements faithfully represent the municipality's financial position on 31 December and the results of its operations for the fiscal year ending on that date.

The external auditor shall report to the treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy."

50. Section 108.3 of the Act is repealed.

51. The Act is amended by inserting the following sections after section 345:

"**345.1.** Subject to the second paragraph of section 345.3, a municipality may, by by-law, determine the terms governing publication of its public notices. These terms may differ according to the type of notice, but the by-law must prescribe their publication on the Internet.

Where such a by-law is in force, the mode of publication that it prescribes has precedence over the mode of publication prescribed by section 345 or by any other provision of a general law or special Act.

"**345.2.** A by-law adopted under section 345.1 may not be repealed, but it may be amended.

"**345.3.** The Government may, by regulation, set minimum standards relating to the publication of notices on the Internet that every by-law adopted under the first paragraph of section 345.1 must comply with.

The Government may also prescribe, by regulation, that the municipalities or any group of municipalities that the Government identifies must adopt a by-law under section 345.1 within the prescribed time.

"**345.4.** The Minister may make a regulation in the place of any municipality that fails to comply with the time prescribed under section 345.3; the regulation made by the Minister is deemed to be a by-law adopted by the council of the municipality."

52. Section 356 of the Act is amended

(1) by replacing the first two paragraphs by the following paragraphs:

"Every by-law must, on pain of nullity, be preceded by a notice of motion and a draft by-law tabled at a sitting of the council and be adopted at a subsequent sitting held on a later day.

The notice of motion and the draft by-law may be tabled at the same sitting or at separate sittings, but the draft by-law may not precede the notice of motion.";

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

"The by-law adopted by the council may differ from the draft by-law submitted under the first paragraph."

53. Section 468.26 of the Act is amended by striking out ", except the provisions relating to the minimum amount of remuneration thus fixed,".

54. Section 468.51 of the Act is amended by inserting ", 105.2.1" after "105.2" in the first paragraph.

55. Section 474.1 of the Act is repealed.

56. Section 477.5 of the Act is amended

(1) by inserting the following paragraph after the fourth paragraph:

"If the contract involves an expenditure of at least $25,000 but less than $100,000, is not referred to in the fourth paragraph, and is made under a provision of the contract management policy adopted under the fourth paragraph of section 573.3.1.2, the list must mention how the contract was awarded.";

(2) by replacing "fourth and fifth" and "fifth paragraph" in the last paragraph by "fourth, fifth and sixth" and "sixth paragraph", respectively.

57. Section 477.6 of the Act is amended by adding the following paragraph at the end:

"The municipality must also publish, by means of the electronic tendering system mentioned in the first paragraph and not later than 31 January, the list of all contracts involving an expenditure exceeding $2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding $25,000. The list must state, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract."

58. The Act is amended by inserting the following after section 500:

"II.1. — *General taxation power*

"**500.1.** Every municipality may, by by-law, impose a municipal tax in its territory, provided it is a direct tax and the by-law meets the criteria set out in the fourth paragraph.

The municipality is not authorized to impose the following taxes:

(1) a tax in respect of the supply of a property or a service;

(2) a tax on income, revenue, profits or receipts, or in respect of similar amounts;

(3) a tax on paid-up capital, reserves, retained earnings, contributed surplus or indebtedness, or in respect of similar amounts;

(4) a tax in respect of machinery and equipment used in scientific research and experimental development or in manufacturing and processing or in respect of any assets used to enhance productivity, including computer hardware and software;

(5) a tax in respect of remuneration that an employer pays or must pay for services, including non-monetary remuneration that the employer confers or must confer;

(6) a tax on wealth, including an inheritance tax;

(7) a tax on an individual because the latter is present or resides in the territory of the municipality;

(8) a tax in respect of alcoholic beverages within the meaning of section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);

(9) a tax in respect of tobacco or raw tobacco within the meaning of section 2 of the Tobacco Tax Act (chapter I-2);

(10) a tax in respect of fuel within the meaning of section 1 of the Fuel Tax Act (chapter T-1);

(11) a tax in respect of a natural resource;

(12) a tax in respect of energy, in particular electric power; or

(13) a tax collected from a person who uses a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), in respect of equipment placed under, on or above a public highway to provide a public service.

For the purposes of subparagraph 1 of the second paragraph, "property", "supply" and "service" have the meanings assigned to them by the Act respecting the Québec sales tax (chapter T-0.1).

The by-law referred to in the first paragraph must state

(1) the subject of the tax to be imposed;

(2) the tax rate or the amount of tax payable; and

(3) how the tax is to be collected and the designation of any persons authorized to collect the tax as agents for the municipality.

The by-law referred to in the first paragraph may prescribe

(1) exemptions from the tax;

(2) penalties for failing to comply with the by-law;

(3) collection fees and fees for insufficient funds;

(4) interest and specific interest rates on outstanding taxes, penalties or fees;

(5) assessment, audit, inspection and inquiry powers;

(6) refunds and remittances;

(7) the keeping of registers;

(8) the establishment and use of dispute resolution mechanisms;

(9) the establishment and use of enforcement measures if a portion of the tax, interest, penalties or fees remains unpaid after it is due, including measures such as garnishment, seizure and sale of property;

(10) considering the debt for outstanding taxes, including interest, penalties and fees, to be a prior claim on the immovables or movables in respect of which it is due, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and creating and registering a security by a legal hypothec on the immovables or movables; and

(11) criteria according to which the rate and the amount of the tax payable may vary.

"**500.2.** The municipality is not authorized to impose a tax under section 500.1 in respect of

(1) the State, the Crown in right of Canada or one of their mandataries;

(2) a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d'art dramatique du Québec;

(3) a private educational institution operated by a non-profit body in respect of an activity that is exercised in accordance with a permit issued under the Act respecting private education (chapter E-9.1), a private educational institution accredited for purposes of subsidies under that Act or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

(4) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2);

(5) a private institution referred to in paragraph 3 of section 99 or section 551 of the Act respecting health services and social services in respect of an activity that is exercised in accordance with a permit issued to the institution under that Act and is inherent in the mission of a local community service centre, a residential and long-term care centre or a rehabilitation centre within the meaning of that Act;

(6) a childcare centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(7) any other person determined by a regulation of the Government.

A tax imposed under section 500.1 does not give entitlement to payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1).

"**500.3.** Section 500.1 does not limit any other taxation power granted to the municipality by law.

"**500.4.** The use of an enforcement measure established by a by-law adopted under section 500.1 does not prevent the municipality from using any other remedy provided by law to recover the amounts owing under that by-law.

"**500.5.** The municipality may enter into an agreement with another person, including the State, for the collection and recovery of a tax imposed under section 500.1 and the administration and enforcement of a by-law imposing the tax. The agreement may authorize the person to collect the taxes and oversee the administration and enforcement of the by-law on the municipality's behalf.

"II.2. — *Dues*

"**500.6.** Every municipality may charge dues to help fund a regulatory regime applicable to a matter under its jurisdiction. Dues may also be charged with the main goal of furthering achievement of the objectives of the regime by influencing citizens' behaviour.

Revenues from the dues must be paid into a fund established exclusively to receive them and help fund the regime.

The first paragraph applies subject to sections 145.21 to 145.30 of the Act respecting land use planning and development (chapter A-19.1), to the extent that the dues charged are paid by an applicant referred to in subparagraph 2 of the first paragraph of section 145.21 of that Act and that the dues are used to finance an expense referred to in that subparagraph.

"**500.7.** The decision to charge dues is made by a by-law that must

(1) identify the regulatory regime and its objectives;

(2) specify to whom the dues are to be charged;

(3) determine the amount of the dues or a way of determining the amount, including any criteria according to which the amount may vary;

(4) establish the reserve fund and expressly identify the purposes for which the sums paid into it may be used; and

(5) state how the dues are to be collected.

The by-law may prescribe collection fees and fees for insufficient funds.

The municipality shall send an authenticated copy of the by-law to the Minister of Municipal Affairs, Regions and Land Occupancy within 15 days after its adoption.

"**500.8.** The dues may be charged only to a person benefiting from the regulatory regime identified in the by-law or carrying on activities that require regulation.

"**500.9.** The amount of the dues may not be determined on the basis of an element referred to in subparagraphs 2 to 6 or 8 to 12 of the second paragraph of section 500.1, with the necessary modifications, or on the basis of residency in the municipality's territory.

Any criterion according to which the amount of the dues may vary must be justified in relation to the objectives of the regulatory regime.

"**500.10.** The municipality may enter into an agreement with another person, including the State, providing for the collection and recovery of dues and the administration and enforcement of the by-law under which dues are charged.

"**500.11.** The municipality is not authorized to charge dues under section 500.6 from a person mentioned in any of subparagraphs 1 to 7 of the first paragraph of section 500.2.

The Government may prohibit the collection of dues under section 500.6 or impose restrictions with respect to such collection if it considers that those dues conflict with or duplicate dues that are or may be charged by another public body within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1).

The Government's decision takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date mentioned in the decision.

Dues charged under section 500.6 do not give entitlement to payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation."

59. Section 547 of the Act is amended by striking out the fourth paragraph.

60. Section 556 of the Act is amended by inserting the following paragraphs after the second paragraph:

"Likewise, a loan by-law requires only the approval of the Minister if

(1) the object of the by-law is to carry out road construction, drinking water supply or waste water disposal work, or any incidental expenditure; and

(2) the repayment of the loan is assured by the general revenues of the municipality or is entirely borne by the owners of immovables in the entire territory of the municipality.

A loan by-law also requires only the approval of the Minister if at least 50% of the expenditure to be incurred is eligible for a subsidy, payment of which is assured by the Government or one of its ministers or bodies. In such a case, the Minister may, however, require that the loan by-law be submitted for approval to the qualified voters."

