

CANADA  
PROVINCE OF QUEBEC  
MUNICIPALITY OF WEST BOLTON

Minutes of the regular Council sitting of the Municipality of West Bolton, held on Monday, August 16, 2021 at 7:32p.m. by videoconference with interactive webcast.

The following were present:

Robert Chartier, Councillor n° 1  
Jean-Pierre Pouliot, Councillor n° 2  
Loren Allen, Councillor n° 3  
Gilles Asselin, Councillor n° 5  
The members present formed a quorum.  
The sitting was presided over by Denis Vaillancourt, Deputy Mayor.

The following were absent:

Cedric Briggs, Councillor n° 6  
Jacques Drolet, Mayor

The following were also present:

Jean-François Grandmont, Director general and Secretary-treasurer  
Maike Storks, Deputy Director general and Deputy Secretary-treasurer

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**AGENDA**

- 1. CALL TO ORDER**
  - 2. ADOPTION OF THE AGENDA**
  - 3. FIRST QUESTION PERIOD**
  - 4. APPROVAL OF MINUTES**
  - 5. CORRESPONDENCE**
  - 6. TOWN PLANNING**
    - 6.1. Inspector's Report
    - 6.2. Minutes of the Planning Advisory Committee
    - 6.3. Request for minor exemption 2021-06-0017 - 4 Prospect Road
    - 6.4. Application for a Site layout and architectural integration plan (SLAIP) - Mount Foster area - Preparatory Work - 81 Paramount Road (Lot 5 193 104)
    - 6.5. St. Andrew's Church located on Tuer Road - Grant Application - Support to Brome County Historical Society
  - 7. ADMINISTRATION**
    - 7.1. Approval of accounts and transfers
    - 7.2. Report of authorized expenditures
    - 7.3. By-law number 379-2021 on contract management - Adoption
    - 7.4. By-law number 380-2021 stipulating the rules for budget control and monitoring and delegating the power to authorize expenditures - Adoption
    - 7.5. By-law number 381-2021 on the conditions for publishing public notices of the Municipality of West Bolton - Adoption
    - 7.6. Human Resources - Student administrative assistant - Contract
    - 7.7. By-law number 375-2021 respecting the salaries of elected municipal officials - Terms of payment - Standardization
  - 8. ROADWORKS**
    - 8.1. Local Roads Assistance Program (PAVL) - Maintenance Component - Financial Assistance Agreement
  - 9. ENVIRONMENT**
  - 10. PUBLIC SECURITY**
  - 11. HEALTH AND WELL-BEING**
  - 12. LEISURE AND CULTURE**
  - 13. VARIA**
  - 14. SECOND QUESTION PERIOD**
  - 15. END OF SITTING**
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**204-0821  
CALL TO ORDER**

With the members participating at the start of the sitting forming a quorum, the sitting was called to order by the deputy mayor at 7.30 p.m., followed by opening remarks.

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**205-0821  
ADOPTION OF THE AGENDA**

IT WAS MOVED by Councillor Gilles Asselin, SECONDED by Councillor Loren Allen and resolved to adopt the Agenda by adding the following item:

7.8 - Resignation of Councillor Cedric Briggs

Adopted unanimously

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**206-0821  
FIRST QUESTION PERIOD**

Council held a first question period.

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**207-0821  
APPROVAL OF MINUTES**

IT WAS MOVED by Councillor Gilles Asselin, SECONDED by Councillor Jean-Pierre Pouliot and resolved to approve the minutes of July 5 and 19, 2021.

Adopted unanimously

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**208-0821  
CORRESPONDENCE**

Nothing to discuss.

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**209-0821  
TOWN PLANNING  
REPORT OF THE PLANNING OFFICER AND MUNICIPAL INSPECTOR**

The inspector's report for the month of July 2021 was tabled.

Number of permits: 14  
Value of work: \$80,500

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**210-0821  
TOWN PLANNING  
MINUTES OF THE PLANNING ADVISORY COMMITTEE**

The minutes of the Planning Advisory Committee of July 12, June 14 and June 29 were tabled.

**211-0821  
TOWN PLANNING  
REQUEST FOR MINOR EXEMPTION #2021-06-0017  
4 PROSPECT ROAD**

The Director general presented the request.

