



NATIONAL ASSEMBLY

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Bill 249
(Private)

An Act to amend the charter of the city of Québec

Introduction

**Introduced by
Mr Michel Rivard
Member for Limoilou**



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(Private)

An Act to amend the charter of the city of Québec

WHEREAS it is in the interest of the city of Québec that its charter, chapter 95 of the statutes of 1929 and the Acts amending it, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the charter of the city of Québec (1929, chapter 95), amended by section 1 of chapter 85 of the statutes of 1966-67, by order in council 3653-78 made on 30 November 1978 under section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), by section 194 of chapter 38 of the statutes of 1984, by section 1 of chapter 61 of the statutes of 1984, by section 134 of chapter 27 of the statutes of 1985 and by section 2 of chapter 116 of the statutes of 1986, is again amended

(1) by adding, after subparagraph 2.1 of the second paragraph, the following subparagraph:

“(2.2) enter into contracts for the purpose of transferring or leasing

(a) rights and licences in respect of processes devised by it as well as know-how in its fields of competence and any material allowing subsequent purchasers to use such know-how;

(b) geomatic data or other data concerning its territory.

Such contracts may be entered into for the purpose of a gratuitous transfer or a loan for use where such transfer or loan is in favour of the Government, a minister or agency thereof, a municipality, an urban community, a school board or any other non-profit organization.

The processes, know-how and data of bodies created by the city and of the corporations incorporated at the request of the city are processes, know-how and data of the city.

Any contract with a person or body other than a person or body referred to in the second paragraph must be awarded for a valuable consideration, on pain of nullity;”;

(2) by replacing subparagraph 3 of the second paragraph by the following subparagraph:

“(3) alienate for valuable consideration any movable or immovable property. Each month, the clerk shall publish a notice concerning any property having a value greater than \$25 000 that has been alienated by the city otherwise than by auction or by public tender. The notice shall describe each property and indicate, opposite each property, the price of alienation and the identity of the purchaser;”.

2. Section 4a of the said charter, replaced by section 1 of chapter 55 of the statutes of 1994, is amended by striking out the words “other than professional services,” in the eighth line and by inserting the words “as the case may be,” after the words “to that end” in the tenth line.

3. Section 4e of the said charter, replaced by section 1 of chapter 55 of the statutes of 1994, is amended by replacing the first paragraph by the following paragraph:

“4e. The city may enter into an agreement with the Union des municipalités du Québec, the Union des municipalités régionales de comté et des municipalités locales du Québec inc., the Federation of Canadian Municipalities or with more than one of those bodies for the purchase of equipment or materials, for the carrying out of works or for the awarding of an insurance contract or a contract for the supply of services, by the body or bodies in the name of the city.”

4. The said charter is amended by adding, after section 4e, the following section:

"4e.1 The city may enter into an agreement with the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) or with a department referred to in the second paragraph of section 4 of that Act for the purchase of equipment or materials, for the awarding of an insurance contract or a contract for the supply of services or for the carrying out of works.

The party responsible for carrying out an agreement entered into under section 4a or 4e may, by agreement, delegate that responsibility to the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) or to a department referred to in the second paragraph of section 4 of that Act.

The rules governing the awarding of contracts by the city do not apply to acquisitions made or conditions of acquisition negotiated by the General Purchasing Director or a department in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6)."

5. Section 159a of the said charter, enacted by section 49 of chapter 81 of the statutes of 1965 (1st session) and amended by section 2 of chapter 85 of the statutes of 1966-67, by section 3 of chapter 80 of the statutes of 1973, by section 8 of chapter 42 of the statutes of 1980, by section 3 of chapter 61 of the statutes of 1984, by section 5 of chapter 116 of the statutes of 1986, by section 7 of chapter 33 of the statutes of 1988, by section 5 of chapter 88 of the statutes of 1988 and by section 2 of chapter 84 of the statutes of 1991, is again amended

(1) by adding the words "the protection or development of the environment, resource conservation," after the words "relate to" in the fourth line of paragraph l;

(2) by adding, after paragraph l, the following paragraph:

"(m) delegate to the executive committee, by by-law, without restriction or on the conditions and for the period it determines, any power other than the power to make by-laws or to impose a tax. It may also determine on what matters the executive committee must, at its request, issue an opinion. However, the council may not delegate the power to appoint and fix the salary of the director general, assistant directors general, department heads and assistant department heads to the executive committee."

6. The said charter is amended by adding, after section 160, the following section:

"160.1 Notwithstanding the first paragraph of section 160 and the fourth paragraph of section 173a, in the case of a person engaged by an individual fixed-term contract of employment, no appeal lies to the Commission municipale du Québec from the decision of the council where the contract is not renewed when it expires, if the contract is for a term of at least two years and if it provides that the employee is entitled to receive prior notice of at least three months where the city does not wish to renew the contract on its expiry."

7. Section 167a of the said charter, enacted by section 32 of chapter 102 of the statutes of 1937 and amended by section 2 of chapter 85 of the statutes of 1966-67, is replaced by the following section:

"167a. City employees are bound *ex officio* to be loyal to constituted authority.

They shall perform their duties in the public interest, to the best of their ability, with honesty and impartiality, and shall treat the public with consideration and diligence."

8. Section 173a of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, by section 7 of chapter 68 of the statutes of 1970, by section 10 of chapter 42 of the statutes of 1980, by section 58 of chapter 61 of the statutes of 1984 and by section 9 of chapter 116 of the statutes of 1986, is again amended by replacing the word "six" in the third line of the third paragraph by the word "twelve".

9. Section 176 of the said charter, replaced by section 196 of chapter 38 of the statutes of 1984, is again replaced by the following sections:

"176. The council shall appoint an auditor to audit the books, accounts and business of

(1) the city;

(2) any body, corporation or company incorporated under this charter or other Act where more than 50% of the voting shares of which are held by the city or a paramunicipal company or where

more than 50% of the members of the board of directors of which are appointed by the council or the executive committee.

“176.1 The term of office of the auditor is seven years. It shall not be renewed.

“176.2 The auditor shall hold office on a full-time basis. The auditor shall not lease his services or work for anyone other than the city and shall devote all his time to the duties of his office.

The auditor may, however, with the authorization of the council, hold an office, with or without remuneration, on the board of directors or the executive committee of a non-profit organization having charitable, scientific, cultural, artistic, social or sports purposes.

“176.3 The budget allocated to the auditor for the performance of his duties shall be equal to 0.23% of the budget of the city. No amount required for the audit referred to in section 181 of the activities of the auditor may be taken from the budget allocated to the auditor.

The auditor is responsible for the application of the policies and standards of the city relating to the management of the human, physical and financial resources allocated to the conducting of audits. The auditor may apply to the council for authorization to derogate from a by-law, a directive or policy relating to the management of the human, physical and financial resources allocated to the conducting of audits if in his opinion the provision constitutes a hindrance to the performance of his duties.”

10. Section 177 of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is amended

(1) by striking out the first paragraph;

(2) by striking out the word “permanent” in the first line of the second paragraph;

(3) by adding, after the second paragraph, the following paragraph:

“Where the auditor is absent or unable to act and has not provided for a substitute, the council may appoint a person to replace him after consulting the audit committee.”

11. Section 178 of the said charter, replaced by section 11 of chapter 116 of the statutes of 1986, is amended by striking out the word “permanent” in the first line.

12. Section 178*a* of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is replaced by the following sections:

“178*a*. The auditor shall audit the books, accounts and business of the city and of the bodies, corporations and companies referred to in paragraph 2 of section 176 in accordance with the generally accepted public accounting auditing standards. He shall perform all the other duties imposed on him by law, regulation or by-law.

The audit shall include, to the extent considered appropriate by the auditor, financial auditing, verification as to the conformity of the operations with the Acts, regulations and by-laws, and value-for-money auditing.

In no case may such audit question the policies and objectives of the city's programs and those of the bodies, corporations and companies referred to in paragraph 2 of section 176.

“178*a*.1 The auditor may audit or conduct any additional audit of the registers, records, documents or accounts of an establishment, institution, association or undertaking pertaining to the use of any subsidy paid or any assistance granted in the form of a loan or otherwise by the city or by a body, corporation or company referred to in paragraph 2 of section 176.

“178*a*.2 The auditor may audit or conduct any additional audit of the registers, records, documents or accounts of an establishment, institution, association or undertaking with which the city has entered into an agreement referred to in subparagraph *i* of section 159*a*.

“178*a*.3 For the purposes of sections 178*a*.1 and 178*a*.2, every establishment, institution, association or undertaking referred to in those sections is required to furnish the auditor with the registers, records, documents or accounts he deems useful for the performance of his duties, or to make them available to him.

