

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON
MONDAY, MAY 8, 2006, AT 5801 CAVENDISH BOULEVARD, CÔTE
SAINT-LUC, AT 8:00 P.M.**

PRESENT:

Mayor Anthony Housefather, B.C.L., L.L.B, M.B.A. presiding
Councillor Dida Berku, B.C.L.
Councillor Mitchell Brownstein, B. Comm., B.C.L., L.L.B.
Councillor Michael Cohen
Councillor Steven Erdelyi, B.Sc., B.Ed.
Councillor Sam Goldbloom
Councillor Ruth Kovac
Councillor Allan J. Levine, B.Sc., M.A.
Councillor Glenn J. Nashen

ALSO PRESENT:

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

**PRESENTATION TO KALEN ANDERSON, MASTERS STUDENT IN URBAN
PLANNING, MCGILL UNIVERSITY FOR HER STUDY ON CAVENDISH MALL
REDEVELOPMENT**

Mayor Housefather explained to the public that the Mayor and Council of the City of Côte Saint-Luc wish to express their appreciation to Kalen Anderson for her research, expertise and enthusiasm concerning a presentation for a potential Cavendish Mall Redevelopment project.

060501

**EXPRESSION OF CONDOLENCES - FALLEN CANADIAN SOLDIERS IN
AFGHANISTAN**

WHEREAS the Canadian Armed Forces have been called up to serve in Afghanistan in an effort to help restore order and protect the peace as part of a multi-national force; and

WHEREAS the brave soldiers of the Canadian Armed Forces are often in harm's way in service to Canada and all Canadians, and that the following Canadian soldiers have fallen in the service of our country:

- Corporal Randy Payne, CFB Wainwright, Alberta;
- Corporal Matthew Dinning, Richmond Hill, Ontario;
- Lieutenant William Turner, (native of Toronto) Edmonton's Land Force, Western Headquarters;
- Bombardier Myles Mansell, Victoria, British Columbia

WHEREAS these soldiers were killed in action in Afghanistan on Saturday, April 22, 2006;

It was

MOVED BY COUNCILLOR GLENN J. NASHEN

SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT the City of Côte Saint-Luc extends its deepest sympathies to the families, friends and comrades of the deceased, and sends a message of support, encouragement and appreciation to our troops serving abroad;

THAT this resolution also be sent to the Minister of National Defence, Mr. Gordon O'Connor, Chief of Defence Staff, General Rick Hillier, Member of Parliament for Mount-Royal, Mr. Irwin Cotler, President of the Royal Canadian Legion - Frederick Kisch Branch 97, and to the Federation of Canadian Municipalities, the Union of Quebec Municipalities and to the Cities of the Montreal Region;

THAT said resolution shall be for immediate action.”
CARRIED UNANIMOUSLY

QUESTION PERIOD

The question period started at 8:20 p.m. and finished at 9:15 p.m. Ten (10) people asked to speak and they were heard.

1) Auby Laufer:

The resident inquired as to whether residents of Côte Saint-Luc can put out their recyclable items the night prior to collection day to which Mayor Housefather responded that they cannot.

The resident then inquired as to how many residents signed the Register held on May 3, 2006 pertaining to by-law 2246 authorizing a loan of \$128,550 for the purchase of vehicles for the Public Works Department of the City of Côte Saint-Luc to which Mayor Housefather responded that two (2) people signed the Register.

The resident then complained that there was work being carried out behind the Presidential Towers building between 2:00 a.m. and 7:00 a.m. which he opined was outside of the hours permitted by Côte Saint-Luc's by-laws to which Mayor Housefather responded that the resident should call Public Security to complain should this arise again.

The resident then referred to Item 15 on the Council Agenda which expresses condolences for the fallen Canadian soldiers in Afghanistan and requested that Côte Saint-Luc lower the flag in memory of them as well as any other future fallen Canadian soldiers to which Mayor Housefather responded that he would consult his fellow members of Council in order to seek a consensus on the matter.

2) Jack Cabot

The resident referred to a policy in which each resident is given approximately two minutes to present a question during Question Period and asked whether the two minutes could be extended to which Mayor Housefather responded that in principle, Council wishes to relegate each questioner's time to two minutes so that all members of the public who wish to ask questions will each have their turn and therefore, it is not expedient to change the policy at this time. Mayor Housefather also noted that each resident has the right to a 30 second follow up and that there is a second question period at the end of the meeting.

The resident then requested an update on Meadowbrook as he had been out of the country for the past few months to which Mayor Housefather responded that no fundamental change has occurred except that the ownership of the land has changed.

3) Erwen Luden

The resident inquired as to why there were certain markings on City fire hydrants to which Mayor Housefather responded that Dessau Soprin, the company with which the City has a maintenance contract, has been thoroughly inspecting City fire Hydrants to ensure that all of them are functional. He further explained that as it is the City of Montreal who was previously in charge of this, was not as proactive in doing so.

The resident inquired as to when the water main leak on Cavendish and Côte Saint-Luc Road would be repaired to which Mayor Housefather responded that the City will be installing a chamber shortly to allow it to have direct access to the pipes, which the City of Montreal never did. He explained that this was likely an agglomeration problem as the agglomeration is responsible for 2 of the 3 pipes at that location but that given that the City can not just wait for the agglomeration to act it would act itself and seek to bill amounts back to the agglomeration and to agree on such responsibility in advance.

4) Avrum Shtern

The resident inquired as to whether any repairs must be done to the Cavendish Underpass to which Councillor Brownstein responded that they aren't necessary at this time.

The resident then called upon his fellow residents to use garbage bags which were more tear-resistant to which all members of Council took note.

The resident then requested that territories such as Meadowbrook and Angelwoods be marked as greenspaces on the island of Montreal's map of greenspaces to which all members of Council took note.

The resident then opined that the new owner of Meadowbrook be invited to see the territory to personally witness its inherent environmental greenspace value to which all members of Council once again took note.

The resident then called upon members of Council to compel the owner of Meadowbrook to plant wildflowers on his territory to which Mayor Housefather responded that since the City is not the owner of the land, it cannot compel the owner to do so but that it can make the suggestion to the owner.

The resident then called upon this council to authorize an audit of its residents' recycling blue boxes to which Mayor Housefather responded that one of the things this council wants to do is expand recycling. He then explained that the best way to promote recycling is to educate the public on its inherent value.

5) Marvin Helfenbaum

The resident expressed his disapproval with the homeowner's request for a Minor Exemption at 5561 Randall¹ citing, in particular, the fact that the exemption requested would not be consistent with the neighbouring homes to which Mayor Housefather responded that the matter will be deferred for further study.

6) Eric Berman

¹ Item 8 b(iii) on tonight's Council Agenda

The resident requested that proper traffic safety measures be implemented on Randall Avenue between Merton Road and Fleet Road to which Mayor Housefather responded that the Director of Public Works is looking into traffic-calming measures throughout the City and will have a report on the matter ready shortly. The resident then requested that speed humps and not speed bumps be placed on Randall Avenue.

The resident then complained that a resident on Randall Avenue is performing construction without a permit and stated that when he complained to the City about it he was told to redirect his complaint to the Fire Department to which Mayor Housefather responded that this response was not acceptable as one of the things he wishes to continuously instill in each department is proper customer service. He then explained that for the issue in particular raised by the resident, Councillors Berku and Levine have already personally gone on site and authorized the Director of Public Works to put up a fence around the area the costs of which the City shall recover from the owner. Moreover, he explained, that both aforementioned Councillors have also ensured that photographs be taken as evidence in any future potential litigation. He then explained that the owner has received and will continue to receive notices of infraction.

7) Arnie Ansel

The resident complained that since recycling hours commence at 7:00 a.m., it is too early for some residents to wake up and put out their blue boxes to which Mayor Housefather responded that since the contract presently allows the company to start at 7:00 a.m. the Director of Public Works can look into whether the recycling company can advise the residents of which streets are specifically being done at approximately which hour so that not all residents have to needlessly wake up early.

8) Irving Itman

The resident requested an update as to the installation of lighting in Yitzchak Rabin Park as well as on Wavell Avenue to which Mayor Housefather responded that the electric parts were ordered a while back and should hopefully be coming in very soon.

The resident then reminded Council that the Jewish Holiday of *Shavuot* is soon occurring and that it is important to respect the parking tolerances for Jewish Holidays to which Mayor Housefather concurred and to which Councillor Nashen added that certain parking infractions such as parking within 5 meters of a fire hydrant will still be enforced.

The resident then inquired as to when the next Agglomeration Meeting is to which Mayor Housefather responded that in principle, it is scheduled for Monday, May 29, 2006.