**Nature and effects of request #2021-06-0017:**

The request for minor exemption is intended to allow the reduction of the front setback in order to build a detached garage. The requested setback is 15 metres, due in part to the 10-metre riparian protection strips of two streams on the property.

The standard in section 6.1.1.3 of Zoning By-law No. 264-2008 states that the front setback for a detached garage must be at least 25 metres.

**Identification of the site concerned:**

The site covered by this request is located at 4 Prospect Road in West Bolton, on lot number 5 192 930 of the cadastre of Québec (roll number: 8909-13-6261) and located in zone RES-2.

The floor was given to any person wishing to be heard in relation to this request.

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**211-0821  
TOWN PLANNING  
REQUEST FOR MINOR EXEMPTION #2021-06-0017  
4 PROSPECT ROAD**

WHEREAS, pursuant to sections 145.1 et seq. of the *Act respecting land use planning and development*, the application respects the objectives of the town plan and does not affect the enjoyment, by neighbouring owners, of their right of ownership;

WHEREAS the Planning Advisory Committee recommends to Council, by its resolution #0721-033, to approve this request;

WHEREAS this request has been the subject of a written consultation in order to allow any interested party to be heard;

IT WAS MOVED by Councillor Jean-Pierre Pouliot, SECONDED by Councillor Loren Allen and resolved to approve the request for minor exemption #2021-06-0017 and to allow the reduction of the front setback to 15 metres in order to be able to construct a detached garage at 4 Prospect Road in West Bolton, on lot number 5 192 930 of the Cadastre of Quebec (roll number: 8909-13-6261) and located in area RES-2.

The standard in section 6.1.1.3 of Zoning By-law No. 264-2008 states that the front setback for a detached garage must be at least 25 metres.

Adopted unanimously

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**212-0821  
TOWN PLANNING  
APPLICATION FOR A SITE LAYOUT AND ARCHITECTURAL  
INTEGRATION PLAN (SLAIP) - MOUNT FOSTER AREA -  
PREPARATORY WORK - 81 PARAMOUNT ROAD (LOT 5 193 104)**

The director general submitted the PIIA application for embankment/cuttings to prepare the site for the construction of a residence in spring 2022:

WHEREAS the recommendation of the Planning Advisory Committee, number 0821-038, adopted at the sitting held on August 11, 2021 with respect to the project mentioned below has been transmitted to the Municipal Council;

WHEREAS the following project meets the objectives and criteria set out in By-law No. 359-2019 respecting Site layout and architectural integration plans (PIIA) of the Municipality of West Bolton;

WHEREAS the Planning Advisory Committee has given a favourable opinion on the project hereinafter referred to, which includes two conditions;

WHEREAS, pursuant to section 145.19 of the *Act respecting land use planning and development*, Council must render its decision on the plan following consultation with the Planning Advisory Committee;

After study and consideration:

IT WAS MOVED by Councillor Gilles Asselin, SECONDED by Councillor Robert Chartier and resolved to approve the SLAIP application number 2021-07-0018 concerning preparatory backfilling/clearing work in anticipation of residential construction in spring 2022 on lot number 5 193 104 of the cadastre of Quebec (roll number 9010-25-0394), provided that:

- erosion control and runoff management measures are put in place before the start of preparatory work;
- measures are put in place for the duration of the proposed work, including the future residential construction, until completion, as represented in the plans and documents submitted in support of the application.

Adopted unanimously

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**213-0821**  
**TOWN PLANNING**  
**ST. ANDREW'S CHURCH LOCATED ON TUER ROAD - GRANT**  
**APPLICATION - SUPPORT FOR THE**  
**BROME COUNTY HISTORICAL SOCIETY**

Considering the expertise and dedication of the Brome County Historical Society to the conservation of the heritage buildings of our beautiful region;

Considering the accelerated degradation of St. Andrew's Church, a place of worship of the Anglican tradition built in 1891, located on Tuer Road, which is cited in the directory of cultural heritage of Quebec;

Whereas it is urgent to evaluate the building and the work required for its conservation.

IT WAS MOVED by Councillor Loren Allen, SECONDED by Councillor Robert Chartier and resolved to support the project of the Brome County Historical Society to be presented the essence of the Surplus Heritage Places of Worship Requalification Program - Stream 1, for the restoration of St. Andrew's Church located at 21 Tuer Road in Bolton West.