61. Section 567 of the Act is amended by replacing subsection 3 by the following subsection:

"(3) A municipality may, by a by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, order a loan for an amount not exceeding the amount of a subsidy of which payment is assured by the Government or one of its ministers or bodies and for a term corresponding to the payment period of the subsidy.

The by-law's sole object may be a loan for an amount corresponding to the subsidy and, despite section 544.1, the sums borrowed may be used, in whole or in part, to repay the general fund of the municipality.

For the purposes of the two preceding paragraphs, the amount of the loan is deemed not to exceed that of the subsidy if the amount by which the former exceeds the latter is not greater than 10% of the subsidy and corresponds to the amount needed to pay the interest on the temporary loan contracted and the financing expenses related to the securities issued."

62. Section 573 of the Act is amended

(1) by replacing "The following contracts," in the introductory clause of the first paragraph of subsection 1 by "A contract of emphyteusis on an immovable of the municipality, or the following contracts";

(2) by inserting "or for a contract of emphyteusis on an immovable of the municipality" after "or more" in the introductory clause of the third paragraph of subsection 1.

63. Section 573.1.0.1 of the Act is amended

(1) by striking out "Subject to section 573.1.0.1.1," in the first paragraph;

(2) by inserting the following paragraph after the second paragraph:

"The council shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.";

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

"Despite the first paragraph, the council must use the system provided for in that paragraph to award a contract of emphyteusis on an immovable of the municipality."

64. Section 573.1.0.1.1 of the Act is amended

(1) by replacing "Where a contract for professional services is to be awarded, the council must" in the introductory clause of the first paragraph by "The council may";

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

"(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

"(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;";

(3) by replacing "50" in subparagraph *e* of subparagraph 3 of the first paragraph by "the factor determined under subparagraph 2.2";

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

"The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.";

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

"The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.";

(6) by striking out the fifth paragraph.

65. The Act is amended by inserting the following section after section 573.1.0.1.1:

"**573.1.0.1.2.** Where a contract for professional services is to be awarded, the council must use the system of bid weighting and evaluating provided for in section 573.1.0.1 or 573.1.0.1.1."

66. Section 573.1.0.5 of the Act is amended

(1) by replacing "573.1.0.1 to award a contract described in the second paragraph" in the first paragraph by "573.1.0.1 or 573.1.0.1.1";

(2) by striking out the second paragraph;

(3) by replacing "council shall establish a selection committee consisting of at least three members, other than council members; the committee" in the fourth paragraph by "selection committee";

(4) by adding the following paragraph at the end:

"The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the council to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization."

67. Section 573.3 of the Act is amended by replacing the last paragraph by the following paragraph:

"Section 573.1 does not apply to a contract

(1) covered by the regulation in force made under section 573.3.0.1; or

(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

68. Section 573.3.1.2 of the Act is amended

(1) by inserting the following paragraph after the third paragraph:

“The contract management policy may prescribe the rules governing the awarding of contracts that involve an expenditure of at least $25,000 but less than $100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, section 573.1 does not apply to those contracts.”;

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

“A report on the implementation of the municipality’s policy must be tabled annually at a sitting of the council.”

69. The Act is amended by inserting the following section after section 573.3.4:

“**573.3.5.** Sections 573 to 573.3.4 apply, with the necessary modifications, to any body that meets one of the following conditions:

(1) it is a body declared by law to be a mandatary or agent of a municipality;

(2) the majority of the members of its board of directors must, under the rules applicable to it, be members of the council of a municipality or be appointed by a municipality;

(3) its budget is adopted or approved by a municipality;

(4) more than half of its financing is assured by funds from a municipality; or

(5) it is designated by the Minister as a body subject to those provisions.

In addition, the body that meets one of the conditions set out in the first paragraph is deemed to be a local municipality for the purposes of a regulation made under section 573.3.0.1 or 573.3.1.1.

This section does not apply:

(1) to a body that another Act makes subject to sections 573 to 573.3.4 of this Act, articles 934 to 938.4 of the Municipal Code of Québec (chapter C-27.1), sections 106 to 118.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), sections 99 to 111.2 of the Act respecting the

Communauté métropolitaine de Québec (chapter C-37.02) or sections 92.1 to 108.2 of the Act respecting public transit authorities (chapter S-30.01);

(2) to a mixed enterprise company; or

(3) to a body that is similar to a mixed enterprise company and is constituted under a private Act, including the legal persons constituted under chapters 56, 61 and 69 of the statutes of 1994, chapter 84 of the statutes of 1995 and chapter 47 of the statutes of 2004."

70. The Act is amended by inserting the following division after section 573.20:

"**DIVISION XI.2**

"DISSEMINATION OF CERTAIN INFORMATION

"**573.20.1.** The Government may, by regulation, determine the information that every municipality is required to disseminate in an open document format on a storage medium so that it can be reused.

The regulation must set out the terms governing the dissemination of such information, which terms may vary according to the different classes of municipalities."

HIGHWAY SAFETY CODE

71. Section 329 of the Highway Safety Code (chapter C-24.2) is amended by replacing ", the second paragraph of section 628 or of section 628.1" in the third paragraph by "or the second paragraph of section 628".

72. Section 626 of the Code is amended by replacing the third, fourth and fifth paragraphs by the following paragraph:

"Any by-law or ordinance passed under subparagraph 14 of the first paragraph shall, within 15 days after it is passed, be sent to the Minister of Transport. The Minister of Transport may disallow all or part of the by-law or ordinance at any time. In such a case, the by-law or ordinance or the part of either that is disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister shall notify the municipality of his decision as soon as possible."

73. Section 628.1 of the Code is repealed.

74. Section 647 of the Code is amended by replacing "paragraphs 4, 5 and 8" in the first paragraph by "subparagraphs 4, 5 and 8 of the first paragraph".

CODE OF PENAL PROCEDURE

75. Article 333 of the Code of Penal Procedure (chapter C-25.1) is amended by adding the following paragraph at the end:

"All or part of the compensatory work may be replaced by alternative measures provided for in a program to adapt the rules relating to the execution of judgments, in the manner prescribed in the program. In this Code, unless the context indicates otherwise, "compensatory work" means the compensatory work or alternative measures provided for in the program."

76. Article 336 of the Code is amended by adding the following paragraph at the end:

"Where the defendant opts for alternative measures, the duration of the compensatory work may be modified."

77. Article 337 of the Code is amended by adding the following sentence at the end of the first paragraph: "However, the number of hours may be higher if the defendant opts for alternative measures."

78. Article 338 of the Code is amended by adding the following paragraph at the end:

"However, those periods of time may be extended if the defendant opts for alternative measures."

79. Article 343 of the Code is amended by adding the following sentence at the end of the second paragraph: "Where the defendant opts for alternative measures, the amount of the sums due may not be reduced."

80. Article 344 of the Code is amended by adding the following sentence at the end of the second paragraph: "Where the defendant opts for alternative measures, those measures must be maintained."

81. Article 345 of the Code is amended by adding the following sentence at the end: "Where the defendant opts for alternative measures, the amount of the sums due may not be reduced."

MUNICIPAL CODE OF QUÉBEC

82. Article 9 of the Municipal Code of Québec (chapter C-27.1) is amended by adding the following sentence at the end of the first paragraph: "A municipality may also become surety for a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM)."

83. Article 14.1 of the Code is replaced by the following article:

"**14.1.** Every by-law or resolution that authorizes a municipality to enter into a contract, other than a construction contract or an intermunicipal agreement, under which the municipality makes a financial commitment and from which arises, either explicitly or implicitly, an obligation for a third person to build or renovate a building or an infrastructure put at the disposal of the public or used for municipal purposes must, on pain of nullity, be submitted to the approval of the qualified voters according to the procedure provided for loan by-laws."

84. The Code is amended by inserting the following article after article 142:

"**142.1.** The council may, by by-law, grant the head of the council the right, at any time, to suspend any officer or employee of the municipality until the next sitting of the council. If the head of the council avails himself of such right, he must report the suspension to the council at that sitting and state the reasons in writing.

The suspended officer or employee is not to receive any salary for the period during which he is suspended, unless the council decides otherwise."

85. Article 176 of the Code is replaced by the following article:

"**176.** At the end of the fiscal year, the secretary-treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include the municipality's financial statements and any other document or information required by the Minister.

The secretary-treasurer shall also produce a statement fixing the effective aggregate taxation rate of the municipality, in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1), and any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs."

86. Article 176.1 of the Code is amended by replacing the first paragraph by the following paragraph:

"The secretary-treasurer shall, at a sitting of the council, table the financial report, the external auditor's report referred to in the first paragraph of article 966.2 and any other document whose tabling is prescribed by the Minister."

87. Article 176.2 of the Code is replaced by the following article:

"**176.2.** After the reports are tabled under article 176.1 and not later than 15 May, the secretary-treasurer shall transmit the financial report and the external auditor's report to the Minister.

The secretary-treasurer shall also transmit the documents and information referred to in the second paragraph of article 176 to the Minister within the time prescribed by the Minister.

If the financial report or the other documents and information referred to in the second paragraph are not transmitted to the Minister within the prescribed time, the Minister may cause them to be prepared, for any period and at the municipality's expense, by an officer of his department or by a person authorized to act as external auditor for a municipality. If the report or the other documents and information are prepared by a person other than an officer of the department, the person's fees are paid by the municipality unless the Minister decides to make the payment, in which case he may require reimbursement from the municipality."

88. The Code is amended by inserting the following article after article 176.2:

"**176.2.1.** If, after the reports are transmitted under article 176.2, an error is found in the financial report, the secretary-treasurer may make the necessary correction. If the correction is required by the Minister, the secretary-treasurer shall make the correction as soon as possible. The secretary-treasurer shall table any corrected report at the next regular sitting of the council and transmit it to the Minister.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of article 176."

