

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE, HELD AT CITY HALL, 451 SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC, ON **TUESDAY DECEMBER 18, 2018**, AT 5:00 P.M., AFTER DUE NOTICE WAS TRANSMITTED ON FRIDAY DECEMBER 14, 2018.

PRESENTS: Councillors P. Bissonnette, C. Cousineau, B. Cowan and D. Webb, as well as Councillors C. Homan and K. Thorstad-Cullen, chaired by His Worship Mayor John Belvedere forming a quorum of council.

ABSENTS: Councillors T. Stainforth and E. Stork.

Mr. Robert-F. Weemaes, City Manager, as well as Me Caroline Thibault, Assistant Director, Legal Affairs and City Clerk's office are also in attendance.

2018-950 APPROVAL OF THE AGENDA

It is moved by Councillor Homan,
Seconded by Councillor Cousineau, and unanimously

RESOLVED: TO approve the agenda that has been prepared for this meeting.

2018-951 QUESTION PERIOD

Questions are submitted to the Council members by the person indicated below concerning the following subjects:

Mr. Normand Lapointe:

- Item 10.02: Procedures with respect to loan by-laws PC-2893, PC-2894 and PC-2895;
- Item 10.03: Presentation and notice of motion of a by-law decreeing a long-term loan and a capital expenditure of \$ 4 350 000 for various works to be executed on the City buildings;
- Item 10.04: Presentation and notice of motion of a by-law decreeing the long-term loan and a capital expenditure of \$ 9 950 000 for various infrastructure works in various locations of the residential sector;
- 2019, 2020 and 2021 three-year Programme of Capital Expenditures: Purchase of waste containers;
- Budget 2019: Money intended for the sidewalks repair;
- Self-service bike for employees.

2018-952 ADOPTION – BY-LAW DECREERING THE IMPOSITION OF THE GENERAL REAL ESTATE TAX, COMPENSATIONS FOR MUNICIPAL SERVICES, THE TARIFFS EXIGIBLE FOR WATER SUPPLY, FOR FISCAL YEAR 2019

WHEREAS a copy of the draft by-law was given to Council members at least two legal days before this meeting;

WHEREAS Council members hereby acknowledge having read the draft by-law and waive its reading.

It is moved by Councillor Cousineau,
Seconded by Councillor Thorstad-Cullen, and unanimously

RESOLVED: TO adopt a by-law decreeing the imposition of the general real estate tax, compensations for municipal services, the tariffs exigible for water supply, for fiscal year 2019, to the extent that the final version of this by-law is substantially conforming to the draft attached to decision making file 18-139-12321.

2018-953 APPROVAL - MODIFICATIONS TO THE PROCEDURES WITH RESPECT TO LOAN BY-LAWS PC-2893, PC-2894 AND PC-2895

It is moved by Councillor Webb,
Seconded by Councillor Bissonnette, and unanimously

RESOLVED: TO approve the modification to the procedures of the loan by-laws PC-2893, PC-2894 and PC-2895.

2018-954 PRESENTATION AND NOTICE OF MOTION OF A DRAFT BY-LAW DECREEING A LONG-TERM LOAN AND A CAPITAL EXPENDITURE OF \$ 4 350 000 FOR VARIOUS WORKS TO BE EXECUTED ON THE CITY BUILDINGS

Councillor Cousineau presents a draft by-law decreeing a long-term loan and a capital expenditure of \$4 350 000 for various works to be executed on the City buildings;

Councillor Cousineau also gives notice that this by-law will be presented for adoption at a subsequent meeting and exemption of its reading is requested.

2018-955 PRESENTATION AND NOTICE OF MOTION OF A DRAFT BY-LAW DECREEING A LONG-TERM LOAN AND A CAPITAL EXPENDITURE OF \$ 9 950 000 FOR VARIOUS INFRASTRUCTURE WORKS IN VARIOUS LOCATIONS OF THE RESIDENTIAL SECTOR

Councillor Cowan presents a draft by-law decreeing a long-term loan and a capital expenditure of \$9 950 000 for various infrastructure works in various locations of the residential sector;

Councillor Cowan also gives notice that this by-law will be presented for adoption at a subsequent meeting and exemption of its reading is requested.