The resident then reiterated his dissatisfaction with the undemocratic way the Agglomeration Council meetings are run to which Mayor Housefather concurred and added that near the end of the last meeting he, along with the vast majority of his mayoral counterparts from demerged municipalities, walked out as the Agglomeration Council members from the City of Montreal refused to listen to any reasonable requests they made. He also explained to this resident that he will be consulting with his mayoral counterparts in the demerged municipalities to see if it is worthwhile to not attend any further Agglomeration Council Meetings unless and until the process at the Agglomeration Council is truly fair. He further explained that tonight, this Council is adopting twelve oppositions to Agglomeration Council decisions rendered at its last meeting. The resident then inquired as to whether it is indeed expedient to mount a united citizens protest rally with all of the other

demerged municipalities to which Mayor Housefather responded that he, along with his colleagues are looking into this venue but want to ensure that it would be the most practical approach to express dissatisfaction with the whole process regarding the Agglomeration Council.

9) Howard Silbiger

The resident complained of two perennially parked cars on the street where he resides. He explained that since the vehicle owner(s) has(ve) overnight parking permits, they are not obliged to move their cars and the City can neither properly perform snow removal operations nor clean the street to which Mayor Housefather responded that this is the first he has heard of this complaint, that in future, he suggests that the resident telephone or e-mail immediately and the City would follow up. He then stated that the by-law concerning overnight parking permits is presently being reviewed to which Councillor Berku added that if the resident gives the City the address in question, the City could look into whether these cars do indeed have valid parking permits.

10) Nancy Reich

The resident complained that the costs of a family membership for non-residents to the Eleanor London Côte Saint-Luc Public Library are too prohibitive to which Mayor Housefather responded that in the past, Côte Saint-Luc did not allow any new non-resident members and that this Council has indeed allowed non-residents to join, that this resident is welcome to use the library facilities free of charge but would just have to pay to borrow library materials, that in comparison to the library in this resident's Borough, the Eleanor London Côte Saint-Luc Public Library has been under-funded in terms of subsidies, that Côte Saint-Luc does not have the financial capability to fund all non-resident memberships island-wide. He further explained that this resident's Borough has not approached Côte Saint-Luc to seek an agreement on library access as Hampstead and Montreal West did.

060502

**CONFIRMATION OF THE MINUTES OF THE REGULAR MEETING OF
COUNCIL DATED APRIL 10, 2006**

It was

MOVED BY COUNCILLOR GLENN J. NASHEN
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT the Minutes of the Regular Meeting of Council dated April 10, 2006 be and are hereby approved as submitted.”
CARRIED UNANIMOUSLY

060503

MONTHLY DEPARTMENTAL REPORTS FOR APRIL 2006

It was

MOVED BY COUNCILLOR GLENN J. NASHEN
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT the monthly departmental reports for April 2006, be and are hereby approved as submitted.”
CARRIED UNANIMOUSLY

060504

HUMAN RESOURCES – REPLACEMENT TO RESOLUTION 060410

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT resolution number 060410 is hereby replaced with the following:

THAT the following document entitled, “City of Côte Saint-Luc Management Employee Job Titles” revised and dated May 2, 2006 said document replacing the one pursuant to resolution 060410;

THAT said document shall be annexed to the Minutes as Annex “A” to form an integral part thereof;

THAT said resolution shall be effective immediately.”
CARRIED UNANIMOUSLY

060505

HUMAN RESOURCES – APPOINTMENT OF CITY REPRESENTATIVES TO PENSION COMMITTEE

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT Council hereby appoints the following City representatives on the Pension Committee of the Supplemental Pension Plan of the employees of the City of Côte Saint-Luc, as of May 9, 2006:

Dida Berku	Councillor
Sam Goldbloom	Councillor
Nadia Di Furia	Payroll Supervisor
Kenneth Lerner	Coordinator of Administrative Services
Jonathan Oppen	Director of Human Resources
Perry Tenser	City Treasurer

CARRIED UNANIMOUSLY

060506

HUMAN RESOURCES – END OF EMPLOYMENT – MANAGER OF FINANCE AND TAXATION

It was

MOVED BY COUNCILLOR DIDA BERKU

SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the employment of employee no. 1965 as Manager of Finance and Taxation be terminated as of April 21, 2006.”

CARRIED UNANIMOUSLY

060507

HUMAN RESOURCES – EXTENSION OF MANDATE – FINANCE AND MATERIAL RESOURCES AGENT

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the temporary hiring of Christine Caron, as Finance and Material Resources Agent, be extended until September 1, 2006;

THAT Treasurer’s certificate number CTA06-0082 dated May 2, 2006 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

060508

HUMAN RESOURCES – HIRING – AUXILIARY BUILDING INSPECTOR – URBAN PLANNING

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT Andréanne Abbondanza-Bergeron be and is hereby hired as an auxiliary Building Inspector, Urban Planning Department, effective May 9, 2006;

THAT Treasurer’s certificate number CTA06-0076 dated April 25, 2006 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

060509

HUMAN RESOURCES – HIRING – AUXILIARY ADMINISTRATIVE SECRETARY

It was

MOVED BY COUNCILLOR GLENN J. NASHEN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT Regine Banon be and is hereby hired as an auxiliary Secretary, Administrative Services, General Management, effective May 9, 2006 up to and until September 1, 2006;

THAT Treasurer’s certificate number CTA06-0075 dated April 25, 2006 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses.”
CARRIED UNANIMOUSLY

060510

**HUMAN RESOURCES – HIRING – AUXILIARY ADMINISTRATIVE SECRETARY
OFFICE OF THE MAYOR, COUNCIL AND CITY MANAGER**

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

“THAT Jo-Ann Kudzia be and is hereby hired as an auxiliary Administrative Secretary, for the office of the Mayor, Council and City Manager, effective May 9, 2006;

THAT Treasurer’s certificate number CTA06-0081 dated May 2, 2006 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses.”
CARRIED UNANIMOUSLY

060511

HUMAN RESOURCES – HIRING – AUXILIARIES – PARKS AND RECREATION

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

“THAT the list of auxiliary employees for May 2006 entitled “*Part-time employees – for approval (May 2006)*”, dated May 2006 and comprising of three (3) pages be approved as submitted;

THAT the employees contained on the aforementioned list be and are hereby hired and shall commence as per their respective dates indicated on the aforementioned list;

THAT Treasurer’s certificate number CTA06-0072 dated April 25, 2006 has been issued by the City Treasurer attesting to the availability of funds for the above purpose.”
CARRIED UNANIMOUSLY

060512

HUMAN RESOURCES – HIRING – AUXILIARIES – PUBLIC WORKS

It was

MOVED BY COUNCILLOR SAM GOLDBLOOM
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT the list of auxiliary blue collar employees for May 2006 and comprising of one (1) page, as submitted be approved;

THAT the employees contained on the aforementioned list be and are hereby hired and shall commence as per the date indicated on the aforementioned list;

THAT Treasurer’s certificate number CTA06-0073 dated April 26, 2006 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

060513

**HUMAN RESOURCES – CONSULTANT – ARCHIVIST – LEGAL SERVICES AND
CITY CLERK DEPARTMENT**

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

“THAT Council hereby mandates Nathalie Robillard to update the City’s Record Retention Schedule, effective May 9, 2006;

THAT said mandate is in conformity with the terms and conditions of a contract entitled “Consulting Agreement”, comprising 10 pages, 15 articles and 1 Exhibit and annexed hereto as Annex B to form an integral part of the Minutes;

THAT Treasurer’s certificate number CTA06-0084 dated May 4, 2006 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

060514

**FINANCE – APPROVAL OF THE DISBURSEMENTS FOR THE PERIOD FROM
APRIL 1, 2006 TO APRIL 30, 2006**

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT the disbursements for the period of April 1, 2006 to April 30, 2006 for a total of \$1,511,642.88 in Canadian Funds and \$14,775.14 in U.S. Funds are hereby approved;

THAT Treasurer's certificate number CTA06-0083 dated May 3, 2006 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses;

THAT said resolution shall be for immediate action."
CARRIED UNANIMOUSLY

060515

NOTICE OF MOTION – LOAN BY-LAW 2248 AUTHORIZING A LOAN OF \$205,000 FOR PAYMENT OF EXPENSES RELATED TO THE 2004 REFERENDUM

Councillor Dida Berku gave notice of motion that Loan By-Law entitled: "*By-law authorizing a loan of \$205,000 for payment of expenses related to the 2004 Referendum*" will be presented at a later meeting.

060516

RESOLUTION TO DISPENSE WITH THE READING OF THE LOAN BY-LAW TO BE ENTITLED: "BY-LAW 2248 AUTHORIZING A LOAN OF \$205,000 FOR THE PAYMENT OF EXPENSES RELATED TO THE 2004 REFERENDUM"

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED:

"THAT the Council of the City of Côte Saint-Luc dispense with the reading of the Loan By-Law entitled: "*By-law authorizing a loan of \$205,000 for payment of expenses related to the 2004 Referendum*"; when it will be presented for adoption, the whole in accordance with the law."

