

**MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL HELD ON
MONDAY, FEBRUARY 22, 2010 AT 5801 CAVENDISH BOULEVARD,
CÔTE SAINT-LUC, AT 7:00 P.M.**

PRESENT:

Mayor Anthony Housefather, B.C.L., L.L.B, M.B.A. presiding
Councillor Mitchell Brownstein, B. Comm., B.C.L., L.L.B.
Councillor Mike Cohen, B.A.
Councillor Steven Erdelyi, B.Sc., B.Ed.
Councillor Sam Goldbloom, B.A.
Councillor Allan J. Levine, B.Sc., M.A., DPLI

ALSO PRESENT:

Mr. Ken Lerner, City Manager
Mr. Jonathan Shecter, Director of Legal Services and City Clerk,
acted as Secretary of the meeting

QUESTION PERIOD

Having no residents present, there were no questions asked.

100240

RESOLUTION TO CONTEST *THE RÈGLEMENT CONCERNANT LA QUOTE-PART POUR L'ALIMENTATION EN EAU POTABLE*, TO CALL UPON THE MUNICIPAL COMMISSION TO CONDUCT A FULL HEARING, TO CALL UPON THE INVOLVEMENT OF THE MINISTER OF MUNICIPAL AFFAIRS, REGIONS AND LAND OCCUPANCY AS WELL AS THE AGGLOMERATION COUNCIL TO REDRESS THE INEQUITIES AT THE AGGLOMERATION

WHEREAS the Agglomeration of Montreal has imposed an increase of 12.6% (\$39.9 million) in the 2010 shared costs that will have to be funded by taxpayers of the Montreal Island Suburban Municipalities (as compared to 2009);

WHEREAS this increase is at least six times the projected inflation rate for 2010;

WHEREAS at its meeting of December 17, 2009 the Agglomeration Council of Montreal created the *Commission Ad-hoc du budget 2010 (volet agglomération)*, to which two Mayors of the Suburban Municipalities were appointed;

WHEREAS at the January 12, 2010 meeting of the Agglomeration Council of Montreal, the President of the Agglomeration and Mayor of Montreal Gérald Tremblay, announced that regardless of the recommendations submitted by said Commission, no changes would be made, or even considered, for the 2010 Agglomeration budget;

WHEREAS while said Commission was created by the Agglomeration Council on December 17, 2009, the City of Montreal did not provide the two representatives from the Suburban Municipalities with any specific 2010 budget information until January 13, 2010, only two days prior to the first day of Commission *Ad-hoc* meetings;

WHEREAS until the start of said public hearings on the 2010 Agglomeration budget, the Suburban Municipalities were not provided with any opportunities for meaningful involvement in the planning and preparation of the 2010 Agglomeration budget; in spite of the fact that the Suburban Municipalities finance almost 20% of all Agglomeration expenditures;

WHEREAS, upon completion of the public hearings, the report submitted by the *Commission Ad-hoc du budget (volet agglomération)* did not include the key recommendations proposed by the representatives from the Suburban Municipalities, which were ultimately submitted to the Agglomeration Council by said members in their Minority Report which is attached to and forms part of this resolution;

WHEREAS said Minority Report objected to the 9.4% increase (\$189.6 million) imposed by the City of Montreal in operational spending in the 2010 Agglomeration budget (as compared to 2009), which is nearly five times the rate of inflation;

WHEREAS said \$189.6 million increase resulted primarily from two sources; \$91.9 million that must allegedly be paid into employee pension funds and an additional \$62.2 million increase in mass transit spending;

WHEREAS no documentation or justification was provided to the Commission regarding the proposed additional \$91.9 million in pension fund costs, which is completely contrary to the recommendations of the Auditors Report tabled in September 2009 which stated that Agglomeration Council members should not be “kept in the dark” about essential information which would allow them to make an informed decision;

WHEREAS since the adoption of Bill 170 in 2000 by the Parti Québécois Government, which forcibly merged all the municipalities of the island of Montreal, the objective promised at that time to realize significant ‘economies of scale’ for the benefit of the taxpayers of the City of Montreal has not, nor ever will be achieved, given the uncontrolled spending by the City of Montreal since the forced mergers imposed by the Parti Québécois in 2002;

WHEREAS, again in 2000, the Parti Québécois Government adopted new legislation which created the Montreal Metropolitan Community (MMC) with the goal of establishing a more equitable sharing of costs by all municipalities of the Greater Metropolitan Region, said MMC has failed to implement a fair and reasonable mass transit cost-sharing formula applicable to those off-island municipalities whose residents benefit from said mass transit services and the economic growth derived thereof;

WHEREAS despite legislation enacted in 2004, 2005 and 2008 seeking to improve the management of the Agglomeration and the democratic process between the City of Montreal and the Agglomeration partners, the City of Montreal has refused and/or neglected to cooperate pursuant to said legislations’ spirit;

WHEREAS the City of Côte Saint-Luc (“the City”) wishes to contest the agglomeration by-law entitled, *Règlement concernant la quote-part pour l'alimentation en eau potable*, before the Quebec Municipal Commission (“the Commission”);

WHEREAS although the Court of Appeal stated in *Ville de Beloeil c. Commission municipale du Québec*, [1975] R.D.T. 245, (“Beloeil Judgment”) that while the Commission is not relegated to one particular strict code of procedure, it clearly stated that it is indeed a quasi-judicial body and must ‘*respecter les règles fondamentales de justice*’ and must judge according to, “*l'équité et le bon sens*”;

WHEREAS notwithstanding a specific process in place for by-law oppositions indicated on the Commission's website, the Commission as a general practice as admitted on their website;

“adopte, en pratique, dans toutes ses enquêtes, une procédure identique à celle qui prévaut devant les cours de justice quant aux matières contentieuses.”