The auditor is entitled to require any employee of an establishment, institution, association or undertaking referred to in those sections to provide him with any information, report or explanation he deems necessary for the performance of his duties.

"178a.4 The auditor shall also audit the books, accounts and business

(1) of a body, corporation or company that gives him, with the consent of the city, the mandate to carry out an audit;

(2) of a retirement committee that gives him, with the consent of the city, the mandate to audit the pension plan or fund it administers."

13. Section 178*b* of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is replaced by the following section:

"178*b*. Not later than 31 August each year, the auditor shall remit to the executive committee the results of his audit for the fiscal year ending on the preceding 31 December, and mention every fact or irregularity that he has noticed which, in his opinion, deserves to be pointed out, in particular in the following matters:

- (1) control of revenue including assessment and collection;
- (2) control of expenditure, including authorization, and compliance with appropriations;
- (3) control of assets and liabilities including related authorizations;
- (4) accounting for operations and related statements;
- (5) control and safeguard of property owned or administered;
- (6) acquisition and utilization of resources without sufficient regard to economy or efficiency;
- (7) implementation of satisfactory procedures to measure and report effectiveness in cases where it is reasonable to do so.

The auditor may also, at any time, file with the executive committee an ad hoc report of his findings or recommendations which, in his opinion, should be brought to the attention of the council before the filing of his annual report.

The executive committee shall table before the council the reports filed by the auditor not later than the first sitting held thirty days after the receipt of the reports. Notwithstanding the Act respecting Access to documents held by public bodies and the

Protection of personal information (R.S.Q., chapter A-2.1), a report filed by the auditor may be made available only from the time it is tabled before the council."

14. Section 178c of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is amended by adding the following paragraph:

"(3) the treasurer has complied with the requirements of this charter with respect to the sinking-fund."

15. Section 178d of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is replaced by the following section:

"178d. The auditor shall report to the board of directors of the bodies, corporations and companies referred to in paragraph 2 of section 176, on his audit of the financial statements before the expiry of the time in which they have to file their financial statements. In his report, the auditor shall state, among other things, whether the financial statements are a faithful reflection of their financial situation and of their operating results at the end of their fiscal year."

16. Section 178e of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is replaced by the following section:

"178e. The auditor may consult the records, documents and registers respecting all the accounts and transactions of the city and of the bodies, corporations and companies referred to in paragraph 2 of section 176.

He may also require any employee of the city or of the bodies, corporations and companies referred to in paragraph 2 of section 176 to provide him with any information, report or explanation he deems necessary for the performance of his duties."

17. Section 178f of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is replaced by the following section:

"178f. The auditor shall make an inquiry and report each time the executive committee or the council requests him to do so. However, that audit or inquiry shall not take precedence over his main duties as auditor. The auditor shall report to the mandator.

The auditor may request a supplementary budget from the council in order to carry out the additional inquiries or audits or for any other purpose he specifies. The council must consult the audit committee before making a decision relating to such a request."

18. Section 178*g* of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is amended

(1) by striking out the word "permanent" in the first line;

(2) by adding, at the end, the following sentence: "The auditor may inform the board of directors, the executive committee or the director general of bodies, corporations and companies referred to in paragraph 2 of section 176 of facts discovered during his audit."

19. Section 178*h* of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is replaced by the following section:

"178*h*. Notwithstanding any other general law or special Act, neither the auditor nor his employees or professionals under contract may be compelled to give testimony relating to any information obtained in the performance of their duties or to produce any document containing such information.

Neither the auditor nor his employees may be sued by reason of any act they have done or failed to do in good faith in the performance of their duties.

No civil action may be instituted by reason of the publication of a report of the auditor under this charter or any other Act or of the publication in good faith of an extract or summary of such a report.

Except on a question of jurisdiction, no extraordinary recourse provided in articles 834 to 846 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised, nor any injunction granted, nor any other provisional remedy taken against the auditor or his employees and professionals under contract in the performance of their duties.

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

20. Section 179 of the said charter, replaced by section 11 of chapter 116 of the statutes of 1986, is amended by striking out the word "permanent" in the second line.

21. Section 179*a* of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is amended by replacing that part preceding paragraph 1 by the following:

“179*a*. In no case may the following persons act as auditor:”.

22. Section 180 of the said charter, replaced by section 11 of chapter 116 of the statutes of 1986, is amended by adding the following paragraph:

“At least one councillor who is to be a member of the committee shall be chosen by the leader of the Opposition designated in accordance with section 17*c*.”

23. Section 181 of the said charter, replaced by section 11 of chapter 116 of the statutes of 1986, is again replaced by the following section:

“181. Within thirty days after the filing of the auditor’s report for the 1998 fiscal year of the city and every three years thereafter, the council shall appoint, for a period it determines, an external auditor to audit the activities of the auditor.

The audit shall include financial auditing, verification as to the conformity of the operations with the Acts, regulations and by-laws, and value-for-money auditing.”

24. Section 181*a* of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is repealed.

25. Section 181*b* of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is replaced by the following section:

“181*b*. The external auditor shall remit to the executive committee a report on the results of his audit. He shall mention every irregularity or fact that he has noticed which, in his opinion, deserves to be pointed out.

The executive committee shall table the report before the council at the first sitting held thirty days after receipt of the report. Notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the report shall be made available only from the time it is tabled before the council.”

26. Section 181c of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is repealed.

27. Section 181d of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is repealed.

28. Section 181e of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) a person who, during the fiscal period for which the audit is carried out, directly or indirectly, personally or through an associate, has any participation or interest or is entitled to any commission in or under a contract with the city or any body, corporation or company referred to in paragraph 2 of section 176 or in connection with such a contract.”

29. Section 185 of the said charter, replaced by section 56 of chapter 81 of the statutes of 1965 (1st session) and amended by sections 2 and 12 of chapter 85 of the statutes of 1966-67, by section 11 of chapter 68 of the statutes of 1970, by section 6 of chapter 97 of the statutes of 1974, by section 10 of chapter 54 of the statutes of 1976, by section 2 of chapter 22 of the statutes of 1979, by section 11 of chapter 42 of the statutes of 1980, by sections 8 and 58 of chapter 61 of the statutes of 1984, by section 136 of chapter 27 of the statutes of 1985, by section 12 of chapter 116 of the statutes of 1986, by section 7 of chapter 88 of the statutes of 1988, by section 4 of chapter 84 of the statutes of 1991, by section 102 of chapter 30 of the statutes of 1994 and by section 3 of chapter 55 of the statutes of 1994, is again amended

(1) by adding, at the end of subsection 2, the following paragraphs:

“Where circumstances so warrant, a member of the executive committee may take part, deliberate and vote at a sitting of the executive committee by telephone or by any other means of communication.

No member may avail himself of that right unless each of the following conditions is satisfied:

(1) the chairman of the executive committee or the person he designates to replace him and the clerk are present in the same place;

(2) the telephone or other means of communication used permits all persons participating or present at the sitting to hear each other;

(3) the clerk attempted to communicate, by telephone or by that other means of communication, with each member of the council who is not present in the same place as the clerk and who is not already in communication with him, before the beginning of the sitting.

The clerk shall attest during the sitting that he satisfied the condition set out in subparagraph 3 of the third paragraph and the attestation shall be recorded in the minutes. The minutes shall also mention the names of the members who participated in the sitting by telephone or by the other means of communication. The minutes must be ratified by the executive committee at the next sitting.

A member who takes part, deliberates and votes at a sitting by telephone or by another means of communication in accordance with this paragraph is deemed to be present at that sitting, including for the purpose of determining if there is a quorum.”;

(2) by replacing the amount “\$10 000” in the fifth line of subsection 28 by the amount “\$25 000”;

(3) by adding, at the end of subsection 30, the following paragraph:

“Where an application seeks to obtain intervention by the city by means of a by-law, resolution, order or otherwise for the purpose of carrying out a project that, in the opinion of the executive committee, is susceptible of having a substantial social, economic or architectural impact, before examining the application the executive committee may require from the applicant, in addition to the tariffing pursuant to sections 244.1 to 244.10 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), a security deposit equal to the amount of the actual file examination costs exceeding the amount of the costs exigible under the tariff provided for. The security deposit is refunded to the applicant if the project is carried out within the time determined by the executive committee, or belongs to the city if the project is not so carried out.”;

(4) by adding, after subsection 31, the following subsection:

“(32) The executive committee may, without restriction or on the conditions and for the time it determines, delegate to the director

general or to another officer the exercise of a power granted to him by the charter, another Act or a by-law.

Where the exercise of the delegated power entails an expenditure, the appropriations are made after a certificate of the treasurer or the head of the department concerned has been produced attesting that appropriations are available for that purpose.