2018-956 PRESENTATION AND NOTICE OF MOTION OF A DRAFT BY-LAW DECREEING A LONG-TERM LOAN AND A CAPITAL EXPENDITURE OF \$2 100 000 FOR WORKS IN PARKS, GREEN SPACES AND SPORT FACILITIES

Councillor Thorstad-Cullen presents a draft by-law decreeing a long-term loan and a capital expenditure of \$2 100 000 for works in parks, green spaces and sport facilities;

Councillor Thorstad-Cullen also gives notice that this by-law will be presented for adoption at a subsequent meeting and exemption of its reading is requested.

2018-957 AUTHORIZATION – PRESENTATION OF AN APPLICATION FOR FINANCIAL ASSISTANCE TO THE “FONDS MUNICIPAL EN ACTION JURIDIQUE” OF THE “UNION DES MUNICIPALITÉS DU QUÉBEC”

WHEREAS on December 5, 2014, the National Assembly of Quebec has adopted the Act to foster the financial health and sustainability of municipal defined benefit pension plans (Bill 15);

WHEREAS it is in the interest of the municipality that a law frames the pension plans in order to ensure their sustainability and to control their costs;

WHEREAS the purpose of this Act, is to require the amendment of any defined benefit pension plan governed by Supplemental Pension Plans Act (Chapter R-15.1) and established by a municipal body, as well as the Quebec Employee's Pension Plan, in order to improve the financial health and ensure its sustainability, as described in the first paragraph of Article 1 of Bill 15, is one that is of interest to all Quebec municipalities;

WHEREAS on September 23, 2015, the Canadian Union of Public Employees, local 128, some employees and other employee's associations have filed, against the Quebec Attorney General, an amended motion to institute proceeding for a declaratory judgment, with a notice of intention to the Quebec Attorney General (Quebec Superior Court file number 500-17-086494-153);

WHEREAS the Cities of Beaconsfield, Dorval, Town of Mount-Royal, Pointe-Claire and Sainte-Catherine (the Cities) are affected by this process as "mises-en-cause";

WHEREAS, by this procedure, the applicants ask, especially, the court to:

- 1° Declare Bill 15, invalid, ineffective and void, since it would contravene article 2 d) of the Canadian Charter and article 3 of the Quebec Charter;
- 2° Order the "mises-en-cause" parties among which are the cities mentioned in the preceding paragraph, to restore the parties to the "status quo ante", including any and all pecuniary losses suffered by the applicants' pension plans retroactively to the date of coming into force of Act 15, with interest and additional indemnity;
- 3° Declare that any and all modifications to pension plans, which will have been negotiated and concluded under Act 15, or pursuant to regulations subsequently adopted further to such agreements, be declared as null and void;

WHEREAS issues raised by the Cities meet the interests of all Quebec municipalities;

WHEREAS the Cities invested significant amounts to reach agreements within the framework of Act 15 and to implement their resulting effects;

WHEREAS a retroactive restoring order would result in major negative impacts for all Quebec municipalities as a whole, namely: necessary modifications to administrative systems, renegotiation of collective agreements and reoccurrence of deficits in municipalities' financial statements;

WHEREAS staggering additional disbursements would be required from municipalities should they be ordered to restore the "status quo ante" situation, as it existed prior to Act 15;

WHEREAS the Cities targeted three main underlying issues supporting their theory of the case and of their filed defence pleas as these three issues apply, one or the other, or altogether to the vast majority of Quebec municipalities:

1. The pension plan (PP) implemented in the municipality has never been the object of negotiations ("ex-gratia plan");
2. Act 15 does not substantially impact the elements of the City PP and the PP may all the same be the object of adjustments out of the scope of Act 15, which does not compromise freedom of association;
3. In certain cases, Act 15 is even beneficial for employee associations and their members;

WHEREAS the efficient and relevant presentation of these three main issues support and strengthen positions defended by the "Procureure générale du Québec";

WHEREAS important retroactive disbursements may be required from Cities for the financing of Pension Plans since January 1st, 2014, should be the effects of Act 15 be released;

WHEREAS the Cities, until now, have supported a significant burden for having incurred, since the beginning of the legal proceedings, an important human and financial resources investment;