CARRIED UNANIMOUSLY

060517

FINANCE – CHEQUE SIGNING AND RELEASE PROCEDURES

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT the procedure entitled "City of Côte Saint-Luc Cheque Release Procedure" dated April 28, 2006, and comprising of two (2) pages be and is hereby approved and annexed herewith as Annex C to form an integral part of the Minutes."

CARRIED UNANIMOUSLY

060518

DEBT OWED BY THE CITY OF CÔTE SAINT-LUC ACCORDING TO ARTICLE 45 OF DECREE 1229-2005 - PROCUREMENT OF LONG-TERM LOAN FOR ITS REIMBURSEMENT AND DETERMINING THE REVENUES TO COVER THE

REIMBURSEMENT OF THE LONG-TERM LOAN AS AUTHORIZED IN ARTICLE 50 OF DECREE 1229-2005

WHEREAS, the government has, by decree, reconstituted as a local municipality the sector of the City of Montreal corresponding with the territory of the former City of Côte Saint-Luc, including its residents and taxpayers;

WHEREAS, through the June 21, 2004 Decree 596-2004, the government, in accordance with Article 51 of the *Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities*, formed a transition committee to participate, together with the City's administrators and employees, and, if applicable, with any people elected in advance in the reconstituted municipalities, in the establishment of the conditions most conducive to facilitating the transition between the successive municipal administrations;

WHEREAS, according to Article 45 of Decree 1229-2005, in compensation for the fact that the central municipality continues to assume certain debts following the reorganization, each reconstituted municipality, subject to Article 49, is indebted for a sum which, in the case of the City of Côte Saint-Luc, amounts to \$25,350,811;

WHEREAS, according to the Article 49 of Decree 1229-2005, the Transition Committee could, on behalf of the reconstituted municipalities, contract before December 31, 2005, under conditions authorized first by the Ministry of Municipal Affairs and Regions, a loan to compensate the central municipality for certain debts it continues to assume on behalf of the reconstituted municipalities;

WHEREAS, in this case Article 45 does not apply and each reconstituted municipality becomes indebted to the creditor which was chosen by the Transition Committee for the sum appearing in conjunction with its name in the aforementioned Article;

WHEREAS the Transition Committee of the Agglomeration of Montreal, for and in the name of the reconstituted municipalities, obtained a temporary loan from the Royal Bank of Canada as authorized by Article 49 of Decree 1229-2005 concerning the Agglomeration of Montreal;

WHEREAS each reconstituted municipality must reimburse the Royal Bank of Canada on March 31, 2006 for its respective share of the nominal amount due on the aforementioned date and this, for its proportion of the debt stipulated in Article 45 of Decree 1229-2005, as well as the interest on this sum;

WHEREAS the City of Côte Saint-Luc is thus, as of January 1st, 2006, indebted for the sum of \$25,350,811, corresponding with the amount appearing in conjunction with the name of the City in Article 45 of Decree 1229-2005, as well as the interest on this sum, all of which must be reimbursed to the Royal Bank of Canada on March 31, 2006;

WHEREAS according to Article 50 of Decree 1229-2005 each municipality is authorized to contract a loan for long-term financing of the reimbursement of the debt it must assume in accordance with Article 45 or Article 49 as well as the financing costs associated with the securities issued to guarantee the loan;

WHEREAS Article 50 of Decree 1229-2005 stipulates that the council of the municipality determines by resolution the source of revenues for reimbursing the long-term loan, that the resolution may therefore provide for the use of any source of financing that the municipality is authorized to use for any other purpose and that it may also directly associate any part of the loan with a by-law from the former municipality by virtue of which a debt has been contracted; in this case, the sums destined to reimburse the part thus identified shall come from revenues determined by this by-law;

WHEREAS, the 2006 Budget of the City of Côte Saint-Luc included an amount of \$2,932,541 to cover a capital payment and as such, this was taxed to its taxpayers in 2006;

WHEREAS, the City of Côte Saint-Luc wishes to contract a long-term loan of \$23,050,246 to finance the reimbursement of its share of the debt namely the sum of \$25,350,811 as established by Article 45 of Decree 1229-2005, from which is deducted the sum of \$2,932,541 representing the amount taxed in 2006 and added the sum of \$336,274 to cover the financing costs related to securities issued to guarantee the loan and the sum of \$295,702 to cover the temporary financing costs;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT the present resolution replace Resolution number 060324, adopted on March 20, 2006; and

THAT the following be determined and decreed by the present resolution:

ARTICLE 1: The preceding preamble forms an integral part of the present resolution;

ARTICLE 2: Council is authorized to borrow up to \$23,050,246 for a term of 20 years;

ARTICLE 3: To provide for the payment of the expenses for interest and for the repayment in capital of the yearly instalments incurred for the loan authorized it is hereby imposed and will be levied by this present resolution, each year, for the term of the borrowing, on all the taxable immoveables situated in the territory of the City of Côte Saint-Luc, a special tax at a rate sufficient to ensure the full reimbursement of the total borrowing, distributed according to the property values of these immoveables as inscribed on the property assessment roll in force each year;

ARTICLE 4: The present resolution will come into force in accordance with the law.”

CARRIED UNANIMOUSLY

060519

APPROVAL AND CONFIRMATION OF LEGAL RATE OF INTEREST TO BE CHARGED TO LATE INVOICES CONCERNING MUNICIPAL SERVICES RENDERED AND MATERIALS SUPPLIED FOR THE YEAR 2006

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the Department of Finance be and is hereby directed to charge a legal rate of interest after 30 days of non-payment of any invoice submitted by the

City of Côte Saint-Luc for municipal services and materials supplied save where another rate of interest is indicated by a contract, resolution or By-law;

THAT said resolution shall be for immediate action.”
CARRIED UNANIMOUSLY

060520

APPROVAL AND CONFIRMATION OF 15% ADMINISTRATION CHARGES TO BE ADDED TO EVERY INVOICE CONCERNING MUNICIPAL SERVICES RENDERED AND MATERIALS SUPPLIED FOR THE YEAR 2006

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT Council hereby authorizes that a 15% fee be added for administrative expenses for all invoices save those related to contracts, By-laws or where any resolution stipulates to the contrary;

THAT said resolution shall be for immediate action.”
CARRIED UNANIMOUSLY

060521

RESOLUTION – REMOVAL OF TWO (2) SIGNING OFFICERS FOR THE CITY OF CÔTE SAINT-LUC FOR THE YEAR 2006 CONCERNING ALL FINANCIAL MATTERS INCLUDING SIGNING OF DISBURSEMENT CHEQUES AT THE ROYAL BANK OF CANADA, SITUATED AT 5755 CAVENDISH BOULEVARD CÔTE SAINT-LUC

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT Council hereby authorizes the removal of signing authority for David Johnstone and Michael Kafenzakis;

THAT said removal of signing authority shall include all financial matters including, but not limited to, signing of disbursement cheques; and

THAT said resolution shall be for immediate action.”
CARRIED UNANIMOUSLY

060522

FINANCE – ATTENDANCE AT THE COMAQ COURSE, TROIS-RIVIÈRES, QUÉBEC ON MAY 17 AND 18, 2006

It was

MOVED BY COUNCILLOR DIDA BERKU

SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the City of Côte Saint-Luc encourages the Professional Development of its managerial staff by means of training and courses;

THAT as recommended by the City Treasurer, Council hereby authorizes the following employees to attend a two (2) day course given by COMAQ on May 17 and 18 of 2006 in Trois-Rivières, Quebec:

Perry Tenser, Manager of Finance and Taxation
Christine Caron, Finance and & Procurement Officer;

THAT Council hereby authorizes the registration costs for the two day course said costs will be approximately \$1,205.00;

THAT Treasurer's certificate number CTA06-0077 dated May 3, 2006 has been issued by the City Treasurer, attesting to the availability of funds from the Bill 90 training budget to cover the described expenses.”