89. Article 176.4 of the Code is amended

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

"The secretary-treasurer shall table two comparative statements at the last regular sitting of the council held at least four weeks before the sitting at which the budget for the following fiscal year is to be adopted.";

(2) by striking out the fourth paragraph.

90. The Code is amended by inserting the following articles after article 433:

"**433.1.** Subject to the second paragraph of article 433.3, a municipality may, by by-law, determine the terms governing publication of its public notices. These terms may differ according to the type of notice, but the by-law must prescribe their publication on the Internet.

Where such a by-law is in force, the mode of publication that it prescribes has precedence over the mode of publication prescribed by articles 431 to 433 or by any other provision of a general law or special Act.

"**433.2.** A by-law adopted under article 433.1 may not be repealed, but it may be amended.

"**433.3.** The Government may, by regulation, set minimum standards relating to the publication of notices on the Internet for any by-law adopted under the first paragraph of article 433.1.

The Government may also provide, by regulation, that the municipalities or any group of municipalities that the Government identifies must adopt a by-law under article 433.1 within the prescribed time.

"**433.4.** The Minister may make a regulation in the place of any municipality that fails to comply with the time prescribed in accordance with article 433.3; the regulation made by the Minister is deemed to be a by-law passed by the council of the municipality."

91. Article 445 of the Code is amended

(1) by replacing the first two paragraphs by the following paragraphs:

"Every by-law must, on pain of nullity, be preceded by a notice of motion and a draft by-law tabled at a sitting of the council, and it can be passed only at a subsequent sitting held on a later date.

The notice of motion and the draft by-law may be tabled at the same sitting or at separate sittings, but the draft by-law may not precede the notice of motion.";

(2) by replacing "may be replaced" in the fourth paragraph by "and the draft by-law may be replaced";

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

"The by-law passed by the council may differ from the draft by-law submitted under the first paragraph."

92. Article 595 of the Code is amended by striking out ", except the provisions relating to the minimum amount of remuneration thus fixed,".

93. Article 620 of the Code is amended by inserting ", 105.2.1" after "105.2" in the first paragraph.

94. Article 935 of the Code is amended

(1) by replacing "The following contracts," in the introductory clause of the first paragraph of subarticle 1 by "A contract of emphyteusis on an immovable of the municipality, or the following contracts,";

(2) by inserting "or for a contract of emphyteusis on an immovable of the municipality" after "or more" in the introductory clause of the third paragraph of subarticle 1.

95. Article 936.0.1 of the Code is amended

(1) by striking out "Subject to article 936.0.1.1," in the first paragraph;

(2) by inserting the following paragraph after the second paragraph:

"The council shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.";

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

"Despite the first paragraph, the council must use the system provided for in that paragraph to award a contract of emphyteusis on an immovable of the municipality."

96. Article 936.0.1.1 of the Code is amended

(1) by replacing "Where a contract for professional services is to be awarded, the council must" in the introductory clause of the first paragraph by "The council may";

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

"(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

"(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;";

(3) by replacing "50" in subparagraph *e* of subparagraph 3 of the first paragraph by "the factor determined under subparagraph 2.2";

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

"The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.";

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

"The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.";

(6) by striking out the fifth paragraph.

97. The Code is amended by inserting the following article after article 936.0.1.1:

"**936.0.1.2.** Where a contract for professional services is to be awarded, the council must use the system of bid weighting and evaluating provided for in article 936.0.1 or 936.0.1.1."

98. Article 936.0.5 of the Code is amended

(1) by replacing "936.0.1 to award a contract described in the second paragraph" in the first paragraph by "936.1.0.1 or 936.1.0.1.1";

(2) by striking out the second paragraph;

(3) by replacing "council shall establish a selection committee consisting of at least three members, other than council members; the committee" in the fourth paragraph by "selection committee";

(4) by adding the following paragraph at the end:

"The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the council to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization."

99. Article 938 of the Code is amended by replacing the last paragraph by the following paragraph:

"Article 936 does not apply to a contract

(1) covered by the regulation in force made under article 938.0.1; or

(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM)."

100. Article 938.1.2 of the Code is amended

(1) by inserting the following paragraph after the third paragraph:

"The contract management policy may prescribe the rules governing the awarding of contracts that involve an expenditure of at least $25,000 but less than $100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, article 936 does not apply to those contracts.";

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

"A report on the implementation of the municipality's policy must be tabled annually at a sitting of the council."

101. Article 955 of the Code is repealed.

102. Article 961.3 of the Code is amended

(1) by inserting the following paragraph after the fourth paragraph:

"If the contract involves an expenditure of at least $25,000 but less than $100,000, is not referred to in the fourth paragraph, and is made under a provision of the contract management policy adopted under the fourth paragraph of article 938.1.2, the list must mention how the contract was awarded.";

(2) by replacing "fourth and fifth" and "fifth paragraph" in the last paragraph by "fourth, fifth and sixth" and "sixth paragraph", respectively.

103. Article 961.4 of the Code is amended by adding the following paragraph at the end:

"The municipality must also publish, by means of the electronic tendering system mentioned in the first paragraph and not later than 31 January, the list of all contracts involving an expenditure exceeding $2,000 entered into in the

last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding $25,000. The list must state, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract."

104. Article 966.2 of the Code is replaced by the following article:

"**966.2.** The external auditor shall audit, for the fiscal year for which he was appointed, the municipality's financial statements and report to the council on the audit.

In the report, which shall be transmitted to the secretary-treasurer, the external auditor shall state, in particular, whether the financial statements faithfully represent the municipality's financial position on 31 December and the results of its operations for the fiscal year ending on that date.

The external auditor shall report to the secretary-treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy and on the audit of the statement fixing the aggregate taxation rate, in respect of which the chief auditor shall declare whether the effective rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1)."

105. Article 966.3 of the Code is repealed.

106. The Code is amended by inserting the following chapters after article 1000:

"**CHAPTER II.1**

"GENERAL TAXATION POWER

"**1000.1.** Every local municipality may, by by-law, impose a municipal tax in its territory, provided it is a direct tax and the by-law meets the criteria set out in the fourth paragraph.

The municipality is not authorized to impose the following taxes:

(1) a tax in respect of the supply of a property or a service;

(2) a tax on income, revenue, profits or receipts, or in respect of similar amounts;

(3) a tax on paid-up capital, reserves, retained earnings, contributed surplus or indebtedness, or in respect of similar amounts;

(4) a tax in respect of machinery and equipment used in scientific research and experimental development or in manufacturing and processing or in respect

of any assets used to enhance productivity, including computer hardware and software;

(5) a tax in respect of remuneration that an employer pays or must pay for services, including non-monetary remuneration that the employer confers or must confer;

(6) a tax on wealth, including an inheritance tax;

(7) a tax on an individual because the latter is present or resides in the territory of the municipality;

(8) a tax in respect of alcoholic beverages within the meaning of section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);

(9) a tax in respect of tobacco or raw tobacco within the meaning of section 2 of the Tobacco Tax Act (chapter I-2);

(10) a tax in respect of fuel within the meaning of section 1 of the Fuel Tax Act (chapter T-1);

(11) a tax in respect of a natural resource;

(12) a tax in respect of energy, in particular electric power; or

(13) a tax collected from a person who uses a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), in respect of equipment placed under, on or above a public highway to provide a public service.

For the purposes of subparagraph 1 of the second paragraph, "property", "supply" and "service" have the meanings assigned to them by the Act respecting the Québec sales tax (chapter T-0.1).

The by-law referred to in the first paragraph must state

(1) the subject of the tax to be imposed;

(2) the tax rate or the amount of tax payable; and

(3) how the tax is to be collected and the designation of any persons authorized to collect the tax as agents for the municipality.

The by-law referred to in the first paragraph may prescribe

(1) exemptions from the tax;

(2) penalties for failing to comply with the by-law;

(3) collection fees and fees for insufficient funds;

(4) interest and specific interest rates on outstanding taxes, penalties or fees;

(5) assessment, audit, inspection and inquiry powers;

(6) refunds and remittances;

(7) the keeping of registers;

(8) the establishment and use of dispute resolution mechanisms;

(9) the establishment and use of enforcement measures if a portion of the tax, interest, penalties or fees remains unpaid after it is due, including measures such as garnishment, seizure and sale of property;

(10) considering the debt for outstanding taxes, including interest, penalties and fees, to be a prior claim on the immovables or movables in respect of which it is due, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and creating and registering a security by a legal hypothec on the immovables or movables; and

(11) criteria according to which the rate and the amount of the tax payable may vary.

"**1000.2.** The municipality is not authorized to impose a tax under article 1000.1 in respect of

(1) the State, the Crown in right of Canada or one of their mandataries;

(2) a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d'art dramatique du Québec;

(3) a private educational institution operated by a non-profit body in respect of an activity that is exercised in accordance with a permit issued under the Act respecting private education (chapter E-9.1), a private educational institution accredited for purposes of subsidies under that Act or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

(4) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2);

(5) a private institution referred to in paragraph 3 of section 99 or section 551 of the Act respecting health services and social services in respect of an activity that is exercised in accordance with a permit issued to the institution under that Act and is inherent in the mission of a local community service centre, a residential and long-term care centre or a rehabilitation centre within the meaning of that Act;

(6) a childcare centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(7) any other person determined by a regulation of the Government.

A tax imposed under article 1000.1 does not give entitlement to the payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1).

"**1000.3.** Article 1000.1 does not limit any other taxation power granted to the municipality by law.

"**1000.4.** The use of an enforcement measure established by a by-law adopted under article 1000.1 does not prevent the municipality from using any other remedy provided by law to recover the amounts owing under this chapter.