The director general or the officer who exercises a power delegated under the first paragraph shall report to the executive committee at such intervals and in such manner as the executive committee determines."

30. Section 185a of the said charter, enacted by section 12 of chapter 68 of the statutes of 1970 and amended by section 699 of chapter 61 of the statutes of 1992, is again amended by replacing the third paragraph by the following paragraph:

"Property that has no merchantable value or that is perishable or dangerous may be destroyed immediately. If the property is claimed after such destruction, the city shall not be bound to pay any indemnity or compensation. Perishable property or goods may also be alienated immediately. If they are claimed after such alienation, the city is bound to refund only the price obtained after deduction of expenses incurred."

31. The said charter is amended by adding, after section 186, the following sections:

"186.1 The council may, by by-law, divide the territory of the city into wards within which a ward council may be established. The council may not change the limits of a ward without prior consultation with the ward councils concerned.

"186.2 The council shall consult the ward council on the matters listed in the by-law respecting the public consultation policy passed under section 187.1. The ward council may also, on its own initiative, give its advice on any other matter concerning the ward.

"186.3 The procedure to establish a ward council may be initiated on the application of 300 persons who are electors residing in the ward or who are persons representing a commercial, industrial, institutional or community institution situated in the ward.

The application must be made in accordance with the provisions of the by-law passed under section 186.14 and must be filed with the clerk of the city.

“186.4 Within thirty days of receipt of an application, the clerk shall verify, *prima facie*, the qualification and number of applicants and whether the application is in conformity with the by-law passed under section 186.14. The clerk shall report to the executive committee not later than the first sitting after the period of thirty days has elapsed.

The qualification and number of applicants shall be verified by means of the list of electors used in the most recent city polling, the real estate assessment roll, the roll of rental values or the permanent list of electors established under the Act to establish the permanent list of electors (R.S.Q., chapter (*insert here the alphanumerical chapter number to be assigned to chapter 23 of the statutes of 1995*)).

“186.5 If the application is in conformity with section 186.3 and with the by-law passed under section 186.14, the executive committee shall call a public meeting to decide on the establishment of the ward council and shall publish the notices prescribed for in the by-law passed under section 186.14.

“186.6 A poll must be held at the end of the public meeting called to decide on the establishment of the ward council. Only persons having resided in the territory of the city for at least twelve months from the date of the filing of the application and residing in the ward or the persons representing a commercial, industrial, institutional or community institution situated in the ward are entitled to vote.

The clerk is responsible for the holding of the poll and must determine, *prima facie*, whether the persons wishing to vote are qualified by means of the list of electors used in the most recent city polling, the real estate assessment roll, the roll of rental values or the permanent list of electors established under the Act to establish the permanent list of electors (R.S.Q., chapter (*insert here the alphanumerical chapter number to be assigned to chapter 23 of the statutes of 1995*)).

If the clerk is unable to ascertain, *prima facie*, whether a person wishing to vote is qualified, he must ask the person to attest his identity and qualification. A person having so attested is entitled to vote.

The clerk shall report the result of the poll to the council at the first sitting following the vote.

“186.7 The calling and holding of the meeting to decide on the establishment of a ward council or the holding of the poll are not invalid by reason of the fact that one or more persons did not receive or learn of notices prescribed by the council in the by-law passed under section 186.14.

“186.8 Following an affirmative vote of the majority, the council may, by resolution, authorize the establishment of the ward council. Otherwise, the council shall deny the application, and no new application may be filed before the expiry of a period of one year.

“186.9 The resolution authorizing the establishment of the ward council shall indicate the limits of the ward and the corporate name of the ward council, which shall be composed of the words “Le conseil de quartier de” followed by the name of the ward.

“186.10 The head office of the ward council must be situated within the limits of the ward or, with the authorization of the council, may be situated at any place within the city.

“186.11 The clerk shall transmit two certified copies of the resolution authorizing the establishment of the ward council or of any by-law changing the limits of a ward to the Inspector General of Financial Institutions, who shall deposit one copy thereof in the register instituted under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) and transmit the other copy to the clerk.

“186.12 From the date of the deposit of the resolution or by-law, the ward council is a legal person within the meaning of the Civil Code of Québec.

“186.13 To the extent that it is applicable, Part III of the Companies Act (R.S.Q., chapter C-38) governs the ward council, subject to sections 186.1 to 186.19 and to the by-laws of the council approved by the Inspector General of Financial Institutions.

However, section 98, except paragraphs *j* and *k* of subsection 3, and sections 113, 114 and 123 of that Act, adapted as required, apply subject to this section and to the by-laws of the council approved by the Inspector General of Financial Institutions.

“186.14 The council may, by by-law, establish the formalities of application to form a ward council, in particular the procedure for the calling and holding of the meeting to decide on the establishment of the ward council and the duration of and procedure for the polling.

The by-law must provide at the least for the publication, once a week for two consecutive weeks in a newspaper distributed in the city, of a notice indicating the day, time and place of the holding of the public meeting to decide on the establishment of the ward council.

“186.15 The council shall determine, by by-law, the formalities to be observed for the calling and holding of the organizational meeting, the respective responsibilities of the general meeting of the members and of the board of directors of the ward council, the number of members of the board of directors and their term of office, and any matter relating to the organization, operation and dissolution of the ward council. The by-laws must be approved by the Inspector General of Financial Institutions and come into force on the date of the approval.

The council shall approve the internal management by-laws of the ward council.

“186.16 Within fifteen days after the organizational meeting, the ward council shall transmit a notice of the address of its head office and a list of its directors to the Inspector General of Financial Institutions to be deposited by him in the register.

“186.17 The persons residing in the ward and the persons representing a commercial, industrial, institutional or community institution situated in the ward are members of the ward council and are entitled to vote.

“186.18 The city may, on the conditions it determines, grant subsidies to ward councils, assist them by means of loans or otherwise and entrust them with the organization and management of municipal activities pertaining to the welfare of the population of the ward or, for the same purposes, entrust them with the management or administration of property of the city.

“186.19 A ward council is a mandatary of the city and must report to the council on its activities at the time and in the manner prescribed by the council.”

32. The said charter is amended by adding, after section 187, the following section:

“187.1 The council must, by by-law, adopt a public consultation policy. The by-law must indicate the matters in respect of which the city intends to consult as part of its decision-making process and the manner in which it intends to carry out the consultation. The by-law must, in particular, specify the matters to be submitted for consultation to ward councils.

The clerk must, at least fifteen days before the holding of the sitting at which the council is to pass the by-law or an amending by-law, publish a notice indicating the date, time and place of the council sitting at which the by-law is to be submitted for passage, and indicating that any interested person may be heard in relation to the by-law by the council or by a council committee established for that purpose. The notice must describe the main components of the public consultation policy or the proposed amendments, and must indicate where the by-law may be examined or a copy made thereof.

The council may establish a committee composed of the members it designates to hear interested persons and to report to it.”

33. Section 191*a* of the said charter, enacted by section 198 of chapter 38 of the statutes of 1984, is amended by replacing the word “three” in the second line by the word “five”.

34. Section 191*b* of the said charter, enacted by section 13 of chapter 116 of the statutes of 1986 and amended by section 9 of chapter 88 of the statutes of 1988 and by section 4 of chapter 55 of the statutes of 1994, is again amended by replacing the word “three” in the fifth line of the fourth paragraph by the word “five”.

35. The said charter is amended by inserting, after section 242*a*, the following sections:

“242*a*.1 The city may, by by-law, impose a tax payable by the owner of a non-residential parking area which constitutes a unit of assessment or part thereof and is a parking area within the meaning of section 242*a*.4.

Where a parking area is operated for profit by a person other than the owner, the tax is payable by the operator.

“242a.2 Every unit of assessment entered on the real estate assessment roll of the city, and that consists essentially of an area habitually used as temporary parking space for unoccupied road vehicles intended for the personal use of natural persons, is a non-residential parking area, unless it is a unit constituting the dependency of a residential unit.

Every area included in a unit of assessment without constituting the essential part thereof is also a non-residential parking area, where it is habitually used as temporary parking space for unoccupied road vehicles intended for the personal use of natural persons who are the owners or occupants of an immovable referred to in the first paragraph of section 244.11 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) but not in the second or third paragraph of the said section, or who work in or are visitors of the immovable or are customers of an establishment situated therein.

However, an area habitually used as parking space for road vehicles for the purpose of sale, lease, rental or repair is not a non-residential parking area. A parking space for which a price is charged is a non-residential parking area even if it is used only occasionally for the purposes set out in the first or second paragraph.

“242a.3 The area of a non-residential parking area includes, in addition to the parking spaces composing it, the lanes or ramps allowing access to such spaces.