WHEREAS the significant increase in legal and actuarial costs that are necessary to continue an efficient defence of the Cities positions before the Court, tends to discourage them from maintaining their participation in this process, even though the “Procureure générale du Québec” admitted that the legal arguments, as submitted by the Cities, will contribute to obtain a favourable decision in this case, which would then be beneficial for all Quebec municipalities;

WHEREAS the City recognize the major effort made by the “Union des municipalités du Québec (UMQ)” in this matter, as part of its proactive intervention;

WHEREAS it is in the interest of all municipalities that the Cities can continue their participation in the ongoing judicial process, in order to have the opportunity to present their arguments before the Court, which arguments are intended to consolidate the investments already made and the position taken by the “Union des municipalités du Québec (UMQ)” in this matter;

WHEREAS the Cities, while supporting the general position taken by the “Union des municipalités du Québec (UMQ)”, can submit distinct and precise elements that are related to the interest of all Quebec municipalities;

WHEREAS the financial assistance requested by the Cities, under part 1 of the “Fonds”, is necessary to enable them to assert their positions without imposing an undue burden solely of their own taxpayers;

It is moved by Councillor Cousineau,
Seconded by Councillor Cowan, and unanimously

RESOLVED: TO authorize, for the reasons stated in the preamble, the presentation of an application, by the City of Pointe-Claire, for financial assistance in the amount of \$10 000 from the “Fonds municipal en action juridique” de “l’Union des municipalités du Québec (UMQ)”;

TO authorize the City manager to sign and present this application, for and on behalf of the City of Pointe-Claire.

2018-958 AUTHORIZATION - PRESENTATION OF AN APPLICATION FOR FINANCIAL ASSISTANCE “(PROGRAMME PRIMEAU – RENOUELLEMENT DE CONDUITES)” TO THE “MINISTÈRE DES AFFAIRES MUNICIPALES ET DE L’HABITATION (MAMH)”

WHEREAS the municipality has read the “Programme Primeau” Guide and must respect all the terms of this guide that apply to it.

It is moved by Councillor Thorstad-Cullen,
Seconded by Councillor Bissonnette, and unanimously

RESOLVED: THAT the municipality agrees to respect all the terms of this guide that apply to it;

THAT the municipality agrees to pay its share of the eligible costs and ongoing operating costs associated with its project to the “Programme Primeau”;

THAT the municipality confirms that it assumes all non-eligible costs and cost overruns associated with its “Programme Primeau”;

THAT the Municipal Council authorizes the filing of applications for financial assistance to the “Programme Primeau”, the following projects:

- 1) 17-187 – Reconstruction of the services on Sunnyside Avenue, between Saint-Louis Avenue and the south end, as well as part of Windward Avenue;
- 2) 18-077 – Reconstruction of the services on Vanguard Avenue, between Viking and Sunderland Avenues;
- 3) 18-186 – Reconstruction of the services on Charles Avenue, between Mount-Pleasant and Belmont Avenues; and

TO authorize Mr. Benoît Filion, Eng. Planner – Strategic Control to sign all the necessary documents that purpose, for and on behalf of the City of Pointe-Claire.

2018-959

AUTHORIZATION – PARTICIPATION OF THE COUNCIL MEMBERS AND THE CITY MANAGER TO THE “UNION DES MUNICIPALITÉS DU QUÉBEC” AND THE “FÉDÉRATION CANADIENNE DES MUNICIPALITÉS” CONVENTIONS

It is moved by Councillor Homan,
Seconded by Councillor Webb, and unanimously

RESOLVED:

TO authorize Mayor John Belvedere, Councillors Claude Cousineau, Paul Bissonnette and Brent Cowan and Councillors Cynthia Homan, Tara Stainforth and Kelly Thorstad-Cullen, as well as the City Manager, Mr. Robert-F. Weemaes, to represent the City of Pointe-Claire at the Annual “Union des municipalités du Québec (UMQ)” convention, to be held in Quebec City, from May 9th to May 11th, 2019;

TO authorize Mayor John Belvedere, Councillors Claude Cousineau, Paul Bissonnette and Brent Cowan and Councillors Cynthia Homan, Tara Stainforth and Kelly Thorstad-Cullen, to represent the City of Pointe-Claire at the “Fédération des municipalités (FCM)”, to be held at Quebec City, from May 30th to June 2nd, 2019;