"**1000.5.** The municipality may enter into an agreement with another person, including the State, for the collection and recovery of a tax imposed under article 1000.1 and the administration and enforcement of a by-law imposing the tax. The agreement may authorize the person to collect the taxes and oversee the administration and enforcement of the by-law on the municipality's behalf.

"**CHAPTER II.2**

"DUES

"**1000.6.** Every local municipality may charge dues to help fund a regulatory regime applicable to a matter under its jurisdiction. Dues may also be charged with the main goal of furthering achievement of the objectives of the regime by influencing citizens' behaviour.

Revenues from the dues must be paid into a fund established exclusively to receive them and help fund the regime.

The first paragraph applies subject to sections 145.21 to 145.30 of the Act respecting land use planning and development (chapter A-19.1), to the extent that the dues charged are paid by an applicant for a building or subdivision permit or for a certificate of authorization or occupancy and that the dues are used to finance an expense referred to in subparagraph 2 of the first paragraph of section 145.21 of that Act.

"**1000.7.** The decision to charge dues is made by a by-law that must

(1) identify the regulatory regime and its objectives;

(2) specify to whom the dues are to be charged;

(3) determine the amount of the dues or a way of determining the amount, including any criteria according to which the amount may vary;

(4) establish the reserve fund and expressly identify the purposes for which the sums paid into it may be used; and

(5) state how the dues are to be collected.

The by-law may prescribe collection fees and fees for insufficient funds.

The municipality shall send an authenticated copy of the by-law to the Minister of Municipal Affairs, Regions and Land Occupancy within 15 days after its adoption.

"**1000.8.** The dues may be charged only to a person benefiting from the regulatory regime identified in the by-law or carrying on activities that require regulation.

"**1000.9.** The amount of the dues may not be determined on the basis of an element referred to in subparagraphs 2 to 6 or 8 to 12 of the second paragraph of article 1000.1, with the necessary modifications, or on the basis of residency in the municipality's territory.

Any criterion according to which the amount of the dues may vary must be justified in relation to the objectives of the regulatory regime.

"**1000.10.** The municipality may enter into an agreement with another person, including the State, providing for the collection and recovery of dues and the administration and enforcement of the by-law under which dues are charged.

"**1000.11.** The municipality is not authorized to charge dues under article 1000.6 from a person mentioned in any of subparagraphs 1 to 7 of the first paragraph of article 1000.2.

The Government may prohibit the collection of dues under article 1000.6 or impose restrictions with respect to such collection if it considers that those dues conflict with or duplicate dues that are or may be charged by another public body within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1).

The Government's decision takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date mentioned in the decision.

Dues charged under article 1000.6 do not give entitlement to the payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation."

107. Article 1061 of the Code is amended by inserting the following paragraphs after the third paragraph:

"Likewise, a loan by-law requires only the approval of the Minister if

(1) the object of the by-law is to carry out road construction, drinking water supply or waste water disposal work, or any incidental expenditure; and

(2) the repayment of the loan is assured by the general revenues of the municipality or is entirely borne by the owners of immovables in the entire territory of the municipality.

A loan by-law also requires only the approval of the Minister if at least 50% of the expenditure to be incurred is eligible for a subsidy, payment of which is assured by the Government or one of its ministers or bodies. In such a case, the Minister may, however, require that the loan by-law be submitted for approval to the qualified voters."

108. The Code is amended by inserting the following article after article 1061:

"**1061.1.** A municipality may, by a by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, order a loan for an amount not exceeding the amount of a subsidy of which payment is assured by the Government or one of its ministers or bodies and for a term corresponding to the payment period of the subsidy.

The by-law's sole object may be a loan for an amount corresponding to the subsidy and, despite article 1063.1, the sums borrowed may be used, in whole or in part, to repay the general fund of the municipality.

For the purposes of the two preceding paragraphs, the amount of the loan is deemed not to exceed that of the subsidy if the amount by which the former exceeds the latter is not greater than 10% of the subsidy and corresponds to the amount needed to pay the interest on the temporary loan contracted and the financing expenses related to the securities issued."

109. Article 1072 of the Code is amended by striking out the fourth paragraph.

110. Article 1093.1 of the Code is repealed.

111. The Code is amended by inserting the following title after article 1104.8:

"**TITLE XXVIII.2**

"DISSEMINATION OF CERTAIN INFORMATION

"**1104.9.** The Government may, by regulation, determine the information that every municipality is required to disseminate in an open document format on a storage medium so that it can be reused.

The regulation must set out the terms governing the dissemination of such information, which terms may vary according to the different classes of municipalities."

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

112. Section 105.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended

(1) by inserting the following paragraph after the fourth paragraph:

"If the contract involves an expenditure of at least $25,000 but less than $100,000, is not referred to in the fourth paragraph, and is made under a provision of the contract management policy adopted under the fourth paragraph of section 113.2, the list must mention how the contract was awarded.";

(2) by replacing "fourth and fifth" and "fifth paragraph" in the last paragraph by "fourth, fifth and sixth" and "sixth paragraph", respectively.

113. Section 105.3 of the Act is amended by adding the following paragraph at the end:

"The Community must also publish, by means of the electronic tendering system mentioned in the first paragraph and not later than 31 January, the list of all contracts involving an expenditure exceeding $2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding $25,000. The list must state, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract."

114. Section 106 of the Act is amended by replacing the introductory clause of the first paragraph by "A contract of emphyteusis on an immovable of the Community, or the following contracts if they involve an expenditure of $100,000 or more, may be awarded only in accordance with section 108:".

115. Section 108 of the Act is amended

(1) by inserting "of emphyteusis on an immovable of the Community or any contract" after "Any contract" in the first paragraph;

(2) by inserting "a contract of emphyteusis on an immovable of the Community or for" after "tenders for" in the introductory clause of the second paragraph.

116. Section 109 of the Act is amended

(1) by striking out "Subject to section 109.1," in the first paragraph;

(2) by inserting the following paragraph after the second paragraph:

"The Community shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.";

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

"Despite the first paragraph, the Community must use the system provided for in that paragraph to award a contract of emphyteusis on an immovable of the Community."

117. Section 109.1 of the Act is amended

(1) by replacing "Where a contract for professional services is to be awarded, the Community must" in the introductory clause of the first paragraph by "The Community may";

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

"(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

"(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;";

(3) by replacing "50" in subparagraph *e* of subparagraph 3 of the first paragraph by "the factor determined under subparagraph 2.2";

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

"The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.";

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

"The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.";

(6) by striking out the fifth paragraph.

118. The Act is amended by inserting the following section after section 109.1:

"**109.2.** Where a contract for professional services is to be awarded, the Community must use the system of bid weighting and evaluating provided for in section 109 or 109.1."

119. The Act is amended by inserting the following sections after section 112:

"**112.0.0.1.** If the Community uses a system of bid weighting and evaluating described in section 109 or 109.1, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

A call for tenders for such contracts must also contain

(1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;

(2) the procedure and the time period, which may not exceed six months, for holding discussions; and

(3) provisions allowing the Community to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information.

The selection committee shall evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary's report referred to in section 112.0.0.8.

The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the Community to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who has submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.

"**112.0.0.2.** In addition to any publication required under subparagraph 1 of the second paragraph of section 108, every call for final tenders must be sent in writing to each tenderer referred to in the first paragraph of section 112.0.0.1.

"**112.0.0.3.** In the case of a call for tenders described in section 112.0.0.1 or 112.0.0.2, the prohibition set out in the eighth paragraph of section 108 applies until the reports referred to in section 112.0.0.8 are tabled.

"**112.0.0.4.** The ninth paragraph of section 108 does not apply to a tender submitted following a call for tenders described in section 112.0.0.1 or 112.0.0.2.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the report referred to in section 112.0.0.8.

"**112.0.0.5.** If the Community establishes a qualification process described in section 110 to award a single contract under section 112.0.0.1, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

"**112.0.0.6.** Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in sections 112.0.0.1 and 112.0.0.2 and the basic elements of the tender.

"**112.0.0.7.** The discussions and negotiations described in sections 112.0.0.1 and 112.0.0.6 are, in the case of the Community, under the responsibility of a person identified in the call for tenders who may neither be a council member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in that person's report referred to in section 112.0.0.8.

"**112.0.0.8.** The contract may not be entered into before the secretary of the selection committee and the person referred to in section 112.0.0.7 table their reports before the council.

The report of the person referred to in section 112.0.0.7 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process."

120. Section 113.2 of the Act is amended

(1) by inserting the following paragraph after the third paragraph:

"The contract management policy may prescribe the rules governing the awarding of contracts that involve an expenditure of at least $25,000 but less than $100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, the second paragraph of section 106 and section 107 do not apply to those contracts.";

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

"A report on the implementation of the Community's policy must be tabled annually at a sitting of the council."

121. Section 162 of the Act is repealed.

122. Section 207 of the Act is replaced by the following section:

"**207.** At the end of the fiscal year, the treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include the Community's financial statements and any other document or information required by the Minister.

The treasurer shall also produce any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs."

123. Section 208 of the Act is replaced by the following section:

"**208.** The treasurer shall, at a meeting of the council, table the financial report, the auditor's report transmitted under section 215 and any other document whose tabling is prescribed by the Minister."

124. Section 209 of the Act is replaced by the following section:

"**209.** After the reports are tabled under section 208 and not later than 15 May, the secretary shall transmit the financial report and the auditor's report to the Minister and to each municipality whose territory is situated within the territory of the Community.

The secretary shall also transmit the documents and information referred to in the second paragraph of section 207 to the Minister within the time prescribed by the Minister."