CARRIED UNANIMOUSLY

060523

MATERIAL RESOURCES – PUBLIC WORKS - ALARM SYSTEM FOR PUMP HOUSES

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

“THAT, as recommended by Ken Lerner, Director of Purchasing, and David Tordjman Director of Public Works, the following quotation for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

Signal Alarm Systems

Monthly Monitoring for the three (3) pump houses located in the underpasses;

THAT said purchase shall be for an expense of \$225.00 per month (3 x \$75.00) plus applicable taxes;

THAT the term of monitoring is for 36 months, for a total expenditure of \$8,100.00 plus applicable taxes;

THAT the Director of Purchasing be and is hereby authorized to sign any and all contracts giving effect to the foregoing;

THAT Treasurer's certificate number CTA06-0079 dated May 1, 2006 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses;

THAT said resolution shall be for immediate action.”
CARRIED UNANIMOUSLY

060524

MATERIAL RESOURCES - IMPLEMENTATION OF PG MENSYS PAYROLL SYSTEM, CITIZEN COMPLAINT, REQUEST TRACKING AND FINANCIAL SUITE UPGRADE

WHEREAS the City of Côte Saint-Luc ("City"), is in need of a new modern payroll system and new citizen complaint and tracking system;

WHEREAS the City is entitled to an upgrade of its financial suite;

WHEREAS, the City of Côte Saint-Luc has already installed the core functionality of the PG Mensys system, and it would not be feasible to switch to another supplier;

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT as recommended by Ken Lerner; Director of Purchasing and Information Systems, the following quotation for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

PG MENSYS

To provide Project Management, Installation and Training of the following software modules:

- Payroll System
- Citizen Complaint and Request Tracking
- Financial Suite Upgrade

THAT said purchase shall be for a total expense of \$89,180 plus applicable taxes;

THAT the Director of Purchasing be and is hereby authorized to sign any and all contracts giving effect to the foregoing;

THAT Treasurer's certificate number CTA06-0080 dated May 1, 2006 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

060525

BY-LAW NUMBER 2235 ENTITLED "BY-LAW GOVERNING THE DEMOLITION OF IMMOVABLES" - ADOPTION

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT By-law 2235 entitled: "By-law governing the demolition of immovables" be and is hereby adopted and numbered 2235."

CARRIED UNANIMOUSLY

Subsequent to the adoption of the Demolition by-law, Councillor Levine added that some of the purposes of the By-law include an added control to ensure a positive quality of life as well as to ensure that each demolition to be considered is in the best interest in the City of Côte Saint-Luc and its residents.

060526

URBAN PLANNING – MINOR EXEMPTION – 651 SMART – CÔTE SAINT-LUC

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT as recommended by the Planning Advisory Committee and in accordance with the provisions of by-law G18-0005, the request for a Minor Exemption regarding the property located at 651 Smart, Lot 1290544, be and is hereby approved the whole as more amply delineated hereunder:

- a. The construction of a rear extension to an existing semi-detached single-family dwelling which has no interior parking space instead of having a minimum of one interior parking space for a semi-detached single-family dwelling with a habitable area of less than 1800 square feet. The foregoing is in accordance with the provisions of zoning by-law 2217, article 7-2-1a);
- b. The construction of a rear extension to a semi-detached single-family dwelling to be located at 13.3' from the rear lot line instead of the minimum required of 15.0' in accordance with the provisions of zoning by-law 2217, Annex “B”, zone RU-13.”

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLOR DIDA BERKU
DISSENTING

060527

URBAN PLANNING – MINOR EXEMPTION – 5758 EINSTEIN – CÔTE SAINT-LUC

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT as recommended by the Planning Advisory Committee and in accordance with the provisions of by-law G18-0005, the request for a Minor Exemption regarding the property located at 5758 Einstein, Lot 1562007, be and is hereby approved the whole as more amply delineated hereunder:

The construction of a one-storey rear extension as well as the extension of a front vestibule to an existing semi-detached single-family dwelling which has one interior parking space instead of the minimum of two interior parking spaces when the habitable area exceeds 1800 square feet. The foregoing is in accordance with the provisions of zoning by-law 2217, article 7-2-1a).”

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLOR DIDA BERKU
DISSENTING

060528

URBAN PLANNING – MINOR EXEMPTION – 5561 RANDALL – CÔTE SAINT-LUC

This item was deferred to a subsequent meeting.

060529

URBAN PLANNING – MINOR EXEMPTION – 6539 WALLENBERG – CÔTE SAINT-LUC

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT as recommended by the Planning Advisory Committee and in accordance with the provisions of by-law G18-0005, the request for a Minor Exemption regarding the property located at 6539 Wallenberg, Lot 1859551, be and is hereby approved the whole as more amply delineated hereunder:

- a) the construction of a in-ground swimming pool to be located at 3.5' from the rear and side lot lines instead of the minimum required of 5.0', in accordance with the provisions of zoning by-law 2217, article 5-1-1c);
- b) the construction of a 6.0' high fence located at 5.0' from the front lot line instead of the maximum height of 3.0' when the fence is located inside the first 15.0' from the front lot line, in accordance with the provisions of zoning by-law 2217, article 8-2.”

CARRIED UNANIMOUSLY

060530

PUBLIC SECURITY – OVERNIGHT PARKING PERMITS FOR MULTI-FAMILY DWELLINGS

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

“THAT as verified by the Public Security Department via the attached list, annexed herewith as Annex D to form an integral part thereof, Council hereby authorizes that the addresses on the list entitled “*Parking Permits – May*” and comprising of one (1) page, be allowed to have a parking permit;

THAT said resolution shall be for immediate action.”

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLOR KOVAC
DISSENTING

060531

**PARKS AND RECREATION – PURCHASE OF NEW RINK GLASS FOR THE
SAMUEL MOSKOVITCH ARENA**

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

“THAT City Council hereby authorizes the purchase of rink glass from the lowest bidder, Agora Inc. the said glass to be four (4) feet in height the whole, at a cost of \$16,500.00 plus all applicable taxes;

THAT said costs include installation;

THAT Treasurer’s certificate number CTA06-0085 dated May 4, 2006 has been issued by the City Treasurer attesting to the availability of funds in General Ledger account 02-730-00-527 to cover the described expenses;

THAT said resolution shall be accepted for immediate action.”
CARRIED UNANIMOUSLY

060532

PARKS AND RECREATION – ARENA PRO-SHOP CONCESSION

WHEREAS the Samuel Moskovitch Arena requires an individual to operate the pro-shop for a one year period;

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT the City Council awards the contract to Mariner Sport Inc.;

THAT said contract shall take effect on July 1, 2006 for a period of one year.

THAT a monthly rental fee of \$398.66 plus tax be paid on the 1st day of each month is and shall hereby be approved;

THAT said resolution shall be for immediate action.”
CARRIED UNANIMOUSLY

060533

**LOAN BY-LAW NUMBER 2247 ENTITLED “BY-LAW AUTHORIZING A LOAN
OF \$60,000 FOR THE PURCHASE OF SHELVING FOR THE ELEANOR
LONDON CÔTE SAINT-LUC PUBLIC LIBRARY” - ADOPTION**

It was

MOVED BY COUNCILLOR STEVEN ERDELYI

SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT By-law authorizing a loan of \$60,000 for the purchase of shelving for the Eleanor London Côte Saint-Luc Public Library be and is hereby adopted and numbered 2247;

THAT said loan By-law is subject to the approval of the Minister of Municipal Affairs and Regions;

THAT financing for said By-law shall not exceed twenty (20) years;

THAT funds for the expenses incurred for the project in this entitled By-law shall be imputed from loan By-law number 2247.”

CARRIED UNANIMOUSLY

060534

LIBRARY – PURCHASE OF LIBRARY FURNITURE

WHEREAS there will be a newly built internet area for library users;

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT Council approves the purchase of nine new computer carrels for the library internet area from Bureau Spec for the amount of \$4,725.00 plus all applicable taxes;

THAT Treasurer’s certificate number CTA06-0087 dated May 4, 2006 has been issued by the City Treasurer attesting to the availability of funds in the General Ledger account 02-770-00-699 to cover the described expenses;

THAT said resolution shall be for immediate action.”
CARRIED UNANIMOUSLY

060535

**LIBRARY – CANADIAN LIBRARY ASSOCIATION CONFERENCE -
DELEGATION**

WHEREAS the Canadian Library Association Conference promotes professional development as well as helps to gain valuable exposure to new and existing ideas and trends in the library world;

WHEREAS the annual conference is being held in Ottawa, Ontario;

WHEREAS the Director of Parks and Recreation has recommended that a delegation represents the City at their annual conference as per a memorandum dated May 4, 2006;

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT the City Council authorizes Janine West, Manager of Technical Services and Jennifer Eisman, Reference Librarian, to attend the annual Canadian Library Association Conference in Ottawa, Ontario from June 14th through June 17th, 2006;

THAT for all expenses for the aforementioned conference are subject to the submission of the salient receipts to the Director of Administrative Services;

THAT Treasurer’s certificate number CTA06-0086 dated May 4, 2006 has been issued by the City Treasurer to authorize the imputation of \$1,500.00 from training expense General Ledger Account number 02-190-01-312 to cover the above-described expense;

THAT said resolution shall be for immediate action.”
CARRIED UNANIMOUSLY

060536

BY-LAW NUMBER 2232-1 ENTITLED “BY-LAW AMENDING BY-LAW CONCERNING THE DELEGATION OF AUTHORITY TO THE OFFICERS AND EMPLOYEES OF THE CITY” - ADOPTION

It was

MOVED BY COUNCILLOR SAM GOLDBLOOM
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT By-law 2232-1 entitled: “By-law amending By-law concerning the delegation of authority to the officers and employees of the City” be and is hereby adopted and numbered 2232-1.”