For the purposes of sections 242a.1 to 242a.10, the area of a lane or ramp shall be divided among the spaces to which it allows access in proportion to the area of each such space, and the area of a space shall be deemed to be increased by the part of the area of the lane or ramp which is thus allocated to the space.

“242a.4 The owner or operator, as the case may be, of a non-residential parking area shall not be subject to the tax unless the dimensions of the parking area exceed 500 square metres.

However, in the case of a non-residential parking area where a price is charged, an area exceeding 75 square metres is sufficient.

Where a non-residential parking area includes spaces for which a price is charged and spaces for which no price is charged, it shall be considered as two separate parking areas if the area covered by spaces for which a price is charged exceeds 75 square metres.

Where a unit of assessment includes several non-contiguous non-residential parking areas whose combined area exceeds the applicable number of square metres pursuant to the first three paragraphs, the owner or the operator, as the case may be, of each parking area is subject to the tax regardless of the dimensions of the parking area. The same applies where the contiguous non-residential parking areas of several units of assessment have a combined area which exceeds the applicable number of square metres pursuant to the first three paragraphs.

Where a parking area includes non-taxable spaces within the meaning of section 242a.5, such spaces shall not be taken into account in establishing the dimensions of the parking area.

"242a.5 The owner or operator, as the case may be, of a non-residential parking area which is an exempt immovable under paragraph 3, 8 or 12 of section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall not be subject to the tax, unless it is taxable under the second paragraph of section 208 of the said Act.

"242a.6 The city may, in the by-law passed under section 242a.1, delineate sectors of its territory or define categories of non-residential parking areas according to their dimensions or number of parking spaces, whether they are "parking lots" or "multi-storey parking garages", whether a price is charged or not, or whether or not they may be subject to the surtax on vacant land under section 242a. It may also, in the by-law, establish combinations of categories or combinations involving a category and a sector.

Where a parking area includes non-taxable parking spaces, such spaces shall not be taken into account in determining the category to which the parking area belongs.

"242a.7 The city may, in the by-law passed under section 242a.1, provide that the tax is imposed only in respect of non-residential parking areas situated in one or several sectors or belonging to one or several categories or combinations.

"242a.8 The city must, in the by-law passed under section 242a.1, provide that the tax is based on the number of parking spaces included in the non-residential parking area, on its dimensions or on its value.

The value of a parking area is the product obtained by multiplying its area by the average unit rate for the land of the unit

of assessment that includes the parking area ; such rate is the quotient obtained by dividing the value of the land by its area.

Where a parking area includes non-taxable parking spaces, such spaces shall not be taken into account in establishing the number of spaces included in the parking area, its dimensions or its value.

For the purpose of computing the amount payable, the number of spaces included in the parking area shall be reduced by 17, or its dimensions by 500 square metres, according to whether the tax is based on the number of spaces included in the parking area, its dimensions, or its value. In the case of a combination of parking areas within the meaning of the fourth paragraph of section 242a.4, the reduction shall be apportioned among the parking areas in proportion to the respective dimensions thereof which were taken into account to establish that the total area of the combination exceeds 500 square metres. The reduction provided for in this paragraph does not apply to a parking area where the spaces for which a price is charged, combined wherever applicable with those of other parking areas in accordance with the fourth paragraph of section 242a.4, have a total area exceeding 75 square metres.

“242a.9 The rate of the tax shall be fixed in the by-law passed pursuant to section 242a.1.

The city may fix different rates for the sectors, categories or combinations referred to in section 242a.6.

“242a.10 The city may, in the by-law passed pursuant to section 242a.1, specify the meaning of any word used in this Section to take account of any case to which a provision thereof applies.

It may also prescribe any rule applicable in the case of a change occurring, during the course of a fiscal year, in the particulars relating to any debtor of the tax or any parking area in respect of which the tax is imposed.

It may also prescribe the terms and conditions for the collection of the tax, including the payment of a supplement, the refund of any overpayment or the addition of interest to any sum payable.

“242a.11 If the city passes a by-law under section 242a.1, the Crown in right of Québec and its mandataries shall pay to the city, as the owner or operator of a non-residential parking area, a

compensation equal to the amount of the tax payable by any owner or operator of a non-residential parking area under such by-law."

36. Section 289*a* of the said charter, enacted by section 16 of chapter 116 of the statutes of 1986 and amended by section 841 of chapter 57 of the statutes of 1987, by section 11 of chapter 88 of the statutes of 1988 and by section 11 of chapter 55 of the statutes of 1994, is again amended

(1) by striking out the words "for capital expenditures" in the third line of subsection 3;

(2) by striking out the words "The council may also, before the revenues are collected, borrow from the working fund; in such a case, the term for repayment shall not exceed twelve months." in the fifth, sixth and seventh lines of that subsection.

37. Section 309 of the said charter, replaced by section 139 of chapter 27 of the statutes of 1985, is amended by replacing the first paragraph by the following paragraph:

"309. Whenever the city is authorized, by this charter, to grant a subsidy or a tax credit or any assistance in the form of a loan or otherwise, it may, for such purposes, establish classes of immovables, work or, as the case may be, real estate taxes."

38. Section 309*a* of the said charter, replaced by section 12 of chapter 84 of the statutes of 1991, is again replaced by the following section:

"309*a*. The provisions of this charter authorizing the city to grant subsidies or tax credits or any assistance in the form of a loan or otherwise apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15)."

39. Section 309*b* of the said charter, enacted by section 8 of chapter 91 of the statutes of 1990, and amended by section 13 of chapter 84 of the statutes of 1991 and by section 16 of chapter 55 of the statutes of 1994, is again amended by replacing that part of the first paragraph preceding subparagraph 1 by the following:

"309*b*. The council may, by by-law, with respect to a subsidy granted pursuant to a provision of this charter or a by-law passed under a provision of this charter,".

40. Section 309c of the said charter, replaced by section 17 of chapter 55 of the statutes of 1994, is amended by replacing the words “for the purposes set forth in sections 304 to 308” in the first and second lines by the words “for the purposes of a provision authorizing the city to grant a subsidy or a tax credit or any assistance in the form of a loan or otherwise.”

41. The said charter is amended by adding, after section 318, the following section:

“318a. Part of the loan, not exceeding 5% thereof, may be used for the repayment to the general fund of the city of all or part of the sums expended, before the coming into force of the loan by-law, in connection with the object of the by-law.”

42. Section 336 of the said charter, amended by section 8 of chapter 122 of the statutes of 1930-31, by section 5 of chapter 104 of the statutes of 1931-32, by section 19 of chapter 111 of the statutes of 1935, by section 67 of chapter 102 of the statutes of 1937, by section 12 of chapter 104 of the statutes of 1938, by section 22 of chapter 102 of the statutes of 1939, by section 27 of chapter 74 of the statutes of 1940, by section 12 of chapter 50 of the statutes of 1943, by section 8 of chapter 47 of the statutes of 1944, by section 20 of chapter 71 of the statutes of 1945, by section 17 of chapter 51 of the statutes of 1948, by section 8 of chapter 63 of the statutes of 1951-52, by section 4 of chapter 36 of the statutes of 1952-53, by section 3 of chapter 52 of the statutes of 1952-53, by section 1 of chapter 67 of the statutes of 1955-56, by section 9 of chapter 50 of the statutes of 1957-58, by section 6 of chapter 96 of the statutes of 1960-61, by section 7 of chapter 66 of the statutes of 1963 (1st session), by section 5 of chapter 69 of the statutes of 1964, by section 2 of chapter 85 of the statutes of 1966-67, by section 38 of chapter 86 of the statutes of 1969, by sections 29 to 31 of chapter 68 of the statutes of 1970, by section 146 of chapter 55 of the statutes of 1972, by section 29 of chapter 75 of the statutes of 1972, by section 8 of chapter 80 of the statutes of 1973, by section 12 of chapter 97 of the statutes of 1974, by section 15 of chapter 54 of the statutes of 1976, by section 457 of chapter 72 of the statutes of 1979, by sections 23, 45 and 51 of chapter 42 of the statutes of 1980, by section 272 of chapter 63 of the statutes of 1982, by section 17 of chapter 64 of the statutes of 1982, by sections 22, 59 and 60 of chapter 61 of the statutes of 1984, by section 140 of chapter 27 of the statutes of 1985, by section 22 of chapter 116 of the statutes of 1986, by section 17 of chapter 88 of the statutes of 1988, by section 1 of chapter 81 of the statutes of 1989, by sections 1155 to 1168 of chapter 4 of the statutes of 1990, by section 9

of chapter 91 of the statutes of 1990, by section 15 of chapter 84 of the statutes of 1991, by section 702 of chapter 61 of the statutes of 1992, by section 34 of chapter 65 of the statutes of 1992, by section 108 of chapter 30 of the statutes of 1994 and by section 22 of chapter 55 of the statutes of 1994, is again amended

(1) by adding, after paragraph 1, the following paragraph:

“1.1 To pass by-laws, in respect of public places and parks, to

(1) establish rules governing the protection and preservation of the natural environment and its elements;

(2) determine the extent to which and the purposes for which the public is to be admitted;

(3) prescribe the conditions on which a person may stay, travel or engage in an activity in the place or park and fix the charges the person must pay;

(4) prohibit or regulate the use or parking of vehicles;

(5) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply;

(6) prohibit or regulate posting;

(7) establish rules for maintaining peace and order and for ensuring the cleanliness of the premises and the well-being and tranquility of users;

(8) prohibit certain recreational activities or prescribe conditions governing participation in such activities;

(9) prohibit or regulate the operation of businesses;

(10) determine cases where a person may be kept out or expelled;

(11) determine the powers and obligations of the employees.