125. The Act is amended by inserting the following section after section 209:

"**209.1.** If, after the reports are transmitted under section 209, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister, the treasurer shall make the correction as soon as possible. The treasurer shall table any corrected report at the next sitting of the council and the secretary shall transmit it to the Minister and to each municipality referred to in section 209.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 207."

126. Section 210 of the Act is amended by striking out the second paragraph.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

127. Section 98.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended

(1) by inserting the following paragraph after the fourth paragraph:

"If the contract involves an expenditure of at least $25,000 but less than $100,000, is not referred to in the fourth paragraph and is made under a provision of the contract management policy adopted under the fourth paragraph of section 106.2, the list must mention how the contract was awarded.";

(2) by replacing "fourth and fifth" and "fifth paragraph" in the last paragraph by "fourth, fifth and sixth" and "sixth paragraph", respectively.

128. Section 98.3 of the Act is amended by adding the following paragraph at the end:

"The Community must also publish, by means of the electronic tendering system mentioned in the first paragraph and not later than 31 January, the list of all contracts involving an expenditure exceeding $2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding $25,000. The list must state,

for each contract, the name of the contracting party, the amount of the consideration and the object of the contract."

129. Section 99 of the Act is amended by replacing the introductory clause of the first paragraph by "A contract of emphyteusis on an immovable of the Community, or the following contracts if they involve an expenditure of $100,000 or more, may be awarded only in accordance with section 101:".

130. Section 101 of the Act is amended

(1) by inserting "of emphyteusis on an immovable of the Community or any contract" after "Any contract" in the first paragraph;

(2) by inserting "a contract of emphyteusis on an immovable of the Community or for" after "tenders for" in the introductory clause of the second paragraph.

131. Section 102 of the Act is amended

(1) by striking out "Subject to section 102.1," in the first paragraph;

(2) by inserting the following paragraph after the second paragraph:

"The Community shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.";

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

"Despite the first paragraph, the Community must use the system provided for in that paragraph to award a contract of emphyteusis on an immovable of the Community."

132. Section 102.1 of the Act is amended

(1) by replacing "Where a contract for professional services is to be awarded, the Community must" in the introductory clause of the first paragraph by "The Community may";

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

"(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

"(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;";

(3) by replacing "50" in subparagraph *e* of subparagraph 3 of the first paragraph by "the factor determined under subparagraph 2.2";

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

"The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.";

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

"The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender respecting the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.";

(6) by striking out the fifth paragraph.

133. The Act is amended by inserting the following section after section 102.1:

"**102.2.** Where a contract for professional services is to be awarded, the Community must use the system of bid weighting and evaluating provided for in section 102 or 102.1."

134. The Act is amended by inserting the following sections after section 105:

"**105.0.0.1.** If the Community uses a system of bid weighting and evaluating described in section 102 or 102.1, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

A call for tenders for such contracts must also contain

(1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;

(2) the procedure and the time period, which may not exceed six months, for holding discussions; and

(3) provisions allowing the Community to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information.

The selection committee shall evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary's report referred to in section 105.0.0.8.

The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the Community to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who has submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.

"**105.0.0.2.** In addition to any publication required under subparagraph 1 of the second paragraph of section 101, every call for final tenders must be sent in writing to each tenderer referred to in the first paragraph of section 105.0.0.1.

"**105.0.0.3.** In the case of a call for tenders described in section 105.0.0.1 or 105.0.0.2, the prohibition set out in the eighth paragraph of section 101 applies until the reports referred to in section 105.0.0.8 are tabled.

"**105.0.0.4.** The ninth paragraph of section 101 does not apply to a tender submitted following a call for tenders described in section 105.0.0.1 or 105.0.0.2.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the report referred to in section 105.0.0.8.

"**105.0.0.5.** If the Community establishes a qualification process described in section 103 to award a single contract under section 105.0.0.1, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

"**105.0.0.6.** Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in sections 105.0.0.1 and 105.0.0.2 and the basic elements of the tender.

"**105.0.0.7.** The discussions and negotiations described in sections 105.0.0.1 and 105.0.0.6 are, in the case of the Community, under the

responsibility of a person identified in the call for tenders who may neither be a council member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in that person's report referred to in section 105.0.0.8.

"**105.0.0.8.** The contract may not be entered into before the secretary of the selection committee and the person referred to in section 105.0.0.7 table their reports before the council.

The report of the person referred to in section 105.0.0.7 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process."

135. Section 106.2 of the Act is amended

(1) by inserting the following paragraph after the third paragraph:

"The contract management policy may prescribe the rules governing the awarding of contracts that involve an expenditure of at least $25,000 but less than $100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, the second paragraph of section 99 and section 100 do not apply to those contracts.";

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

"A report on the implementation of the Community's policy must be tabled annually at a sitting of the council."

136. Section 154 of the Act is repealed.

137. Section 194 of the Act is replaced by the following section:

"**194.** At the end of the fiscal year, the treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include the Community's financial statements and any other document or information required by the Minister.

The treasurer shall also produce any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs."

138. Section 195 of the Act is replaced by the following section:

"**195.** The treasurer shall, at a meeting of the council, table the financial report, the auditor's report transmitted under section 202 and any other document whose tabling is prescribed by the Minister."

139. Section 196 of the Act is replaced by the following section:

"**196.** After the reports are tabled under section 195 and not later than 15 May, the secretary shall transmit the financial report and the auditor's report to the Minister and to each municipality whose territory is situated within the territory of the Community.

The secretary shall also transmit the documents and information referred to in the second paragraph of section 194 to the Minister within the time prescribed by the Minister."

140. The Act is amended by inserting the following section after section 196:

"**196.1.** If, after the reports are transmitted under section 196, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister, the treasurer shall make the correction as soon as possible. The treasurer shall table any corrected report at the next sitting of the council and the secretary shall transmit it to the Minister and to each municipality referred to in section 196.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 194."

MUNICIPAL POWERS ACT

141. The Municipal Powers Act (chapter C-47.1) is amended by inserting the following section after section 91:

"**91.1.** A local municipality may grant assistance to any solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).

The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under the first paragraph."

142. Section 92.1 of the Act is amended by replacing the last sentence of the second paragraph by the following sentence: "The value of the assistance that may be granted in this way for all of the beneficiaries may not exceed, per fiscal year, $300,000 for Ville de Montréal and for Ville de Québec and $250,000 for any other municipality."

143. The Act is amended by inserting the following section after section 123:

"**123.1.** A regional county municipality may grant assistance to any solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM)."

144. Section 125 of the Act is amended by replacing the first two paragraphs by the following paragraphs:

"A regional county municipality may establish an investment fund intended to provide financial support to enterprises in a start-up or developmental phase and give or lend money to such a fund.

The fund must be administered by the regional county municipality or by a non-profit body established for that purpose."

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

145. Section 2 of the Act respecting duties on transfers of immovables (chapter D-15.1) is amended

(1) by replacing "Ville de Montréal" in the third paragraph by "any municipality";

(2) by adding the following sentence at the end of the third paragraph: "A rate set under this paragraph may not, except in the case of Ville de Montréal, exceed 3%."

146. The Act is amended by inserting the following section after section 2:

"**2.1.** Each of the amounts establishing the parts of the basis of imposition provided for in the first paragraph of section 2 shall be indexed annually. The indexation shall consist in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to the Institut de la statistique du Québec, of the all-items Consumer Price Index for Québec.

That rate is established by

(1) subtracting the index established for the third year preceding the fiscal year concerned from the index established for the second year preceding that fiscal year; and

(2) dividing the difference obtained under subparagraph 1 by the index established for the third year preceding the fiscal year concerned.

If the indexation results in a number that includes tens or units, those tens and units are not considered and, if those tens and units would have represented a number greater than 49, the result is rounded up to the nearest hundred.

If an increase is impossible for the fiscal year concerned, the amount applicable for that fiscal year shall be equal to the amount applicable for the preceding fiscal year.

Not later than 31 July before the beginning of the fiscal year concerned, the Minister of Municipal Affairs, Regions and Land Occupancy shall publish a notice in the *Gazette officielle du Québec*

(1) stating the percentage corresponding to the rate of increase used to establish any amount applicable for that fiscal year or, as the case may be, stating that an increase is impossible for that fiscal year; and

(2) stating any amount applicable for that fiscal year."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

147. Section 305 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended

(1) by inserting "a solidarity cooperative," after "(chapter A-2.1)," in paragraph 2.1;

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

"For the purposes of subparagraph 2.1 of the first paragraph, a solidarity cooperative is a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates and the payment of interest on any category of preferred shares, unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM)."

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

148. Section 34 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) is amended by adding "and a draft by-law" at the end of the second paragraph.

149. Section 85 of the Act is amended by inserting "otherwise than under section 500.1 of the Cities and Towns Act (chapter C-19) or article 1000.1 of the Municipal Code of Québec (chapter C-27.1)" at the end of the first paragraph.

150. Section 97 of the Act is repealed.

151. The Act is amended by inserting the following section after section 99.1:

"**99.2.** The urban agglomeration may, by a by-law subject to the right of objection provided for in section 115, exercise the power granted under section 500.6 of the Cities and Towns Act (chapter C-19) or article 1000.6 of the Municipal Code of Québec (chapter C-27.1), as the case may be."

152. Section 115 of the Act is amended

(1) by replacing "or 85" in the first paragraph by ", 85 or 99.2";

(2) by inserting "and a draft by-law" after "motion" in the last paragraph.

153. Section 118.10 of the Act is amended by inserting "99.2," after "69,".

154. Section 118.12 of the Act is amended by inserting "99.2," after "69,".

155. Section 118.39 of the Act is amended by inserting ", 99.2" after "69".

156. Section 118.95 of the Act is amended by inserting "99.2," after "69,".

157. Section 139 of the Act is amended by striking out ", including the application of the minimum and maximum set out in the Act respecting the remuneration of elected municipal officers (chapter T-11.001)" in subparagraph 1 of the first paragraph.