CARRIED UNANIMOUSLY

060537

BY-LAW NUMBER 267-2 ENTITLED “BY-LAW 267-2 AMENDING BY-LAW 267 CONCERNING DOGS” - ADOPTION

It was

MOVED BY COUNCILLOR SAM GOLDBLOOM
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT By-law 267-2 entitled: “By-law 267-2 amending By-law 267 concerning dogs” be and is hereby adopted and numbered 267-2.”

CARRIED BY THE MAJORITY OF VOTES WITH COUNCILLORS LEVINE AND BERKU DISSENTING

Councillor Levine registered his objection to the by-law as for him the solution is not to increase fines but rather to enforce the by-law more rigorously.

Councillor Berku then opined that the City should provide bags so that residents can pick up their dogs’ excrement.

Councillor Kovac then explained that originally, she wanted the fine to be even further increased as dog owners have the obligation to clean up their dogs' excrement.

Councillor Goldbloom then stated that he *fundamentally disagrees* with the idea that the City should have to provide the materials to dog owners to pick up their dogs' excrement as for him; this was the owners' responsibility.

Councillor Levine then stated that he agreed with Councillor Berku that the City should assist dog owners and provide bags in which they can put their dogs' excrement as for him, this is essential to help avoid spreading disease.

Councillor Erdelyi then explained that while he ruminated upon his decision as to whether or not to support the by-law until the very last moment and while he believes the City should support its dog owners, he concluded that dog owners should be fined for infracting upon the dog by-law and ultimately, he agrees with Councillor Kovac that the fines should be increased.

060538

**CERTIFICATE OF THE DIRECTOR OF LEGAL SERVICES AND CITY CLERK
RE – REGISTER FOR PERSONS QUALIFIED TO VOTE ON BY-LAW 2246**

The Director of Legal Services and City Clerk reported that, after the registration proceedings called for and held at 5801 Cavendish Boulevard from 9:00 a.m. to 7:00 p.m., on May 3, 2006, concerning by-law 2246 entitled "*By-law authorising a loan of \$128,550 for the purchase of vehicles for the public works department of the City of Côte Saint-Luc*":

The number of persons qualified to vote on the by-law is 22,975;

The number of signatures of persons qualified to vote required to make the holding of a referendum poll obligatory is 574;

The number of persons qualified to vote who have registered is 2.

Therefore, by-law 2246 has been deemed approved by the persons qualified to vote.

060539

AUTHORIZATION FOR THE DIRECTOR OF LEGAL SERVICES AND CITY CLERK TO ATTEND THE ANNUAL CONFERENCE OF THE "CORPORATION DES OFFICIERS MUNICIPAUX AGRÉES DU QUÉBEC (COMAQ)" TO BE HELD IN SAINT-SAUVEUR, QUEBEC FROM JUNE 7 – 9, 2006

WHEREAS the City of Côte Saint-Luc has been informed of the holding of the 2006 Annual Conference of the "*Conférence des officiers municipaux agréés du Québec (COMAQ)*" scheduled for June 7th to June 9th, 2006 in Saint-Sauveur, Quebec;

WHEREAS it is in the City's interest to participate actively and closely in all discussions taking place at this Conference;

WHEREAS the Municipal Council of the City of Côte Saint-Luc is of the opinion that the presence of Jonathan Shecter, Director of Legal Services and City Clerk is required in view of representing the City and to protect and to promote its interests;

WHEREAS at the request of the City of Côte Saint-Luc, the above-mentioned person has accepted to represent it at this Conference;

It was

MOVED BY COUNCILLOR SAM GOLDBLOOM
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT Mr. Jonathan Shecter, Director of Legal Services and City Clerk be and is hereby authorized to represent the City of Côte Saint-Luc at the above-mentioned Conference and the City will reimburse him any reasonable expenses incurred for this purpose, the delegate to submit to the City Treasurer, vouchers for the expenses incurred;

THAT Treasurer’s certificate number CTA06-0078 dated April 26, 2006 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

060540

E.M.S. – ASPIRIN ADMINISTRATION

It was

MOVED BY COUNCILLOR GLENN J. NASHEN
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED:

“THAT Council hereby authorizes E.M.S. to administer aspirin and delegates the development of the exact protocol to the Director of Emergency Medical Services; and

THAT said policy shall also be subject to review by a licensed physician and subject to approval by the salient authorities.”

CARRIED UNANIMOUSLY

060541

CITY MANAGEMENT – CITY OPERATIONS

This item was deferred to a subsequent meeting.

060542

COUNCIL’S OBJECTION TO THE ADOPTION BY THE AGGLOMERATION COUNCIL OF A RESOLUTION FOR A \$6,100 CONTRIBUTION TO CLUB D’ESCRIME (FENCING) FLEURET D’ARGENT FOR 2006 FOR “CLUB SPORTIF ET ACTIVITÉS ET ACTIVITÉS SPORTIVES” AND “CLUB SPORTIF ÉLITE” (8% TO BE PAID BY AHUNTSIC-CARTIERVILLE BOROUGH, 92% BY AGGLOMERATION), PLUS FREE USE OF FACILITIES AT LE CENTRE CLAUDE-ROBILLARD (WHICH CONSTITUTES AN EQUIVALENT VALUE OF \$47,910) Dossier # 1061222006

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution for a \$6,100 contribution to Club d’escrime (fencing) Fleuret d’argent for 2006 for “Club sportif et activités et activités sportives” and “Club sportif élite” (8% to be paid by

Ahuntsic-Cartierville Borough, 92% by agglomeration), plus free use of facilities at le centre Claude-Robillard (which constitutes an equivalent value of \$47,910) (the opposed resolution) (item 20.01 on the agenda);

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS the aforementioned resolution is ultra vires the powers of the Agglomeration Council and should not even have been declared receivable as the Agglomeration Council's only responsibility under Decree 1229-2005 is to contribute to the support of elite athletes and the documents justifying the resolution made very clear that half of the monies contributed by the Agglomeration were to support non-elite athletes;

WHEREAS the aforementioned contributions are not only related to an activity of collective interest, being assistance for sports elite, but also for an activity of local interest;

WHEREAS the aforementioned contributions should not be considered exclusively under agglomeration jurisdiction, but should be apportioned according to the percentage that benefit the elite sports only;

WHEREAS the Opposed Resolution violates the spirit of what truly constitutes an agglomeration expense in that:

- a) Decree 1229-2005 stipulates that "Assistance for sports elite" is an Agglomeration responsibility;
- b) Of the \$6,100 being approved only \$500 is identified for Club Sportif d'élite, therefore the balance cannot be considered an Agglomeration expense and should not be charged to the Agglomeration;
- c) It is unclear as to how the expenses were partitioned between Ahuntsic-Cartierville and the Agglomeration said partition being 8% for Ahuntsic-Cartierville and 92% for the Agglomeration;
- d) While the Centre Claude-Robillard is an Agglomeration facility there is no policy that exists that defines what groups can benefit from free rent;
- e) It is unclear if all groups get rent free space and whether or not this is fair, just and expedient to be assumed by Agglomeration tax payers;
- f) If there is indeed a partition of 8% vs. 92% for the grant in question it is unclear as to why 8% of the rental fee is not being charged to Ahuntsic-Cartierville;

WHEREAS the Opposed Resolution is clearly not well founded and merits to be reviewed and rejected by the Minister on the basis of its violation of the law and the Ministerial decrees;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

"THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 for a \$6,100 contribution to Club d'escrime (fencing) Fleuret d'argent for 2006 for "Club sportif et activités et

activités sportives” and “Club sportif élite” (8% to be paid by Ahuntsic-Cartierville Borough, 92% by agglomeration), plus free use of facilities at le centre Claude-Robillard (which constitutes an equivalent value of \$47,910);

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to expenses like this one which are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members.”