The city may, for the benefit of users, operate commercial establishments in public places and parks or cause such establishments to be operated;”;

(2) by striking out paragraph 16;

(3) by adding, after paragraph 42*m*, the following paragraphs:

“42*n*. To subordinate, by by-law, the issue of a building or subdivision permit or a certificate of authorization or occupancy to the making of an agreement between the applicant and the city pertaining to work for the construction of municipal infrastructures or equipment and to the payment or apportionment of expenditures incurred in respect of such work;

“42*n*.1 A by-law under section 42*n* must indicate

(1) the zones in respect of which it applies;

(2) the classes of structure, land or work in respect of which the issue of a building or subdivision permit or a certificate of authorization or occupancy is subordinated to an agreement;

(3) the classes of infrastructure or equipment to which the agreement applies and specify, where applicable, that the agreement may pertain to infrastructures and equipment destined, regardless of location, to serve not only immovables to which the permit or certificate applies but also other immovables in the territory of the city;

(4) where applicable, the terms and conditions governing the establishment of the share of the expenditures incurred in respect of the work which is to be borne by the holder of the permit or certificate, according to the classes of structure, land, work, infrastructure or equipment specified in the by-law;

(5) where applicable, the terms and conditions governing the establishment of the share of the expenditures incurred in respect of the work to be borne by any person benefitted by the work, other than the holder of the permit or certificate, according to the classes of structure, land, work, infrastructure or equipment specified in the by-law, prescribe the terms and conditions of payment and collection of aliquot shares, and fix the rate of interest payable on any unpaid amount.

The by-law may also subordinate the issue of a building or subdivision permit or a certificate of authorization or occupancy applied for by a person benefitted by the work, within the meaning of subparagraph 5 of the first paragraph, to prior payment, by the

latter, of any part of his aliquot share or to the deposit of any guarantee determined by the by-law;

“42n.2 The agreement must include

- (1) the designation of the parties;
- (2) the description of the work and the designation of the party responsible for the carrying out of all or part of the work;
- (3) where applicable, the date on which the work must be completed by the holder of the permit or certificate;
- (4) a determination of the expenditures incurred in respect of the work which must be borne by the holder of the permit or certificate;
- (5) the penalty recoverable from the holder of the permit or certificate in the event of a delay in the carrying out of the work for which the holder is responsible;
- (6) where applicable, the terms and conditions of payment by the holder of the permit or certificate of the expenditures incurred in respect of the work and the interest payable on any unpaid amount;
- (7) where applicable, the terms and conditions of remittance by the city to the holder of the permit or certificate of the aliquot share of the expenditures incurred for the work paid by a person benefitted by the work. The terms and conditions of remittance of the aliquot share must specify the deadline for payment by the city to the holder of the permit or certificate of any unpaid aliquot share;
- (8) the financial guarantees required of the holder of the permit or certificate;

“42n.3 The agreement providing for the payment of an aliquot share by persons benefitted by the work referred to in subparagraph 5 of the first paragraph of paragraph 42n.1 must identify, in a schedule to the agreement, the immovables that make the persons benefitted by the work subject to the payment of the aliquot share or indicate any criterion by which such immovables may be identified.

The city may, by resolution, amend the schedule to update it or add thereto any immovable that makes a person benefitted by the work subject to the payment of the aliquot share;

“42*n*.4 Any part of the aliquot share that is not due to the city shall, after deduction of the collection costs, be remitted to the person who is party to the agreement with the city or, as the case may be, to any other rightful claimant;

“42*n*.5 Sections 2 and 3 of the Municipal Works Act (R.S.Q., chapter T-14) do not apply to work carried out in accordance with an agreement. However, the rules prescribed by that Act in relation to the method of financing of the work by the city apply;

“42*n*.6 Section 191*a* of the said charter does not apply to an agreement;

“42*n*.7 Sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19) do not apply to work carried out under the responsibility of the holder of a permit or certificate, pursuant to an agreement;

“42*n*.8 An amount paid pursuant to a provision enacted under subparagraph 4 or 5 of the first paragraph of paragraph 42*n*.1 does not constitute a tax, a compensation or the imposition of a tariff;

“42*n*.9 Where the executive committee has adopted a resolution recommending the council pass or amend a by-law provided for in paragraph 42*n*, no building or subdivision permit and no certificate of authorization or occupancy may be issued where the issue thereof will be subordinated, should the by-law whose passage is recommended by the executive committee be passed, to the making of an agreement provided for in paragraph 42*n*.

The first paragraph ceases to apply if the by-law which is the subject of the resolution of the executive committee is not passed within two months after adoption of the resolution or if it is not put into force within four months after its passage;”;

(4) by adding, after paragraph 44*a*, the following paragraph:

“44*b*. To carry out, with the consent of the owner, for municipal purposes, development, restoration, improvement or renovation work on any lane or private immovable generally accessible to the public and situated near a street, lane, place or public park in respect of which such work is carried out by the city, or situated in a sector in

which an intervention or revitalization program is in force, to maintain the work thus carried out and to grant a tax credit to the owner of an immovable in respect of which such work is carried out in order to compensate for the increase in real estate taxes that may result from the re-assessment of the immovable after the end of the work;”;

(5) by adding, after paragraph 45*a*, the following paragraphs:

“45*b*. To require the owner, tenant, possessor or occupant, under any title, of any immovable or category of immovables, to provide the immovable with any construction item, device, mechanism, alarm system, apparatus or equipment designed to reduce water consumption.

To require the owner, tenant, possessor or occupant, under any title, of any immovable provided with the said construction items, devices, mechanisms, alarm systems, apparatus or equipment to keep them in good working order at all times.

To grant a subsidy, in such sectors of the city as it may determine or for certain categories of buildings, to defray the acquisition or installation costs of such construction items, devices, mechanisms, alarm systems, apparatus or equipment; such subsidy may be uniform or different for the various sectors of the city, for the various categories of buildings or a combination of the criteria on which the distinctions are based;

“45*c*. To acquire the construction items, devices, mechanisms, alarm systems, apparatus or equipment mentioned in paragraph 45, 45*a* or 45*b* in order to give them or sell them at a reduced price to the owners, tenants, possessors or occupants, under any title, of an immovable in respect of which their installation is mandatory under a by-law passed under paragraph 45, 45*a* or 45*b*;”;

(6) by striking out paragraph 151;

(7) by replacing the words “any unpaid municipal or school taxes due” in the third and fourth lines of the fourth paragraph of paragraph 204 by the words “any claim of the city secured by a prior claim or legal hypothec”;

(8) by adding, after paragraph 209, the following paragraphs:

“209*a*. To regulate the exhibition and sale of artistic works or handicrafts on public property, especially on streets, lanes, paths, sidewalks, passageways, promenades, belvederes, parks,

playgrounds, places and stairways, including any unserved portion thereof, to

(a) require that artists, artisans or their agents secure a permit or licence, at such price and on such terms and conditions as it shall determine, and limit the number thereof;

(b) prescribe as a condition for obtaining a permit or licence that artists, artisans or their agents be members of an association recognized by the city;

(c) impose rules of conduct and discipline on artists, artisans or their agents;

(d) determine the places, dates and hours where and when artists, artisans or their agents may engage in their activities;

(e) determine the types or classes of products, objects or works which may be put on sale or exhibited and the processes of production, which may vary according to the types or classes;

(f) allow the city to enter into an agreement with any person or body and authorize such person or body to apply, in whole or in part, any municipal by-law concerning artists, artisans or their agents;

“209b. To regulate the activities of the public entertainers it determines on public property, especially on streets, lanes, paths, sidewalks, passageways, promenades, belvederes, parks, playgrounds, places and stairways, including any unserved portion thereof, to

(a) require that public entertainers secure a permit or licence, at such price and on such terms and conditions as it shall determine, and limit the number thereof;

(b) prescribe as a condition for obtaining a permit or licence that public entertainers be members of an association recognized by the city;

(c) impose rules of conduct and discipline on public entertainers;

(d) determine the places, dates and hours where and when public entertainers may engage in their activities;

(e) allow the city to enter into an agreement with any person or body and authorize such person or body to apply, in whole or in part, any municipal by-law concerning public entertainers;”.