ACT RESPECTING MUNICIPAL TAXATION

158. Section 244.39 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing "projected aggregate taxation" in the second paragraph by "basic".

159. Section 244.40 of the Act is amended

(1) by replacing "3" in the first paragraph by "4.1 in the case of a municipality having a population of less than 5,000 inhabitants and whose territory is not included in an urban agglomeration, provided for in Title II of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), having a total population of more than 5,000 inhabitants, and 4.4 in all other cases";

(2) by replacing "3.7" in subparagraphs 2 to 5 of the second paragraph by "4.8";

(3) by replacing "3.4" in subparagraphs 6 to 9 of the second paragraph by "4.45";

(4) by adding the following subparagraphs at the end of the second paragraph:

"(10) in the case of Ville de Terrebonne: 4.45;

"(11) in the case of any municipality whose territory is included in the Communauté maritime des Îles-de-la-Madeleine: 4.8."

160. Section 244.43 of the Act is amended

(1) by replacing "70" in the second paragraph by "66.6";

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

"The rate specific to the category of industrial immovables shall not exceed 133.3% of the rate specific to the category of non-residential immovables nor the product obtained by multiplying the municipality's basic rate by the coefficient applicable under section 244.44.";

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

"For the purposes of the third paragraph, if subcategories are established in accordance with subdivision 6 of this division, a reference to the rate specific to the category of non-residential immovables is deemed to be a reference to the rate specific to the reference subcategory."

161. Section 244.44 of the Act is replaced by the following section:

"**244.44.** The applicable coefficient is 4.5 in the case of a municipality having a population of less than 5,000 inhabitants and whose territory is not included in an urban agglomeration, provided for in Title II of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), having a total population of more than 5,000 inhabitants, and 5 in all other cases.

However, a municipality whose territory is included in the urban agglomeration of Montréal provided for in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations may, by by-law, determine a coefficient that is greater than the one applicable to it under the first paragraph."

162. Sections 244.45 to 244.45.4 of the Act are repealed.

163. Section 244.46 of the Act is amended by replacing the second paragraph by the following paragraph:

"It may not exceed 133.3% of the basic rate."

164. Sections 244.47 to 244.48.1 of the Act are repealed.

165. Section 244.49 of the Act is amended by replacing "twice" in the second paragraph by "three times".

166. Section 244.49.0.1 of the Act is amended by replacing "the minimum rate specific to that category" in the second paragraph by "66.6% of that rate".

167. Sections 244.49.0.2 to 244.49.0.4 of the Act are repealed.

168. The Act is amended by inserting the following subdivisions after section 244.64:

"§6. — *Rules relating to the establishment of subcategories of immovables within the category of non-residential immovables*

"**244.64.1.** For the purpose of setting, for a given fiscal year, two or more rates specific to the category of non-residential immovables, any local municipality may, in accordance with this subdivision, divide the composition of that category, as provided for in section 244.33, into up to a maximum of four subcategories of immovables, including a reference subcategory.

The resolution establishing the subcategories referred to in the first paragraph must be adopted before the deposit of the roll concerned and may not be amended or repealed after the deposit. It shall have effect for the purposes of the fiscal years to which the roll applies.

"**244.64.2.** Any criterion for determining the subcategories, other than the reference subcategory, must be based on a characteristic of the non-residential immovables entered on the roll.

The location of an immovable in the territory of a municipality may not be used as a determining criterion.

"**244.64.3.** The composition of the reference subcategory shall vary according to the various assumptions concerning the existence of rates specific to the other subcategories and to the category of industrial immovables.

On the assumption that a rate specific to one or more other subcategories exists, a unit of assessment belongs to the reference subcategory if it does not belong to the subcategory or one of the subcategories, as the case may be, in respect of which the assumption is made.

For the purposes of this subdivision, a unit of assessment that would belong to the category of industrial immovables, on the assumption that a rate specific to that category exists, belongs to the reference subcategory in the event that the assumption is not realized.

"**244.64.4.** Section 57.1.1 applies, with the necessary modifications, to the identification of the units of assessment that belong to the subcategories

established by the resolution adopted under section 244.64.1 and the entry of the information required for the purposes of this subdivision.

Any assessment notice sent to a person under this Act must, if applicable, specify the subcategory determined under this subdivision to which the unit of assessment belongs and provide any information required for the purposes of this subdivision regarding that unit.

"**244.64.5.** If a resolution adopted under section 244.64.1 is in force, the municipality may, for a fiscal year to which that resolution applies, set a rate specific to any subcategory determined by that resolution.

"**244.64.6.** The rules in section 244.39 for establishing the rate specific to the category of non-residential immovables apply, with the necessary modifications, to the rate specific to any subcategory.

The rate specific to any subcategory other than the reference subcategory must also be equal to or greater than 66.6% of the rate specific to the reference subcategory and may not exceed 133.33% of that rate.

"**244.64.7.** Section 244.32, the second paragraph of section 244.36.1 and sections 244.50 to 244.58 shall apply, with the necessary modifications, to the subcategories contemplated in this subdivision and the rates set in accordance with it.

For that application, a reference to a rate specific to the category of non-residential immovables is deemed to be a reference to the rate specific to the subcategory to which the unit of assessment concerned by the application belongs.

However, if a unit of assessment belongs to more than one subcategory or to a combination of more than one category and subcategories and the value of the unit or part of a unit associated with such a combination is less than 25 million dollars, the unit or part, as the case may be, is deemed to belong to the category or subcategory corresponding to the predominant part of its value.

If the value of the unit or part of a unit associated with such a combination is equal to or greater than 25 million dollars, that value shall be divided among the applicable categories and subcategories in proportion to the value of each part representing 30% or more of that value.

"**244.64.8.** If a provision of an Act refers to the category of non-residential immovables, that provision is deemed to refer, with the necessary modifications, to any subcategory established in accordance with this subdivision.

"§7. — *Rules relating to the establishment of separate property tax rates for the category of non-residential immovables based on the property assessment*

"**244.64.9.** As part of the application of a strategy intended to reduce the difference in the tax burden applicable in respect of residential and non-residential immovables, the municipality may, rather than set a single rate specific to the category of non-residential immovables, to each subcategory of non-residential immovables or to the category of industrial immovables, set a second, higher rate, applicable beginning only at a certain level of taxable value specified by the municipality.

The second rate may not exceed 133.3% of the first and the product obtained by multiplying the municipality's basic rate by, in the case of an immovable in the category or a subcategory of non-residential immovables, the coefficient applicable under section 244.40 or, in the case of an immovable within the category of industrial immovables, the coefficient applicable under section 244.44."

169. Section 244.69 of the Act is amended by replacing "is" in the first paragraph by "and draft by-law are".

170. Section 253.27 of the Act is amended by adding the following paragraphs at the end:

"The resolution may also specify that the averaging applies only to the units of assessment belonging to

(1) the group described in section 244.31; or

(2) the group comprised of all the units of assessment not included in the group referred to in subparagraph 1.

For the purposes of the fourth paragraph, if a unit belongs to both groups, the averaging applies only to the part of the value of the unit that can be attributed to any category of the group referred to in the resolution."

171. Section 253.28 of the Act is amended by inserting "Subject to the power provided for in the fourth paragraph of section 253.27," at the beginning of the first paragraph.

172. Section 253.37 of the Act is amended by adding the following paragraphs at the end:

"The municipality may, in the by-law, specify that the abatement applies only to the units of assessment belonging to

(1) the group described in section 244.31; or

(2) the group comprised of all the units of assessment not included in the group referred to in subparagraph 1.

For the purposes of the fourth paragraph, if a unit belongs to both groups, the abatement shall apply only to the part of the tax associated with any category of the group referred to in the by-law."

173. Section 253.53 of the Act is amended by adding the following at the end of the second paragraph: "It may, in particular, specify that the surcharge applies only to the units of assessment belonging to

(1) the group described in section 244.31; or

(2) the group comprised of all the units of assessment not included in the group referred to in subparagraph 1.

For the purposes of the second paragraph, if a unit belongs to both groups, the surcharge applies only to the part of the tax associated with any category of the group referred to in the by-law."

174. Section 253.54 of the Act is amended by inserting "244.64.4, 244.64.8," after "sections" in the third paragraph.

ACT ESTABLISHING THE EEYOU ISTCHEE JAMES BAY REGIONAL GOVERNMENT

175. Section 40 of the Act establishing the Eeyou Istchee James Bay Regional Government (chapter G-1.04) is amended by striking out "21 to 23," after "sections" in the first paragraph.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

176. Section 21.1 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended by adding the following paragraph at the end:

"It is the preferred forum for consultation between the Government and municipal authorities."

177. Section 21.2 of the Act is replaced by the following section:

"**21.2.** The Table Québec-municipalités is composed of the Minister, the president of the Fédération québécoise des municipalités locales et régionales (FQM), the president of the Union des municipalités du Québec, the mayor of Ville de Montréal and the mayor of Ville de Québec.

It is chaired by the Minister or the Prime Minister, either of whom may invite any person to participate in the work of the Table."

178. The Act is amended by inserting the following section after section 21.23.1:

"**21.23.2.** Despite sections 197, 201 and 202 of the Act respecting land use planning and development (chapter A-19.1), any decision of the council of a regional county municipality relating to the administration of the amounts received from the Fund, including the decision to entrust that administration to its executive committee or a member of that committee or to its general manager, must be made by an affirmative vote of the majority of the members present, regardless of the number of votes granted to them in the order constituting the regional county municipality, and the total of the populations awarded to the representatives who cast the affirmative votes must be equal to more than half of the total of the populations awarded to the representatives who voted."