CARRIED UNANIMOUSLY

060543

COUNCIL'S OBJECTION TO THE ADOPTION BY THE AGGLOMERATION COUNCIL OF A RESOLUTION FOR A \$54,700 CONTRIBUTION FOR 2006 AND \$54,700 FOR 2007 TO CLUB AQUATIQUE CAMO MONTRÉAL (WATER-POLO) FOR “CLUB SPORTIF ET ACTIVITÉS SPORTIVES” AND “CLUB SPORTIF D'ÉLITE” PLUS FREE USE OF FACILITIES AT THE CENTRE CLAUDE-ROBILLARD (WHICH CONSTITUTES AN EQUIVALENT VALUE OF \$59,500 FOR BOTH 2006 AND 2007) Dossier # 1061222007

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution for a \$54,700 contribution for 2006 and \$54,700 for 2007 to Club aquatique Camo Montréal (water-polo) for “Club sportif et activités sportives” and “Club sportif d'élite” plus free use of facilities at the Centre Claude-Robillard (which constitutes an equivalent value of \$59,500 for both 2006 and 2007) (the opposed resolution) (item 20.02 on the agenda);

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS the aforementioned resolution is ultra vires the powers of the Agglomeration Council and should not even have been declared receivable as the Agglomeration Council's only responsibility under Decree 1229-2005 is to contribute to the support of elite athletes and the documents justifying the resolution made very clear that half of the monies contributed by the Agglomeration were to support non-elite athletes;

WHEREAS the aforementioned contributions are also not justified under the Agglomeration Council's responsibility for the Claude Robillard Centre under Decree 1229-2005 as such responsibility is related to the facility and not to the obligation to support all of the clubs which train there;

WHEREAS the Opposed Resolution violates the spirit of what truly constitutes an agglomeration expense in that:

- a) Decree 1229-2005 stipulates that "Assistance for sports elite" is an Agglomeration responsibility but only 50% of the grant in each of the 2006 and 2007 (\$27,750) is for Club sportif d'élite;
- b) While the Centre Claude-Robillard is an Agglomeration facility, the intention was to clearly require support for the facility not each group that trains there;
- c) Local City of Montreal groups are not entitled to receive free space at the expense of Agglomeration taxpayers;

WHEREAS Members of the Agglomeration Council specifically those of reconstituted municipalities opposed the resolution and advised the speaker it was "ultra vires" the powers of the Agglomeration Council, the Montreal representatives adopted it notwithstanding the objections of all other municipalities;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

"THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 for a \$54,700 contribution for 2006 and \$54,700 for 2007 to Club aquatique Camo Montréal (water-polo) for "Club sportif et activités sportives" and Club sportif d'élite" plus free use of facilities at the Centre Claude-Robillard (which constitutes an equivalent value of \$59,500 for both 2006 and 2007);

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to expenses like this one which are in violation of the letter and spirit of the law and are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members."

CARRIED UNANIMOUSLY

060544

COUNCIL'S OBJECTION TO THE ADOPTION BY THE AGGLOMERATION COUNCIL OF AN EXPENDITURE OF \$3,064,276.71 TO CARRY OUT THE VARIOUS CURRENT PROJECT INCLUDING MANAGEMENT CONTRACTS AND PROFESSIONAL SERVICES Dossier # 1064258001

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution for a total amount of \$3,064,276.71 approving an expenditure to carry out various current projects including management contracts and professional services (the opposed resolution) (item 20.05 on the agenda);

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS the Opposed Resolution violates the spirit of what truly constitutes an agglomeration expense in that:

- a) the Agglomeration has been compelled to assume 45% of this expense without any justification as to how this cost sharing formula was developed;
- b) the vast majority of the amounts in question (\$2,600,000.00) have been extracted from the Capital Expenditures Budget without properly explaining how these figures have been arrived at nor explaining how it is that the Agglomeration, composed of the reconstituted municipalities benefit from these expenses;
- c) these expenses are comprised of subjects such as *système en arrondissement* which clearly do not benefit the reconstituted municipalities forming a part of the Agglomeration;

WHEREAS the City of Côte Saint-Luc has filed an opposition in February 2006 with regard to the by-law in relation to mixed expenses adopted at the Agglomeration Council of January 27, 2006;

WHEREAS the City of Côte Saint-Luc is still awaiting a decision from the Minister with regard to said opposition;

WHEREAS there are no definitive acceptable criteria which have been adopted and approved by the Minister with regard to what constitutes a mixed expense of the agglomeration and the percentage which may be correctly attributed to the reconstituted cities with regard to same;

WHEREAS the presently Opposed Resolution flows from the original by-law with regard to mixed expenses and thus should be opposed;

WHEREAS the accessory follows the principle;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 awarding a contract in the amount of \$3,064,276.71 to carry out various current projects including management contracts and professional services;

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to expenses like this one which are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members.”

CARRIED UNANIMOUSLY

060545

COUNCIL'S OBJECTION TO AWARDING OF CONTRACTS TO CONSTRUCTION DJL INC., SIMARD-BEAUDRY INC., USINE D'ASPHALTE MONTRÉAL-NORD INC. AND SINTRA INC. FOR THE SUPPLY OF ASPHALT SURFACING, FOR A PERIOD NOT TO EXCEED 12 MONTHS – APPROXIMATE EXPENDITURE OF \$4,666,540.90 INCLUDING TAXES Dossier # 1063447002

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution awarding of contracts to Construction DJL Inc., Simard-Beaudry Inc., Usine d'asphalte Montréal-Nord Inc. and Sintra Inc. for the supply of asphalt surfacing, for a period not to exceed 12 months – approximate expenditure of \$4,666,540.90 including taxes (the opposed resolution) (item 20.09 of the agenda);

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS the Opposed Resolution violates the spirit of what truly constitutes an agglomeration expense in that:

- a) There is no justification provided as to why this contract is being submitted to the Agglomeration Council;
- b) The contract specifies the cost for various asphalt mixes to be used by 12 Montreal Boroughs but it does not stipulate that the asphalt will be used only for arterial roads;
- c) There is no indication that these materials will be used solely for arterial roads the importance of same being that only expenses on said roads legally constitute an Agglomeration expense in accordance with article 19 paragraph 3 of Bill 75 entitled “*An Act respecting the exercise of certain municipal powers in certain urban agglomerations*”;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 for awarding of contracts to Construction DJL Inc., Simard-Beaudry Inc., Usine d'asphalte Montréal-Nord Inc. and Sintra Inc. for the supply of asphalt surfacing, for a period not to exceed 12 months – approximate expenditure of \$4,666,540.90 including taxes;

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to expenses like this one which are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members.”

CARRIED UNANIMOUSLY

060546

COUNCIL'S OBJECTION TO THE AWARDING OF CONTRACTS TO BÉTON ST-HUBERT INC. AND LAFARGE CANADA INC. FOR THE SUPPLY OF PREMIXED CONCRETE, FOR A PERIOD OF 12 MONTHS, - APPROXIMATE EXPENDITURE OF \$1,372,294.26, INCLUDING TAXES Dossier # 1063447003

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution awarding of contracts to Béton St-Hubert Inc. and Lafarge Canada Inc. for the supply of premixed concrete, for a period of 12 months, - approximate expenditure of \$1,372,294.26, including taxes (the opposed resolution) (item 20.10 on the agenda);

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS the Opposed Resolution violates the spirit of what truly constitutes an agglomeration expense in that:

- a) There is no justification to validate that this is an Agglomeration expense;
- b) The supporting documentation state that this contract is for the needs of the original nine Montreal Boroughs (in 2001) as well as the Borough of St. Leonard;
- c) The contract will allow for the financing of the purchase of asphalt for the roads of the 10 boroughs only and has nothing at all to offer the Agglomeration or the reconstituted cities of the Agglomeration;
- d) There is no indication that these materials will be used solely for arterial roads the importance of same being that only expenses on said roads legally constitute an Agglomeration expense in accordance with article 19 paragraph 3 of Bill 75 entitled "*An Act respecting the exercise of certain municipal powers in certain urban agglomerations*";

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 for awarding of contracts to Béton St-

Hubert Inc. and Lafarge Canada Inc. for the supply of premixed concrete, for a period of 12 months, - approximate expenditure of \$1,372,294.26, including taxes;

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to expenses like this one which are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members.”

CARRIED UNANIMOUSLY

060547

**COUNCIL'S OBJECTION TO THE AWARDED OF CONTRACT TO RICOH CANADA INC. FOR THE SUPPLY OF EQUIPMENT AND PRINTING SERVICES FOR THE NEW ÉDIFICE LOUIS CHARLAND ADMINISTRATION CENTRE, FOR A PERIOD OF 7 YEARS – EXPENDITURE OF \$995,558.63 INCLUDING TAXES
Dossier # 1062561001**

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution awarding of contract to Ricoh Canada Inc. for the supply of equipment and printing services for the new Édifice Louis Charland administration centre, for a period of 7 years – expenditure of \$995,558.63 including taxes (the opposed resolution) (item 20.14 on the agenda);

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS the Opposed Resolution violates the spirit of what truly constitutes an agglomeration expense in that:

- a) The printing services are specifically for several of the City of Montreal's administrative services that is:
 - Développement culturel de la qualité du milieu de vie et de la diversité ethnoculturelle ;
 - Infrastructure transport et environnement;
 - Services des services administratifs-Direction des technologies de l'information ;
 - Mise en valeur du territoire et du patrimoine – Direction des immeubles.
- b) Three of these services support the City of Montreal almost exclusively and the fourth that is Infrastructure and transport is a mixed service;

WHEREAS the original “sommaire décisionnel” recognized this expense as an exclusive Montreal responsibility as it appears on the face of the sommaire; and

WHEREAS the Agglomeration agenda recognized this expense as a mixed expense in accordance with article 57 of the law and at the very least this should have been considered as a shared expense and not attributed 100% to the Agglomeration;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 for awarding of contract to Ricoh Canada Inc. for the supply of equipment and printing services for the new Édifice Louis Charland administration centre, for a period of 7 years – expenditure of \$995,558.63 including taxes;

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to expenses like this one which are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members.”