43. Section 351 of the said charter, replaced by section 30 of chapter 75 of the statutes of 1972, is amended by striking out the words “by by-law” in the second line.

44. Section 382 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is replaced by the following section:

“382. The city is authorized to publish a municipal gazette. Any publication it is required to make, except publications in a newspaper or daily newspaper circulated in the whole territory of Québec or in the *Gazette officielle du Québec*, may be made in the municipal gazette.

The municipal gazette shall

(1) be mailed or otherwise distributed free of charge to each address in the territory of the municipality, and be received not later than on the publication date indicated therein;

(2) be transmitted, on payment of subscription fees, where applicable, to every person who so requests;

(3) be published at least eight times a year or at the intervals established by resolution of the executive committee.”

45. Section 383 of the said charter, replaced by section 6 of chapter 69 of the statutes of 1964 and amended by sections 2 and 23 of chapter 85 of the statutes of 1966-67 and by order in council 3653-78 made on 30 November 1978 under section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), is again amended by replacing the first and second paragraphs by the following paragraph:

“383. The city may transfer to adjoining owners, gratuitously or for valuable consideration, parcels of land of which it has become the owner through expropriation or otherwise. Such a transfer to an industrial or commercial establishment may be effected notwithstanding the Municipal Aid Prohibition Act (R.S.Q.,

chapter I-15) in the case of residual land of little value no longer needed by the city.”

46. Section 388 of the said charter, replaced by section 26 of chapter 42 of the statutes of 1980 and amended by section 273 of chapter 63 of the statutes of 1982 and by section 20 of chapter 84 of the statutes of 1991, is again amended by replacing the words “describe the perimeter of that zone and” in the third and fourth lines of the fourth paragraph by the words “localize that zone or”.

47. Section 388a of the said charter, enacted by section 40 of chapter 86 of the statutes of 1969 and amended by section 59 of chapter 61 of the statutes of 1984, is again amended by adding, at the end of the second paragraph, the words “, or at the time of the installation of the proper signs or signals or the posting, in the places concerned, of the order or substantial parts thereof.”

48. Section 398 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53 and by section 2 of chapter 85 of the statutes of 1966-67, is again amended by replacing the word “man” in the first line of the first paragraph by the word “person”, and by striking out the second paragraph.

49. Section 440 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

50. Section 442 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 60 of chapter 61 of the statutes of 1984, is repealed.

51. Section 443 of the said charter, replaced by section 16 of chapter 78 of the statutes of 1947 and amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 27 of chapter 116 of the statutes of 1986, is repealed.

52. Section 444 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

53. Section 445 of the said charter, replaced by section 73 of chapter 102 of the statutes of 1937 and amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 60 of chapter 61 of the statutes of 1984, is repealed.

54. Section 446 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

55. Section 447 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

56. Section 448 of the said charter, amended by section 3 of chapter 82 of the statutes of 1965, by section 2 of chapter 85 of the statutes of 1966-67, by section 60 of chapter 61 of the statutes of 1984 and by section 28 of chapter 116 of the statutes of 1986, is repealed.

57. Section 453c of the said charter, replaced by section 26 of chapter 84 of the statutes of 1991, is amended by adding, after subsection 4, the following subsection:

“(5) The city is authorized to establish and maintain a non-profit body the object of which is to furnish technical assistance to an enterprise situated in its territory, and grant a subsidy to any non-profit body that furnishes technical assistance to an enterprise situated in its territory.”

58. Section 454 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, by section 60 of chapter 61 of the statutes of 1984 and by section 36 of chapter 55 of the statutes of 1994, is replaced by the following section:

“454. The council may assign a name to any street, lane, pedestrian or bicycle path or any public place or park and change it.

In no case may a person assign a name to a street or private lane or designate it under such a name, except with the prior approval of the council.”

59. Section 456 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is again amended by striking out the words “by by-law” in the second and third lines.

60. The said charter is amended by adding, after section 489c, the following section:

“489c.1 The council may establish, out of the estimated revenues of each annual budget or out of any other source of financing, a reserve fund for the purpose of financing any self-insurance program.

The city may not assign annually an amount exceeding 1% of the budget to such purpose.”

61. Section 511 of the said charter, replaced by section 33 of chapter 75 of the statutes of 1972, is again replaced by the following section:

“511. The council may order the opening of new streets or the widening or extending of existing streets; it may authorize any construction or improvement and, more specifically, the construction of covered malls in the streets or on public property; it may determine methods of street construction and maintenance, and authorize any substructural or paving work or the introduction of services in the streets of the city.

Where the council orders the construction of a covered mall, it may require, by by-law, the owners of an immovable connected with the mall to install a fire prevention system in the immovable.”

62. The said charter is amended by adding, after section 546, the following section:

“546.1 The city may pass by-laws to control, restrict or prohibit the operation of certain vehicles or certain categories of vehicles it determines, on the basis of the reasons for which they are operated.”

63. Section 546*d* of the said charter, replaced by section 43 of chapter 61 of the statutes of 1984 and amended by section 39 of chapter 116 of the statutes of 1986 and by section 42 of chapter 84 of the statutes of 1991, is again amended by striking out the third paragraph.

64. Section 548*e* of the said charter, enacted by section 12 of chapter 80 of the statutes of 1973 and amended by section 22 of chapter 54 of the statutes of 1976, by section 47 of chapter 61 of the statutes of 1984 and by section 11 of chapter 91 of the statutes of 1990, is again amended by replacing the first sentence of the third paragraph by the following sentence: “However, several buildings forming a single project, with common use of parking areas, appurtenant buildings, services or equipment, may be built on the same lot.”

65. Section 557 of the said charter, replaced by section 24 of chapter 71 of the statutes of 1945 and amended by section 3 of chapter 52 of the statutes of 1952-53 and by section 2 of chapter 85 of the statutes of 1966-67, is replaced by the following section:

“557. The municipal court of the city of Québec is a court of original jurisdiction in the matters devolved upon it by law; it is a

court of record. It shall be composed of a sufficient number of judges for its proper functioning. Where the court is composed of several judges, the Government shall designate among them the chief judge who shall be responsible for the court. The sittings of the court shall be presided over by a municipal judge; the court may sit concurrently in several divisions.”

66. Section 582 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, is repealed.

67. Section 585 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, is repealed.

68. The said charter is amended by adding, after section 601*b*, the following section:

“**601c.** The signature of any person authorized to sign a statement of offence may be affixed by means of an automatic device or in the form of an engraved, lithographed or printed facsimile.”

69. Schedule I to the said charter, enacted by section 43 of chapter 116 of the statutes of 1986, is repealed.

70. Schedule N to the said charter is repealed.

71. Section 67 of the Act to amend the charter of the city of Québec (1994, chapter 55) is repealed.

72. Notwithstanding the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), the city may alienate the immovables described in the schedule for purposes other than industrial, para-industrial or research purposes.

73. Sections 74 to 101 apply notwithstanding the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) and the Charter of the city of Québec (1929, chapter 95).

74. From the general election to be held in the month of November 1997 until the following general election, the municipal council of the city shall be composed of the mayor, one councillor for each electoral district and four additional councillors elected pursuant to section 98, except in the case where no authorized party may be entered on the list established pursuant to section 91.

75. The four additional councillors shall be chosen from among the candidates designated by the authorized parties in order to

compensate for any discrepancy between the percentage of seats the representatives of those parties obtain and the percentage of the vote they obtain.

76. After the holding of the general election, the returning officer shall, on the juridical day following the expiry of the time prescribed to apply for a recount or a re-addition of the votes, on the juridical day following the dismissal of all such applications, should there be any, or if an application is granted, on the juridical day following the day on which the judge certifies the results of the poll, allocate the offices of additional councillor in the manner set out in sections 91 to 98.

77. If a poll must be held pursuant to section 276 of the Act respecting elections and referendums in municipalities, the returning officer shall allocate the offices of additional councillor in the manner set out in sections 91 to 98 on the juridical day following the expiry of the time prescribed to apply for a recount or a re-addition of the votes of the poll if no application is made, on the juridical day following the dismissal of all such applications, should there be any, or if an application is granted, on the juridical day following the day on which the judge certifies the results of the poll.

78. Until the additional councillors take office, the council shall be composed of the mayor and of one councillor for each electoral district.