ACT RESPECTING LIQUOR PERMITS

179. Section 39 of the Act respecting liquor permits (chapter P-9.1) is amended by replacing ", where required by the municipality in whose territory the establishment is situated, a certificate of occupancy of the establishment issued by the municipality" in subparagraph 3 of the first paragraph by "a certificate issued by the clerk or the secretary-treasurer of the municipality in whose territory the establishment is situated attesting that the establishment complies with the municipal planning by-laws".

180. Section 74 of the Act is amended by replacing the first paragraph by the following paragraph:

"The board shall grant the authorization provided for in section 73, on payment of the duties determined in accordance with the regulations, if

(1) it considers that the activity it authorizes is not likely to disturb public tranquility and that the room or terrace where that activity will take place is arranged in accordance with the standards prescribed for that purpose by regulation;

(2) the permit holder holds a certificate issued by the clerk or the secretary-treasurer of the municipality in whose territory the establishment is situated attesting that the activity complies with the municipal planning by-laws."

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

181. Section 40 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) is amended by replacing the first three paragraphs by the following paragraphs:

"In a reserved area, the owner of a lot whose principal occupation is agriculture on that lot may, without the authorization of the commission, erect a residence for himself, for his child or for his employee on the lot.

A legal person or agricultural operations partnership may also, if it or one of its members or shareholders owns a lot, erect a residence for a shareholder or member whose principal occupation is agriculture on that lot or for an employee assigned to the agricultural activities of the operation."

182. Section 59.4 of the Act is repealed.

183. Section 61.1 of the Act is amended by inserting "In the territory of a community, census agglomeration or census metropolitan area as defined by Statistics Canada," at the beginning of the first paragraph.

184. Section 62 of the Act is amended by adding the following subparagraph at the end of the third paragraph:

"(3) if applicable, the development plan for the agricultural zone of the regional county municipality concerned."

185. Section 80 of the Act is amended

(1) by striking out paragraphs 6.1 and 6.4;

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

"The Government may also prescribe, by regulation, the cases in which the use of lots for purposes other than agriculture may be allowed without the authorization of the commission. The regulation must prescribe conditions to minimize the impact of the allowed uses on existing agricultural activities and enterprises or their development and the possible agricultural use of neighbouring lots."

ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

186. Section 65 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01) is replaced by the following section:

"**65.** At the end of the fiscal year, the Network's treasurer draws up the financial report for that fiscal year and certifies that it is accurate. The report must include the Network's financial statements and any other document or information required by the Minister of Municipal Affairs, Regions and Land Occupancy or the Communauté métropolitaine de Montréal.

The treasurer must also produce any other document or information required by that minister.

That minister may prescribe any rule relating to the documents or information mentioned in the first two paragraphs."

187. The Act is amended by inserting the following section after section 68:

"**68.1.** If, after the report is submitted under section 68, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the necessary correction as soon as possible. The treasurer must table any corrected report before the Network's board of directors and the Network must send it to that Minister, to the Minister of Municipal Affairs, Regions and Land Occupancy and to the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information mentioned in the second paragraph of section 65."

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

188. Section 40 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing the third paragraph by the following paragraph:

"An offence under the Act respecting elections and referendums in municipalities (chapter E-2.2) may entail, for a member, the loss of remuneration or an indemnity if that person loses the right to attend the meetings of the board as a member."

189. Section 92.2 of the Act is amended

(1) by inserting the following paragraph after the fourth paragraph:

"If a contract involves an expenditure of at least $25,000 and less than $100,000, is not referred to in the fourth paragraph and is made in accordance with a provision of the contract management policy adopted under the fourth paragraph of section 103.2, the list must mention how the contract was awarded.";

(2) by replacing "fourth and fifth" and "fifth paragraph" in the last paragraph by "fourth, fifth and sixth" and "sixth paragraph", respectively.

190. Section 92.3 of the Act is amended by adding the following paragraph at the end:

"The transit authority must also publish, by means of the electronic tendering system mentioned in the first paragraph and not later than 31 January, the list of all contracts involving an expenditure exceeding $2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding $25,000. That list must state,

for each contract, the name of the contracting party, the amount of the consideration and the object of the contract."

191. Section 93 of the Act is amended by replacing the introductory clause of the first paragraph by "A contract of emphyteusis on an immovable of the transit authority, or the following contracts if they involve an expenditure of $100,000 or more, may be made only in accordance with section 95:".

192. Section 95 of the Act is amended

(1) by inserting "of emphyteusis relating to an immovable of the transit authority or any contract" after "Any contract" in the first paragraph;

(2) by inserting "a contract of emphyteusis on an immovable of the transit authority or for" after "tenders for" in the introductory clause of the second paragraph.

193. Section 96 of the Act is amended

(1) by striking out "Subject to section 96.1," in the first paragraph;

(2) by inserting the following paragraph after the second paragraph:

"The transit authority shall establish a selection committee of at least three members, other than members of the board of directors, which must evaluate each tender and assign it a number of points for each criterion.";

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

"Despite the first paragraph, the transit authority must use the system provided for in that paragraph to award a contract of emphyteusis relating to its immovables."

194. Section 96.1 of the Act is amended

(1) by replacing "Where a contract for professional services is to be awarded, a transit authority must" in the introductory clause of the first paragraph by "A transit authority may";

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

"(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

"(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;";

(3) by replacing "50" in subparagraph *e* of subparagraph 3 of the first paragraph by "the factor determined under subparagraph 2.2";

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

"The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price;

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to the final tenders by the selection committee.";

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

"The board of directors may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender received the highest final score, the board shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.";

(6) by striking out the fifth paragraph.

195. The Act is amended by inserting the following sections after section 99:

"**99.0.1.** If the transit authority uses a system of bid weighting and evaluating described in section 96 or 96.1, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

The call for tenders for such contracts must also contain

(1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;

(2) the procedure and the time period, which may not exceed six months, for holding discussions; and

(3) provisions allowing the transit authority to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information.

The selection committee must evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary's report referred to in section 99.0.8.

The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the transit authority to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.

"**99.0.2.** In addition to any publication required under subparagraph 1 of the second paragraph of section 95, every call for final tenders must be sent in writing to each tenderer referred to in the first paragraph of section 99.0.1.

"**99.0.3.** In the case of a call for tenders described in section 99.0.1 or 99.0.2, the prohibition set out in the eighth paragraph of section 95 applies until the reports referred to in section 99.0.8 are tabled.

"**99.0.4.** The ninth paragraph of section 95 does not apply to a tender submitted following a call for tenders described in section 99.0.1 or 99.0.2.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the report referred to in section 99.0.8.

"**99.0.5.** If the transit authority establishes a qualification process described in section 97 to award a single contract referred to in section 99.0.1, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

"**99.0.6.** Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in sections 99.0.1 and 99.0.2 and the basic elements of the tender.

"**99.0.7.** The discussions and negotiations described in sections 99.0.1 and 99.0.6 are, in the case of the transit authority, under the responsibility of a person identified in the call for tenders who may neither be a board member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in that person's report referred to in section 99.0.8.

"**99.0.8.** The contract may not be entered into before the secretary of the selection committee and the person referred to in section 99.0.7 table their reports before the board.

The report of the person referred to in section 99.0.7 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process."

196. Section 103.2 of the Act is amended

(1) by inserting the following paragraph after the third paragraph:

"The contract management policy may prescribe the rules governing the awarding of contracts that involve an expenditure of at least $25,000 but less than $100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, the second paragraph of section 93 and section 94 do not apply to those contracts.";

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

"A report on the implementation of the transit authority's policy must be tabled annually at a meeting of its board of directors."

197. Section 136 of the Act is replaced by the following section:

"**136.** At the end of the fiscal year, the treasurer shall draw up the financial report for the past fiscal year and certify that it is accurate. The report must include the financial statements and any other document or information required by the Minister of Municipal Affairs, Regions and Land Occupancy.

The treasurer shall also produce any other document or information required by that Minister.

That Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs."

198. Section 137 of the Act is amended by replacing the second sentence by the following sentence: "The auditor shall send his or her report to the treasurer."

199. Section 138 of the Act is replaced by the following section:

"**138.** The treasurer must, at a meeting of the board of directors, table the financial report, the auditor's report sent in accordance with section 137 and any other document the tabling of which is prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy."

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

"**139.** After the reports are tabled under section 138 and not later than 15 April, the secretary shall send the financial report and the auditor's report

to the Minister of Municipal Affairs, Regions and Land Occupancy and to the clerk of the city.

The secretary shall also send to that minister, within the time prescribed by the latter, the documents and information referred to in the second paragraph of section 136."

201. The Act is amended by inserting the following section after section 139:

"**139.1.** If, after the report is transmitted under section 139, an error is found in a financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the necessary correction as soon as possible. The treasurer must table any corrected report before the board of directors and the secretary must send it to that Minister and to the clerk of the city.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 136."

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

202. Section 2 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) is amended by striking out the second, third and fourth paragraphs.

203. Sections 2.1 to 2.3 of the Act are repealed.

204. Section 4 of the Act is repealed.

205. Section 8 of the Act is amended

(1) by replacing "sixth" in subparagraph 4 of the second paragraph by "third";

(2) by striking out the third paragraph.

206. Section 9 of the Act is amended by replacing "basic remuneration or additional" in the first paragraph by "current".

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

"**11.** The treasurer or secretary-treasurer of a municipality whose by-laws are in force shall include, in the financial report of the municipality, a statement on the remuneration and expense allowance received by each council member from the municipality, a mandatary body of the municipality or a supramunicipal body. That information must also be published on the municipality's website

or, if the local municipality does not have a website, on the website of the regional county municipality whose territory includes that of the municipality."