CARRIED UNANIMOUSLY

060548

COUNCIL’S OBJECTION TO THE DRAFT ADDENDA 1 TO AGREEMENT FOR PROFESSIONAL SERVICES WITH CONSEILLERS EN GESTION ET INFORMATIQUE CGL INC. FOR THE COMPLETION OF WORKS IN THE FIRST PHASE OF THE E-CITÉ PROJECT AND THE START OF THE SECOND PHASE WORK – EXPENDITURE OF \$795,000 Dossier # 1050149003

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution draft addenda 1 to agreement for professional services with Conseillers en gestion et informatique CGL Inc. for the completion of works in the first phase of the e-Cité project and the start of the second phase work – expenditure of \$795,000 (the opposed resolution) (item 20.22 of the agenda);

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS the aforementioned contributions are ultra vires the powers of the Agglomeration Council and should not even have been receivable as an Agglomeration expense;

WHEREAS the Opposed Resolution violates the spirit of what truly constitutes an agglomeration expense in that:

- a) That according to the relevant documentation, this contract includes expenses exclusively benefiting the City of Montreal such as putting in place a City of Montreal intranet and the development of a software application for the City of Montreal Leisure department;
- b) According to the justification for this expense on page 20.22/4 the documents states “De plus ces ressources contribuent au développement d’applications et de sites qui constituent un actif informationnel important pour la **Ville**” but does not state why this would be an important asset for the **Agglomeration**;
- c) According to the same documentation “La «e-Cité» permet à la Ville de Montréal de placer le citoyen au Coeur de ses préoccupations et de se rapprocher de ses publics” but does not state in particular as to how residents from reconstituted municipalities will have access to this new electronic service;
- d) According to the aforementioned relevant documentation the expense of \$795,000 is part of a project to cost \$28 million dollars and there is no justification as to how this total expense is either :
 - an Agglomeration responsibility or;
 - represents costs from which the Agglomeration taxpayers in the reconstituted cities will derive any benefit

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 for draft addenda 1 to agreement for professional services with Conseillers en gestion et informatique CGL Inc. for the completion of works in the first phase of the e-Cité project and the start of the second phase work – expenditure of \$795,000;

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to expenses like this one which are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members.”

CARRIED UNANIMOUSLY

060549

COUNCIL'S OBJECTION TO THE ADOPTION BY THE AGGLOMERATION COUNCIL OF A RESOLUTION FOR A 10 YEAR LEASE AGREEMENT WITH LA SOCIÉTÉ EN COMMANDITE IMMOBILIÈRE NOTRE-DAME OUEST FOR 23,627 SQ. FT. OF OFFICE SPACE AT 740 NOTRE-DAME OUEST AT AN AVERAGE ANNUAL RENT OF \$535,118 FOR E-CITÉ/311 OFFICES

Dossier # 1061195005

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution for a 10 year lease agreement with la Société en Commandite Immobilière Notre-Dame Ouest for 23,627 sq. ft. of office space at 740 Notre-Dame Ouest at an average annual rent of \$535,118 for e-Cité/311 offices (the opposed resolution) (item 20.30 on the agenda);

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS the Opposed Resolution violates the spirit of what truly constitutes an agglomeration expense in that:

- a) the lease in question currently exists and has been paid by the City of Montreal but that this change in mode of financing from the City to the agglomeration being 25.4% of the 1.8 million dollar cost has not been explained or justified;
- b) there is no detailed explanation as to how the aforementioned 25.4% has been arrived at;
- c) the *sommaire décisionnel* it describes the resolution as being «en conformité aux politiques, aux règlements et aux encadrements administratifs» without stating what these policies and procedures are;

WHEREAS as it appears from the *sommaire décisionnel* at page 20.30, paragraph 4, the Opposed Resolution is conditional upon the approval of the increase in the PTI de la direction des immeubles in an amount of \$ 4 648 000 million (item 30.08 of the agenda dossier 1063515001) which this City Council has opposed by way of resolution;

WHEREAS the accessory follows the principle;

WHEREAS in accordance with the law, the City council of Côte Saint-Luc determined that this Opposed Resolution requires the approval of the Minister in order to examine as to whether it is well-founded and render a decision in the place of the Agglomeration;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 awarding a contract for a 10 year lease agreement with la Société en Commandite Immobilière Notre-Dame Ouest for 23,627 sq. ft. of office space at 740 Notre-Dame Ouest at an average annual rent of \$535,118 for e-Cité/311 offices;

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to expenses like this one which are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members.”

CARRIED UNANIMOUSLY

060550

COUNCIL'S OBJECTION TO THE ADOPTION BY THE AGGLOMERATION COUNCIL OF A RESOLUTION FOR AN EXTENSION OF A LEASE WITH LA CORPORATION 3738922 CANADA INC. FOR THE RENTAL OF OFFICE SPACE FOR VARIOUS ADMINISTRATIVE SERVICES IN 333 ST-ANTOINE, FOR A TOTAL VALUE OF \$1,076,582

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution for an extension of a lease with la Corporation 3738922 Canada Inc. for the rental of office space for various administrative services in 333 St-Antoine, for a total value of \$1,076,582 (the opposed resolution) (item 20.35 on the agenda);

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS the Opposed Resolution violates the spirit of what truly constitutes an agglomeration expense in that:

- a) the *sommaire* states that 55.3% of this cost must be paid by the Agglomeration (\$570,668);
- b) there is no justification provided as to how the 55.3% figure was developed;
- c) additional information is required to validate the request and expenditure;

WHEREAS the City of Côte Saint-Luc has filed an opposition in February 2006 with regard to the by-law in relation to mixed expenses adopted at the Agglomeration Council of January 27, 2006;

WHEREAS the City of Côte Saint-Luc is still awaiting a decision from the Minister with regard to said opposition;

WHEREAS there are no definitive acceptable criteria which have been adopted and approved by the Minister with regard to what constitutes a mixed expense of the agglomeration and the percentage which may be correctly attributed to the reconstituted cities with regard to same;

WHEREAS the presently Opposed Resolution flows from the original by-law with regard to mixed expenses and thus should be opposed;

WHEREAS the accessory follows the principle;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 for an extension of a lease with la Corporation 3738922 Canada Inc. for the rental of office space for various administrative services in 333 St-Antoine, for a total value of \$1,076,582 and which attributes 55.3 % of the cost to the Agglomeration;

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to expenses like this one which are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members.”

CARRIED UNANIMOUSLY

060551

COUNCIL’S OBJECTION TO THE ADOPTION BY THE AGGLOMERATION COUNCIL OF A RESOLUTION FOR A REQUEST TO ADOPT A SUPPLEMENTAL BUDGET OF \$25.4 MILLION FOR PRIORITY INFRASTRUCTURE PROJECTS

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution for a request to adopt a supplemental budget of \$25.4 million for priority infrastructure projects (the opposed resolution) (item 30.04 on the agenda);

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS the Opposed Resolution violates the spirit of what truly constitutes an agglomeration expense in that:

- a) the validity of many of these projects as “mixed expense” projects in accordance with article 69 of the law and the percentage to be charged to the Agglomeration must be put into question. For example the e-city 3-1-1 project which is being charged at 25 %, and the GDD, gestion de demandes de citoyens the Oracle licence for Simon and all other IT

- expenses which are being billed at 55 % are all in support exclusively of information technology services for the City of Montreal;
- b) there is no detailed explanation of the percentage to be charged of these so-called mixed expense projects;
 - c) there is no detailed apparent or beneficial reason to ask for a supplemental budget;
 - d) if these are in fact priorities then 25.4 million dollars should be cut or deferred from the existing budget to a subsequent year so that the 2006 budget remains balanced;

WHEREAS the Opposed Resolution attempts to amend by Resolution a budget which was originally adopted by By-law in January 2006 and whereas this Opposed Resolution is accessory to the original Budget By-law;

WHEREAS the City Council of Côte Saint-Luc has filed an opposition to the Budget By-law 2006 and is waiting for the decision of the Minister with regard to said opposition;

WHEREAS the accessory follows the principle;

WHEREAS in accordance with the law, the City council of Côte Saint-Luc determined that this Opposed Resolution requires the approval of the Minister in order to examine as to whether it is well-founded and render a decision in the place of the Agglomeration;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 for a request to adopt a supplemental budget of \$25.4 million for priority infrastructure projects;

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to expenses like this one which are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members.”