79. The returning officer must include a particular in the notice of election to the effect that four additional councillors are to be chosen from among the candidates designated by the authorized parties in order to compensate for any discrepancy between the percentage of seats the representatives of those parties obtain and the percentage of the vote they obtain.

80. An authorized party may file with the returning officer, within the time prescribed for the filing of a nomination paper, a list of candidates who may be appointed as additional councillors pursuant to section 98.

81. The number of candidates who may be entered on the list shall not exceed the number obtained by adding the number five to the number of electoral districts.

82. The list must bear the signature of each such candidate. A nomination paper drawn up in accordance with the law, except as concerns the mention of the electoral district for which the person is

a candidate, must accompany the list in the case of each person entered who is not already a candidate for the office of mayor or for the office of councillor in a district.

83. The list must indicate the sequential order in which the candidates are to be considered for the purposes of section 98.

84. The returning officer shall accept the filing of the list without delay if the list is complete and the required documents accompany it. He shall then acknowledge receipt, which constitutes proof of the filing of the list.

85. Every candidate may obtain, on request and free of charge, a copy of any list or nomination paper once the filing of it has been accepted.

86. A candidate entered on the list may, at any time, withdraw his name from the list by transmitting to the returning officer a writing to that effect signed by him.

87. A candidate entered on the list filed who is not already a candidate for the office of mayor or for the office of councillor in a district has the same rights and obligations as a candidate for the office of councillor in a district. He is not entitled, however, to receive a copy of the lists of electors or to be present or to designate a representative to be present in a polling station.

88. The returning officer must include a particular in the notice of poll to the effect that four additional councillors will be chosen from among the candidates designated by the authorized parties and entered on the list in order to compensate for any discrepancy between the percentage of seats the representatives of those parties obtain and the percentage of the vote they obtain, and must attach to the notice a copy of the lists filed and corrected where necessary to account for any withdrawals transmitted to him before publication of the notice of poll.

89. A copy of the additional particular included in the notice of poll pursuant to section 88 and of the lists filed, corrected where necessary to account for any withdrawals transmitted to the returning officer before the polling date, must be posted in each polling station and in each polling booth.

90. Where a deputy returning officer gives a ballot paper to a visually handicapped elector or to an elector who requests to be assisted because he is unable to read, the deputy returning officer

must advise the elector that four additional councillors will be chosen from among the candidates designated by the authorized parties and appearing on the list in order to compensate for any discrepancy between the percentage of seats the representatives of those parties obtain and the percentage of the vote they obtain, and must also, if the elector so requests, read him the lists posted in the polling station.

91. To fill the four offices of additional councillor, the returning officer shall first establish the list of authorized parties having obtained more than 10% of the total number of votes cast for the office of mayor and for the offices of councillor. The list shall not contain authorized parties that did not file a list of candidates pursuant to section 80.

Where no party may be entered on the list, the offices of additional councillor are not filled and the number of members of the council is reduced accordingly.

92. The returning officer shall then ascertain the proportion of the votes obtained by each of the authorized parties entered on the list filed. To that end, only the votes obtained by the representatives of those parties for both the office of mayor and the offices of councillor shall be considered.

93. For the purposes of sections 91 and 92, where a candidate is declared elected pursuant to section 168 of the Act respecting elections and referendums in municipalities, he is presumed to have received a number of votes equal to the number of electors entered on the list of electors that would have been used for the poll, multiplied by the rate of voter turnout at the general election.

94. The returning officer shall then calculate the number of seats that would have been obtained by each of the authorized parties had the seats been distributed among them proportionally according to the number of votes obtained. To that end, the returning officer shall first determine the number of seats to be distributed by subtracting the number of seats obtained by independent candidates or candidates of authorized parties not entered on the list established pursuant to section 91 from the total number of seats of councillors elected by district and of additional councillors mentioned in section 74.

95. The number of seats to be apportioned is allocated to the parties on the list established pursuant to section 91 in the proportion

established under section 92. The result of the calculation shall be expressed in whole numbers, with or without decimals.

96. The returning officer shall then subtract, for each party, the number of representatives of each party who are declared elected from the result of the calculation under section 95. The result shall be expressed in whole numbers, with or without decimals. If the result obtained by a party is negative, the returning officer shall correct it by substituting zero for the negative result, and by subtracting a number corresponding to the negative result, apportioned equally between the parties that obtained a positive result, from the positive result that those parties obtained.

97. Each authorized party entered on the list established pursuant to section 91 is entitled to a number of offices of additional councillor equal to the whole number resulting from the calculation described in section 96. If, following that procedure, offices of additional councillor remain unallocated, each such office shall be awarded, successively, to the party whose result from the calculation described in section 96 contains the highest decimal. In the case of a tie, the office shall be allocated by the returning officer by a drawing of lots carried out in accordance with the procedure set out in section 257 of the Act respecting elections and referendums in municipalities.

98. The right to be declared elected to an office of additional councillor allocated to an authorized party reverts, in the sequential order entered on the list filed, to the first candidate who, after the general election or an election held pursuant to section 276 of the Act respecting elections and referendums in municipalities, has not been declared elected and has not been declared elected under this section. The returning officer shall declare such candidates elected to the four offices of additional councillor.

99. Any vacancy in an office of additional councillor filled pursuant to section 98 or 101, ascertained more than twelve months before the polling date fixed for the next general election, shall be filled in the manner set out in section 101.

Any such vacancy ascertained during the twelve months preceding that polling date shall not be filled unless it arises from a circumstance described in section 100, in which case the vacancy shall be filled in the manner set out in section 101.

100. An office of additional councillor filled pursuant to section 98 or 101 is deemed to be vacant where the person holding

the office files a notice with the council stating that he no longer wishes to represent the authorized party that he represented at the time the office was allocated, or where the leader of the authorized party files with the council a notice stating that the person no longer represents the party.

101. On the juridical day following the filing of the notice referred to in section 333 of the Act respecting elections and referendums in municipalities, the clerk shall fill the vacant office by declaring the first candidate, in the sequential order entered on the list filed pursuant to section 80 by the authorized party represented by the former holder of the office, elected if, after the general election or an election held pursuant to section 276 of the Act respecting elections and referendums in municipalities, the candidate has not been declared elected, and has not been declared elected pursuant to this section or section 98 or following a by-election. If the vacancy cannot be filled using that procedure, or if the authorized party represented by the former holder of the office is no longer an authorized party, the office shall remain vacant.

102. The second paragraph of section 146 of the Act respecting elections and referendums in municipalities does not apply to the general election to be held in the month of November 1997. Every other provision of the Act respecting elections and referendums in municipalities that is not inconsistent with sections 73 to 101 shall continue to apply, adapted as required.

103. The person holding the position of permanent internal auditor of the city on (*insert here the date of assent to this Act*) is deemed to have been appointed by the council to the position of auditor pursuant to section 176 of the charter.

Section 176.1 of the said charter, added by section 9, has effect from the date on which the person referred to in the first paragraph ceases to hold the position of auditor of the city.

104. The external auditor of the city on (*insert here the date of assent to this Act*) may continue to perform his duties.

105. The executive committee of the city may, before 1 September 1996, call a public meeting to decide on the establishment of a ward council in the zones substantially consistent with the zones in which the pilot ward council experiences in Vieux-Limoilou and Saint-Jean-Baptiste, ordered by council resolutions CM-93-2179 and

CM-93-2288 adopted by the council on 19 April and 7 June 1993, were conducted, and for such purposes, publish the notices provided for in the by-law passed under section 186.16 of the charter of the city of Québec.

106. The city shall pass, before 1 July 1996, the by-law referred to in section 187.1 of the charter of the city of Québec.

107. This Act comes into force on (*insert here the date of assent to this Act*).

SCHEDULE

PARCEL 1

A parcel of land situated in the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette, registration division of Québec, comprising the following lots and parts of lots: part of lot 570, lot 2807 (street), parts of lot 2808, part of lot 571-2, part of lot 571, part of lot 572, part of lot 3316 and parts of lot 573. The perimeter of the said lots and parts of lots is described as follows:

Starting at point "2220", the said point being the intersection of the southwest right of way of de l'Ormière boulevard and the northwest right of way of Jean-Marchand street, southeasterly, along the southwest right of way of the said boulevard to point "2323". Along the perimeter of a property being part of lot 2808, the said lot being situated at the intersection of Jean-Marchand street and de l'Ormière boulevard, through points "2322-1361-1360-2233", that perimeter being defined in minute 90V-779 of land surveyor Gaétan Groleau. Thence, along the rear lines of the properties fronting on de l'Ormière boulevard through points "2229-2250-2251-2253-2252" to point "2262", the said point being the intersection of the west right of way of de l'Ormière boulevard and the northwest line of lot 3316, the said rear lines being defined in minute 1093 of land surveyor Albert Saint-Loup and shown on the plan prepared by land surveyor Maurice Drouyn under minute 12361. Along the said southwest right of way of de l'Ormière boulevard to point "1303", the said point being the north corner of lot 573-1. Thence, along the perimeter of lot 573-1 through points "1304-1300". Southwesterly, along the dividing line of lots 573 and 574 to point "2081". Thence, along the extension of the southwest line of lot 574-1 and the said line through point "2047" to point "2078", the latter point being the south corner of lot 574-1. Thence, southwest, along the dividing line of the cadastres of the parishes of Saint-Ambroise-de-la-Jeune-Lorette and L'Ancienne-Lorette to point "2058", the said point being situated on the northeast right of way of a 735 kv energy transmission line. Northwest, along the northeast right of way of the energy transmission line to point "2418". Thence, northeast, along the line dividing lots 570 and 2807 from lot 569 to starting point "2220".