208. Division II of Chapter II of the Act, comprising sections 12 to 17, is repealed.

209. Section 19 of the Act is amended by replacing the first paragraph by the following paragraphs:

"Every member of the council of a municipality receives, in addition to any remuneration fixed in a by-law adopted under section 2, an expense allowance of an amount equal to one-half of that remuneration, up to $16,216.

The amount provided for in the first paragraph must be adjusted on 1 January each year according to the change in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada.

That amount is rounded down to the nearest dollar if it includes a dollar fraction that is less than $0.50 or up to the nearest dollar if it includes a dollar fraction that is equal to or greater than $0.50. The Minister of Municipal Affairs, Regions and Land Occupancy shall publish the results of that adjustment in the *Gazette officielle du Québec*."

210. Section 20 of the Act is repealed.

211. Division IV of Chapter II of the Act, comprising sections 21 to 23, is repealed.

212. Section 24 of the Act is amended by striking out "or provided for in section 17" in the first paragraph.

213. Division VI of Chapter II of the Act, comprising sections 24.1 to 24.4, is repealed.

TRANSPORT ACT

214. Section 48.27 of the Transport Act (chapter T-12) is repealed.

ACT RESPECTING OFF-HIGHWAY VEHICLES

215. Section 47.2 of the Act respecting off-highway vehicles (chapter V-1.2) is amended by replacing the last sentence of the third paragraph by the following sentences: "The Minister may disallow all or part of the by-law at any time. In such a case, the by-law or part of the by-law that has been disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister notifies the municipality of his decision as soon as possible."

216. Section 48 of the Act is amended by replacing "together with a report on the consultation provided for in the preceding paragraphs. The by-law comes into force 90 days after it is passed unless it is the subject of a notice of disallowance published by the Minister in the *Gazette officielle du Québec*" in the fourth paragraph by ". The Minister may disallow all or part of the by-law at any time. In such a case, the by-law or part of the by-law that has been disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister notifies the municipality of his decision as soon as possible".

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

217. Section 40 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) is amended by replacing "22" in the first paragraph of subsection 2.1 by "19".

218. Section 296.2 of the Act is amended by replacing "22" in the first, second and third paragraphs by "19".

REGULATION AUTHORIZING THE SIGNING BY A FUNCTIONARY OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE MINISTÈRE DES TRANSPORTS

219. Section 26.1 of the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5) is repealed.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF MONT-TREMBLANT

220. Section 13 of Order in Council 846-2005 dated 14 September 2005, concerning the urban agglomeration of Mont-Tremblant, is amended by striking out "basic or additional" in the second and fourth paragraphs.

221. Sections 14 and 15 of the Order in Council are repealed.

222. Section 16 of the Order in Council is amended

(1) by striking out "remuneration or" in the first paragraph;

(2) by replacing "remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be," in the second paragraph by "compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19".

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF LA TUQUE

223. Section 15 of Order in Council 1055-2005 dated 9 November 2005, concerning the urban agglomeration of La Tuque, is amended by striking out "basic or additional" in the second and fourth paragraphs.

224. Sections 16 and 17 of the Order in Council are repealed.

225. Section 18 of the Order in Council is amended

(1) by striking out "remuneration or" in the first paragraph;

(2) by replacing "remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be," in the second paragraph by "compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19".

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF SAINTE-AGATHE-DES-MONTS

226. Section 13 of Order in Council 1059-2005 dated 9 November 2005, concerning the urban agglomeration of Sainte-Agathe-des-Monts, is amended by striking out "basic or additional" in the second and fourth paragraphs.

227. Sections 14 and 15 of the Order in Council are repealed.

228. Section 16 of the Order in Council is amended

(1) by striking out "remuneration or" in the first paragraph;

(2) by replacing "remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be," in the second paragraph by "compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19".

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF MONT-LAURIER

229. Section 13 of Order in Council 1062-2005 dated 9 November 2005, concerning the urban agglomeration of Mont-Laurier, is amended by striking out "basic or additional" in the second and fourth paragraphs.

230. Sections 14 and 15 of the Order in Council are repealed.

231. Section 16 of the Order in Council is amended

(1) by striking out "remuneration or" in the first paragraph;

(2) by replacing "remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be," in the second paragraph by "compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19".

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF SAINTE-MARGUERITE-ESTÉREL

232. Section 13 of Order in Council 1065-2005 dated 9 November 2005, concerning the urban agglomeration of Sainte-Marguerite-Estérel, is amended by striking out "basic or additional" in the second and fourth paragraphs.

233. Sections 14 and 15 of the Order in Council are repealed.

234. Section 16 of the Order in Council is amended

(1) by striking out "remuneration or" in the first paragraph;

(2) by replacing "remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be," in the second paragraph by "compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19".

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF COOKSHIRE-EATON

235. Section 13 of Order in Council 1068-2005 dated 9 November 2005, concerning the urban agglomeration of Cookshire-Eaton, is amended by striking out "basic or additional" in the second and fourth paragraphs.

236. Sections 14 and 15 of the Order in Council are repealed.

237. Section 16 of the Order in Council is amended

(1) by striking out "remuneration or" in the first paragraph;

(2) by replacing "remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be," in the second paragraph by "compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19".

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF RIVIÈRE-ROUGE

238. Section 13 of Order in Council 1072-2005 dated 9 November 2005, concerning the urban agglomeration of Rivière-Rouge, is amended by striking out "basic or additional" in the second and fourth paragraphs.

239. Sections 14 and 15 of the Order in Council are repealed.

240. Section 16 of the Order in Council is amended

(1) by striking out "remuneration or" in the first paragraph;

(2) by replacing "remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be," in the second paragraph by "compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19".

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF ÎLES-DE-LA-MADELEINE

241. Section 13 of Order in Council 1130-2005 dated 23 November 2005, concerning the urban agglomeration of Îles-de-la-Madeleine, is amended by striking out "basic or additional" in the second and fourth paragraphs.

242. Sections 14 and 15 of the Order in Council are repealed.

243. Section 16 of the Order in Council is amended

(1) by striking out "remuneration or" in the first paragraph;

(2) by replacing "remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be," in the second paragraph by "compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19".

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF QUÉBEC

244. Section 19 of Order in Council 1211-2005 dated 7 December 2005, concerning the urban agglomeration of Québec, is amended

(1) by striking out "basic or additional" in the first sentence of the second paragraph;

(2) by striking out the second sentence of the second paragraph;

(3) by striking out "basic or additional" in the fourth paragraph.

245. Sections 20 and 21 of the Order in Council are repealed.

246. Section 22 of the Order in Council is amended

(1) by striking out "remuneration or" in the first paragraph;

(2) by replacing "remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be," in the second paragraph by "compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19".

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF LONGUEUIL

247. Section 20 of Order in Council 1214-2005 dated 7 December 2005, concerning the urban agglomeration of Longueuil, is amended

(1) by striking out "basic or additional" in the first sentence of the second paragraph;

(2) by striking out the second sentence of the second paragraph;

(3) by striking out "basic or additional" in the fourth paragraph.

248. Sections 21 and 22 of the Order in Council are repealed.

249. Section 23 of the Order in Council is amended

(1) by striking out "remuneration or" in the first paragraph;

(2) by replacing "remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the

maximum under section 21 or 22, as the case may be," in the second paragraph by "compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19".

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF MONTRÉAL

250. Section 21 of Order in Council 1229-2005 dated 8 December 2005, concerning the urban agglomeration of Montréal, is amended

(1) by striking out "basic or additional" in the first sentence of the second paragraph;

(2) by striking out the second sentence of the second paragraph;

(3) by striking out "basic or additional" in the fourth paragraph.

251. Sections 22 and 23 of the Order in Council are repealed.

252. Section 24 of the Order in Council is amended

(1) by striking out "remuneration or" in the first paragraph;

(2) by replacing "remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be," in the second paragraph by "compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19".

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

253. Despite sections 197, 201 and 202 of the Act respecting land use planning and development (chapter A-19.1), any decision of the council of a regional county municipality relating to the use of amounts paid under the natural resource royalty income sharing program must be made by an affirmative vote of the majority of the members present, regardless of the number of votes granted to them in the order constituting the regional county municipality, and the total of the populations awarded to those representatives who cast affirmative votes must be equal to more than half of the total of the populations awarded to the representatives who voted.

254. Sections 573 and 573.1.0.1 of the Cities and Towns Act (chapter C-19), articles 935 and 936.0.1 of the Municipal Code of Québec (chapter C-27.1), sections 108 and 109 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), sections 101 and 102 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) and sections 95 and

96 of the Act respecting public transit authorities (chapter S-30.01), as amended by sections 62, 63, 94, 95, 115, 116, 130, 131, 192 and 193, do not apply to a contract of emphyteusis for which the awarding process began before (*insert the date of assent to this Act*).

255. Every by-law, regulation, resolution and other instrument adopted, passed or made under a provision of Divisions III and IV of Chapter IV of the Charter of Ville de Montréal (chapter C-11.4), repealed by section 25, is deemed to have been adopted, passed or made under the corresponding provision of the Cities and Towns Act, as enacted by section 58.

256. A by-law adopted under section 2 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) and in force on 1 January 2018 continues to apply until it is amended or replaced under section 2, as amended by section 202.

The remuneration of the members of the council of a municipality that does not have such a by-law is, until the adoption of a by-law under section 2 of that Act, as amended by section 202, the remuneration applicable under sections 12 to 16 of the Act respecting the remuneration of elected municipal officers, as they read before being repealed by section 208, according to the amounts set out in the notice published under section 24.4 of that Act for the 2017 fiscal year.

257. This Act comes into force on (*insert the date of assent to this Act*).