CARRIED UNANIMOUSLY

060552

COUNCIL'S OBJECTION TO THE ADOPTION BY THE AGGLOMERATION COUNCIL OF AN EXPENDITURE OF \$4,487,878 FOR THE PURCHASE OF

**FURNITURE AND EXECUTION OF VARIOUS WORK IN THE
ADMINISTRATION OFFICES AT 810 BRENNAN ROAD Dossier # 1063515001**

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution for a total amount of \$4,487,878 for the purchase of furniture and execution of various work in the administration offices at 810 Brennan Road (the opposed resolution) (item 30.08 on the agenda);

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS the Opposed Resolution violates the spirit of what truly constitutes an agglomeration expense in that:

- a) no explanation or justification as to how the City of Montreal staff arrived at 49.5% of the proportional cost to the Agglomeration was calculated;
- b) no detailed cost breakdown of the work was provided;
- c) according to the City of Montreal Council resolution 050104 "*ce projet devait se financer à même la vente de différents bâtiments municipaux*" but the decision does not explain how any financing received shall be returned to the Agglomeration;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

"THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 awarding a contract in the amount of \$4,487,878 for the purchase of furniture and execution of various work in the administration offices at 810 rue Brennan Road;

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to expenses like this one which are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members."

CARRIED UNANIMOUSLY

060553

COUNCIL'S OBJECTION TO THE ADOPTION BY THE AGGLOMERATION COUNCIL TO AUTHORIZE THE DETAILED BREAKDOWN OF 2005 SURPLUS/DEFICIT CALCULATIONS Dossier # 1060744001

WHEREAS on April 27, 2006 the Agglomeration Council adopted a resolution to authorize the detailed breakdown of 2005 surplus/deficit calculations, and any distributions resulting therefrom for the financial year of 2005 by and between the City of Montreal and its boroughs (the opposed resolution) (Item 30.09 of the agenda);

WHEREAS in a letter dated March 20, 2006, the sous-ministre of Municipal Affairs and of the Regions addressed a letter to the Directors General in which he stated that one Mr. Roger Lachance has been appointed as a conciliator between the City of Montreal and the reconstituted municipalities to deal with any issues related to the debts described in article 45 of the Agglomeration Decree 1225-2005 entitled, "An Act Respecting the exercise of certain municipal powers in certain urban agglomerations" (R.S.Q. c E-20.001). Moreover, the said letter also stated that, "**Il pourra également examiner tout autre problématique liée au partage de la dette et supporter la municipalité centrale et les municipalités reconstituées dans l'établissement des bilans d'ouverture.**" as it appears from a copy of said letter attached herewith as annex 1;

WHEREAS said letter invites those concerned to, "collaborer avec M. Lachance et à lui fournir toutes les informations dont il a besoin pour qu'il puisse remplir son mandat dans le délai fixé."; and

WHEREAS in the case of the former Borough of Côte Saint-Luc, Hampstead, Montreal West, the City of Côte Saint-Luc, the Town of Hampstead and the Town of Montreal West advised the City of Montreal through a letter of March 24, 2006 attached as annex 2, that the 3 cities did not agree with the alleged deficit position for the Borough which the City of Montreal alleged existed in 2005 and never had a reply to that letter or proper information to substantiate Montreal's numbers have not been received;

WHEREAS without financial information being properly provided from Montreal, as requested, the reconstituting cities can only rely on their own information which is not consistent with that of the City of Montreal;

WHEREAS Côte Saint-Luc has been working in good faith with Mr. Lachance on the 2005 results since he was appointed;

WHEREAS the Côte Saint-Luc Council was astonished to find that a couple of days before the agglomeration meeting, the City of Montreal planned to adopt the 2005 financial results for the Boroughs at the agglomeration meeting without ever having responded to our concerns, met with us or met with Mr. Lachance on this issue in total disregard for our municipality and Mr. Lachance's mandate;

WHEREAS the recommendations of the aforementioned Mr. Lachance are supposed to be submitted to the Minister by June 15, 2006;

WHEREAS at the Agglomeration Council Meeting of April 27, 2006, the Mayor of the City of Côte Saint-Luc requested that the matter be deferred in order to allow the aforementioned Mr. Lachance to properly execute his mandate and issue his recommendations;

WHEREAS the Agglomeration Council refused to respect the mandate given by the Minister and refused to defer this matter;

WHEREAS the adoption of this resolution is in direct contravention of the mandate of the minister exercised in this year of transition in virtue of her powers under la *Loi sur l'exercice de certaines compétences municipales dans certaines agglomérations* and the Ministerial decrees;

WHEREAS according to Section 115 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001) the right of objection to an Agglomeration Council resolution seems to relate solely to by-laws and the question of how reconstituting municipalities can oppose ordinary resolutions approving agglomeration expenses is left unclear;

WHEREAS under Section 115 of the *Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., ch. E-20.001), an authenticated copy of the resolution setting out the objection is sent simultaneously to the Minister and every other reconstituted municipality within the same 30-day period;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

“THAT Council hereby exercises its right of objection stipulated in Section 115 of *An Act respecting the exercise of certain municipal power in certain urban agglomerations* with respect to the Opposed Resolution adopted by the Agglomeration Council on April 27, 2006 adopting the dossier entitled, “Adopter l’affectation des surplus de gestion dégagés de l’exercice financier 2005. Adopter la politique d’attribution, d’utilisation et de renflouement des surplus dégagés de l’exercice financier 2005 et la répartition des surplus de gestion entre les arrondissements”;

THAT Council hereby requests that the Minister accept this objection as properly made under law irrespective of any limitations which may be read into Section 115;

THAT the Quebec Government amend the decree constituting the agglomeration of Montreal, to clearly allow for appeals of resolutions like the Opposed Resolution so as to permit reconstituting municipalities to object to a decision like this one which are uniquely there to benefit the City of Montreal;

TO send to the Minister of Municipal Affairs and Regions the objection of the City of Côte Saint-Luc with respect to the foregoing Opposed Resolution;

TO forward copies of this resolution to the other related municipalities, the Premier of Quebec and all Ministers in the Government of Quebec and Montreal Island National Assembly Members.”

CARRIED UNANIMOUSLY

OTHER BUSINESS - ALLAN J. LEVINE – RENAMING OF BOTANICAL GARDENS

Councillor Levine opined that the Botanical Gardens are world-renowned gardens and in his own personal view, the gardens should be re-named "Pierre Bourque Gardens."

RESUMPTION OF QUESTION PERIOD

Question period resumed at 10:36 p.m. and finished at 10:45 p.m., Three (3) people asked to speak and they were heard.

1) Jack Cabot

The resident apprised Council that he has been personally in touch with Warren Allmand, Elected Official in the City of Montreal, in view of soliciting his collaboration to insist that the portion of Côte Saint-Luc Road belonging to the City of Montreal be repaired and repaved to which Mayor Housefather concurred that the City of Montreal should be doing more to repair its portion of Côte Saint-Luc Road. He then added that the portion of Macdonald Avenue belonging to the City of Montreal should also be repaired and that he would be willing to recommend to his Council to perform the work should the City of Montreal repay Côte Saint-Luc for all of the costs.

2) Irving Itman

The resident inquired as to whether the policy regarding the City insisting upon letters from neighbours stating that they do not object to their neighbour's request for a minor exemption was enforced throughout the life of the Borough. Mayor Housefather responded that when he served on the Borough Council, he requested that it be enforced but he could not attest to whether the Urban Planning Department indeed followed this request in their day-to-day operations.

3) Alex Davis

The resident enquired as to whether the affected neighbours were advised regarding the Minor Exemption request at 651 Smart to which Mayor Housefather responded that the *neighbour* directly affected is the City and to which Councillor Erdelyi added that since there is no prejudice to the City to adopt the exemption he supported the adoption of the exemption in question tonight.

The resident then enquired as to who is in charge of financing the long-term loan of the City² to which Councillor Berku responded that the Ministry of Municipal Affairs and of the Regions Coordinates the process.

060554

APPROVAL OF THE CLOSING OF THE MEETING

It was

MOVED BY COUNCILLOR GLENN J. NASHEN
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT Council hereby authorises that the Mayor declare the Meeting closed.”

CARRIED UNANIMOUSLY

² Pursuant to item 6d on tonight's Council Agenda

AT 10:45 P.M. MAYOR HOUSEFATHER DECLARED THE MEETING CLOSED.

ANTHONY HOUSEFATHER
MAYOR

JONATHAN SHECTER
DIRECTOR OF LEGAL SERVICES
AND CITY CLERK