The said parcel contains an area of 166 699 square metres, or 16.67 ha.

PARCEL 2

A parcel of land forming part of the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette, registration division of Québec, comprising the following lots and parts of lots: parts of lot 556, parts of lot 557, part of lot 558, part of lot 560, part of lot 561, parts of lot 562, parts of lot 565, parts of lot 567, part of lot 567-A, lot 3074, parts of lot 568, lot 568-3, parts of lot 568-1, lot 568-1-1, parts of lot 569, lot 569-1, parts of lot 570, parts of lot 570-2, lot 570-3, lot 570-2-1, lot 570-2-2, part of lot 571, part of lot 571-2, lot 571-2-1, lot 571-2-2, part of lot 572, part of lot 573, parts of lot 2809, lots 2809-1 to 2809-6, part of lot 2810, parts of lot 2811, lots 2811-1 to 2811-4 and lot 2862. The perimeter of the said lots and parts of lots is described as follows:

Starting at point "2480", the said point being situated on the southwest right of way of the 735 kv energy transmission line, at the precise point where the said line makes a 90° angle, namely, at the west corner. Southeast, along the said southwest right of way of the energy transmission line to point "2060", the said point being situated at the intersection with the dividing line of the cadastres of the parishes of Saint-Ambroise-de-la-Jeune-Lorette and L'Ancienne-Lorette. Thence, southwesterly, along the said cadastral boundary to point "2052", the said point being the northeast right of way of Armand-Viau street. Northwesterly, and southwesterly, along the aforementioned right of way of Armand-Viau street through point "2024" to point "2026", the latter point being situated on the northeast right of way of Henri IV boulevard. Along the contours of the right of way of the said boulevard through point "2025" to point "2345", the latter point being the intersection of the right of way of the said boulevard and another dividing line of the cadastres of the parishes of Saint-Ambroise-de-la-Jeune-Lorette and L'Ancienne-Lorette. Thence, northwesterly, along the said dividing line to point "2159", the said point being the intersection with the extension to the southwest of the northwest boundary of lot 565, through part of lot 562. Northeasterly, along the said extension and the northwest boundary of lot 565 to point "2148", the said point being the intersection of the preceding alignment and the rear line of the properties fronting on Armand-Viau north street as recorded in the cadastre and shown on the plan, under minute 16823, prepared by land surveyor Jean-Louis Demers. Thence, northwesterly, along the said rear line to point "1356", the said point being the intersection with the southeast line of a property comprised of parts of lots 556 and 557 and defined in minute 90V-778 of land surveyor Gaétan Groleau. Along the perimeter of the said property through points "1357-2450-2449", the latter point being on the southeast right of

way of Auvergne boulevard. Northeasterly, along the southeast right of way of the said boulevard to point "2454", the said point being the intersection of the said right of way and the west line of a property whose perimeter to be followed contains parts of lots 556 and 557 and is defined by points "2453-1358-1355-1359", the latter point being situated on the southeast right of way of Auvergne boulevard; the said property being defined in minute 90V-778 of land surveyor Gaétan Groleau. Thence, easterly, along the contours of the said boulevard through points "2165-2166" to point "2179", the latter point being the north corner of lot 556-3. Thence, along the perimeter of lot 556-3, the rear lines of lots 557-9 and 557-10 through point "2112" to point "2180", the latter point being the south corner of lot 557-10. Along the southeast boundary of lot 557-10, the southwest right of way of Siméon street and the northwest, southwest and southeast boundaries of lot 557-3, namely, through points "2108-2124-2105-2181-2111", to point "2123". Thence, along the centre line of Sainte-Barbe creek, namely the southwest boundary of a property situated on Saint-Siméon street, to point "2107". The rear boundary of the properties fronting on Saint-Siméon street, that boundary being defined in minute 16823 of land surveyor Jean-Louis Demers, to point "2094", the said point being on the southwest right of way of de l'Ormière boulevard. Thence, southeasterly, along the right of way of the said boulevard for the width of the park entrance to point "2117". Thence, southwest, parallel to the rear boundary of the properties fronting on Saint-Siméon street at a distance equal to the width of the aforementioned entrance, as defined in minute 16823 of land surveyor Jean-Louis Demers to point "2118", the said point being on the centre line of Sainte-Barbe creek. Southerly, along the contours of the centre line of the said creek through points "2168-2170-2171-2167", the latter point being the intersection of the centre line of the said creek and the southeast boundary of lot 558. Southwesterly, along the southeast boundary of lot 558 to point "2210". Thence, southeasterly, along a curve to point "2211", the said point being a boundary situated at a distance defined and parallel to de l'Ormière boulevard, and southeasterly, along the latter boundary to point "2188", the said point being on the northwest right of way of the 735 kv energy transmission line; the said curve and said boundary being defined in minute 16823 of land surveyor Jean-Louis Demers. Southwesterly, along the said right of way to starting point "2480".

The said parcel contains an area of 602 581 square metres, or 60.25 ha.

PARCEL 3

The first part of land is situated in the cadastre of the parish of L'Ancienne-Lorette, registration division of Québec, that part being lot 1089. The perimeter of the said part is described as follows:

Starting at point "2054", the said point being situated on the dividing line of the cadastres of the parish of Saint-Ambroise-de-la-Jeune-Lorette and the parish of L'Ancienne-Lorette and on the southwest right of way of Armand-Viau street, southeasterly, along the said right of way of the said street to point "2034". Southeasterly, along an arc of a circle to point "2033". Southeast, to point "2032". Thence, northwesterly, along the contours of the right of way of Henri IV boulevard, through points "2031-2063-2064-2065" along an arc of a circle to point "2030", along another arc of a circle to point "2029", point "2053" being the intersection of the said right of way and the dividing line of the above-mentioned cadastres. Northeasterly, along the said dividing line to starting point "2054".

The said part contains an area of 16 991.8 square metres, or 1.70 ha.

The second part of land is situated in the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette, registration division of Québec, and is comprised of two parts of lot 574 and of a part of lot 1522. The perimeter of this second part is described as follows:

Starting at point "2054", the said point being the intersection of the dividing line of the two cadastres and the south right of way of Armand-Viau street. Southwesterly, along the dividing line of the cadastres to point "2053", the said point being situated on the northeast right of way of Henri IV boulevard. Thence, northwesterly, along the said right of way through points "2027 and 2073", the latter point being the intersection of the said right of way and the dividing line of lots 573 and 574. Northeasterly, along the said dividing line to point "2066", the said point being situated on the southwest right of way of Armand-Viau street. Southeasterly, along the said southwest right of way to starting point "2054".

The said part contains an area of 7 489.4 square metres, or 0.75 ha.

PARCEL 4

A parcel of land also situated in the cadastre of the parish of L'Ancienne-Lorette, registration division of Québec, and forming part of lot 237. The perimeter of the said parcel is described as follows:

Starting at point "2159", the said point being situated on the dividing line of the cadastres of the parish of Saint-Ambroise-de-la-Jeune-Lorette and the parish of L'Ancienne-Lorette and the extension to the southwest of the northwest line of lot 565 across lot 562. Southeasterly, along the dividing line of the said cadastres to point "2345", the said point being the intersection of the cadastral line and the northeast right of way of Henri IV boulevard. Thence, northwesterly, along the said right of way of the said boulevard to point "2183", the said point being the intersection of the right of way of the said boulevard and the extension to the southwest of the northwest boundary of lot 565. Northeasterly, along the said extension line to starting point "2159".

The said parcel contains an area of 24 162.2 square metres, or 2.41 ha.

The total area of Armand-Viau park at present is 817 923.4 square metres, or 81.79 ha, as shown on plan IAR-95105, dated 5 September 1995, prepared by land surveyor Gaétan Groleau and under minute 95V-871.

Distances in this description expressed in metres (SI).