TO authorize the reimbursement of the costs incurred by these persons concerning their participation in these conventions, in accordance with the policy in force;

TO charge the expenses related to this authorization to the Budget Accounts as indicated below and as indicated on Certificate No. 18-12491 issued by the Treasurer on December 5, 2018:

02-111-00-313: \$36 000
02-131-00-313: \$2 500

2018-960

AUTHORIZATION - RENEWAL OF THE “UNION DES MUNICIPALITÉS DU QUÉBEC” MEMBERSHIP

It is moved by Councillor Cousineau,
Seconded by Councillor Bissonnette, and unanimously

RESOLVED:

THAT the City of Pointe-Claire renew the membership of the “Union des municipalités du Québec” for a cost of \$35 993.82, taxes included, including the annual contribution of \$19 684.62 and the contribution to the “Carrefour du capital humain” of \$16 309.20;

TO charge the expenses related to this authorization to Budget Account 02-111-00-494, as indicated on Certificate No. 18-12498 issued by the Treasurer on December 5, 2018.

2018-961 AUTHORIZATION – PARTICIPATION TO THE 20TH ANNUAL VALENTINE’S BALL – WEST ISLAND PALLIATIVE CARE RESIDENCE

WHEREAS the Mayor was invited to the Valentine’s Day Annual Gala to be held on February 8, 2019;

WHEREAS this event is of an exceptional nature and that the presence of the mayor’s spouse is justified because of the protocol to be observed;

It is moved by Councillor Bissonnette,
Seconded by Councillor Thorstad-Cullen, and unanimously

RESOLVED: TO authorize Mayor John Belvedere, as well as his spouse, Mrs. Sandra Hudon, to represent the City of Pointe-Claire at the 20th Annual Valentine’s Ball, organized by the West Island Palliative Care Residence, to be held Friday February 8, 2019, for the benefit of the palliative care;

TO authorize the reimbursement of the costs incurred by the participation of Mayor Belvedere and his spouse to this activity, in conformity to the policy in force;

TO charge the expenses related to this authorization at a cost of \$1 300, taxes included, to Budget Account 02-111-311, as indicated on Certificate No. 18-12501 issued by the Treasurer on December 5, 2018.

2018-962 TO CONSIDER TERMINATING THE CONTRACT INTERVENED WITH “LABORATOIRES CHOISY LTÉE” FOR THE SUPPLY AND DELIVERY OF SANITARY AND ANCILLARY PRODUCTS

It is moved by Councillor Cousineau,
Seconded by Councillor Thorstad-Cullen, and unanimously

RESOLVED: TO terminate immediately, for all legal purposes, the contract awarded in favour of the corporation “Laboratoires Choisy Ltée” for the supply and delivery of sanitary and ancillary products under resolution 2015-580;

TO approve the terms and conditions of a deed of settlement to be agreed with the co-contractor, in accordance with Articles 2631 and ss. of the Quebec Civil Code, under which the City pays to “Laboratoires Choisy Ltée” the amount of \$11 558.08 and by which the parties give each other a complete, mutual and reciprocal release and waive any recourse and claim by the parties against each other;

TO authorize, on signing this deed of settlement, the payment of an amount of \$11 558.08, in favour of the corporation “Laboratoires Choisy Ltée”;

TO authorize the issuance of a purchase order in favour of the corporation “Laboratoires Choisy Ltée”, for the supply and the delivery of sanitary and ancillary products, for a maximum amount of \$24 999, taxes included, to cover the City's needs in this matter for a period not exceeding March 8, 2019;

TO order by then, the launching of a public call for tenders for the supply and the delivery of sanitary and ancillary products for the period ending on December 31, 2019, so as to allow the Municipal Council to award a new contract at the end of this process, on March 5, 2019 at the latest.

2018-963 CLOSURE

It is moved by Councillor Cowan,
Seconded by Councillor Bissonnette, and unanimously

RESOLVED: TO hereupon adjourn this meeting at 5:11 p.m.

John Belvedere, Mayor

Me Caroline Thibault
Assistant Director – Acting as City Clerk