WHEREAS the Quebec Court of Appel further stated in the Beloeil Judgment

“Lorsque la commission municipale est saisie d'un appel en vertu de l'article 69a, elle doit procéder à une révision entière des faits et circonstances qui ont motivé la décision du conseil. Elle doit scruter les motifs de la décision administrative afin de déterminer si elle était justifiée. Elle ne doit pas se contenter d'apprécier la sagesse de la décision mais elle doit examiner son mérite. Il est faux de soutenir que la preuve sur un tel appel doit être limitée aux cas de fraude ou d'injustice flagrante, comme semble le croire l'appelante. (Voir commission municipale du Québec c. Ville de Lachine (1)). Pour accomplir d'une façon efficace son rôle, la commission municipale doit connaître et apprécier les motifs de la décision du conseil municipal”.

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED:

“THAT as provided for under the terms of Articles 118.79, 118.80, 118.81, 118.82 and 118.82.1 of *An Act Respecting The Exercise Of Certain Municipal Powers In Certain Urban Agglomeration* (R.S.Q. c, E-20.001), the City of Côte Saint-Luc respectfully submits to the Quebec Municipal Commission its contestation of the *Règlement RCG 10-005 concernant la quote-part pour l'alimentation en eau potable (exercice financier 2010; CG10 0032)* adopted by the Agglomeration Council of Montreal at its meeting of January 28, 2010;

THAT considering the Quebec Municipal Commission is a quasi-judicial authority, the City of Côte Saint-Luc calls upon said Commission in rendering a cogent, enlightened and fully-informed decision, to conduct an actual hearing wherein all parties are duly convened, in person, to fully adhere to the principles of Natural Justice;

THAT considering the City of Montreal's lack of collaboration in the consultation and democratic process, regarding in particular, the adoption of the Agglomeration budget, the City of Côte Saint-Luc calls upon the Minister of Municipal Affairs, Regions and Land Occupancy to take immediate action to amend the *Act Respecting The Exercise of Certain Municipal Powers In Certain Urban Agglomeration* (R.S.Q. c, E-20.001) that will make it mandatory for the Agglomeration Council of Montreal to adopt all future Agglomeration budgets through by-laws, as well as related components of said budgets such as the allocation of the aliquot shares, all of which can be contested to the appropriate authority as stipulated in the Act;

THAT considering the need to ensure a true democratic and fiscally equitable process, the City of Côte Saint-Luc respectfully requests that the Minister of Municipal Affairs, Regions and Land Occupancy immediately appoint a *mandataire* who will have the mandate and authority to validate the “mixed expenses” that the City of Montreal has illegally charged to the Agglomeration in its 2010 budget;

THAT in conjunction with his mandate the City of Côte Saint-Luc requests that the Minister of Municipal Affairs, Regions and Land Occupancy also instruct said *mandataire* to carry out a separate investigation and validation of the \$91.9 million of new costs contained in the 2010 Agglomeration budget allegedly related to the financing of employee pension plans;

THAT the City of Côte Saint-Luc requests that the Agglomeration Council of Montreal create a permanent *Commission de budget (volet agglomération)* that will have as its members at least two Mayors from the Suburban Municipalities; said Commission shall be empowered to examine all aspects of the annual operating and capital Agglomeration budgets as per clear and concise guidelines established by the Agglomeration Council;

THAT copies of this resolution be sent to the following:

- Quebec Premier, Jean Charest
- Minister of Municipal Affairs, Regions and Land Occupancy, Laurent Lessard
- Member of the National Assembly representing Côte Saint-Luc, Lawrence Bergman
- The Quebec Municipal Commission
- Minister of Transport, Julie Boulet
- President of the Agglomeration Council, Gérald Tremblay
- Mayors of all Agglomeration suburban municipalities.”

CARRIED UNANIMOUSLY

100241

ADJOURNMENT OF THE MEETING

It was

MOVED BY COUNCILLOR MIKE COHEN
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

“THAT Council hereby authorizes the Mayor to declare the Meeting adjourned.”

CARRIED UNANIMOUSLY

AT 7:08 P.M. MAYOR HOUSEFATHER DECLARED THE MEETING ADJOURNED.

ANTHONY HOUSEFATHER
MAYOR

JONATHAN SHECTER
DIRECTOR OF LEGAL SERVICES
AND CITY CLERK