Adopted unanimously

**214-0821**  
**ADMINISTRATION**  
**APPROVAL OF ACCOUNTS AND TRANSFERS**

IT WAS MOVED by Councillor Jean-Pierre Pouliot, SECONDED by Councillor Gilles Asselin and resolved to approve the list of accounts and transfers dated August 12, 2021 in the amount of \$176,603.49 and to authorize the director general to settle these accounts.

Adopted unanimously

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**215-0821**  
**ADMINISTRATION**  
**REPORT OF AUTHORIZED EXPENDITURES**

The director general tabled the report of authorized expenditures.

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**216-0821**  
**ADMINISTRATION**  
**BY-LAW NUMBER 379-2021 ON CONTRACT MANAGEMENT -**  
**ADOPTION**

The director general and secretary-treasurer presented the purpose of the by-law and the changes made between the bill tabled and the by-law submitted for adoption.

WHEREAS the required formalities have been complied with.

IT WAS MOVED by Councillor Robert Chartier, SECONDED by Councillor Jean-Pierre Pouliot and resolved to adopt By-law Number 379-2021 on contract management;

A copy of the by-law is attached to this resolution as an integral part thereof.

Copies of the by-law were made available to the public at the beginning of this sitting.

Adopted unanimously

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**217-0821**  
**ADMINISTRATION**  
**BY-LAW NUMBER 380-2021 STIPULATING THE RULES FOR BUDGET**  
**CONTROL AND MONITORING AND DELEGATING THE POWER TO**  
**AUTHORIZE EXPENDITURES - ADOPTION**

The director general and secretary-treasurer presented the purpose of the by-law and the changes made between the draft tabled and the by-law submitted for adoption.

WHEREAS the required formalities have been complied with.

IT WAS MOVED by Councillor Gilles Asselin, SECONDED by Councillor Loren Allen and resolved to adopt By-law Number 380-2021 stipulating the rules for budget control and monitoring and delegating the power to authorize expenditures;

A copy of the by-law is attached to this resolution as an integral part thereof.

Copies of the by-law were made available to the public at the beginning of this sitting.

Adopted unanimously

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**218-0821**  
**BY-LAW NUMBER 381-2021 ON THE CONDITIONS FOR PUBLISHING**  
**PUBLIC NOTICES OF THE MUNICIPALITY OF WEST BOLTON -**  
**ADOPTION**

The director general and secretary-treasurer presented the purpose of the by-law and the changes made between the bill tabled and the by-law submitted for adoption.

WHEREAS the required formalities have been complied with.

IT WAS MOVED by Councillor Jean-Pierre Pouliot, SECONDED by Councillor Loren Allen and resolved to adopt By-law number 381-2021 on the conditions for publishing public notices of the Municipality of West Bolton.

A copy of the by-laws is attached to this resolution as an integral part thereof.

Copies of these by-laws were made available to the public at the beginning of this sitting.

Adopted unanimously

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**219-0821**  
**ADMINISTRATION**  
**HUMAN RESOURCES - STUDENT ADMINISTRATIVE ASSISTANT -**  
**CONTRACT**

WHEREAS the hiring period provided for in the summer student employment program ended on August 13;

WHEREAS Ms. Rafaëlle Naud would be available to complete a full week of work on August 23 and on a part-time basis thereafter.

IT WAS MOVED by Councillor Gilles Asselin, SECONDED by Councillor Loren Allen and resolved:

- to hire Ms. Rafaëlle Naud for the period from August 23 to December 24, 2021 on the recommendation of the director general;
- to authorize the mayor (or deputy mayor) and the director general (or deputy director general) to sign any contract to that effect.

Adopted unanimously

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**220-0821**  
**ADMINISTRATION**  
**BY-LAW NUMBER 375-2021 RELATING TO THE REMUNERATION OF**  
**ELECTED MUNICIPAL OFFICERS - PAYMENT METHOD -**  
**STANDARDIZATION**

Whereas it is desirable to standardize the frequency of payment of remuneration to elected officials with that of municipal employees due to the change of payroll service provider;

IT WAS MOVED by Councillor Jean-Pierre Pouliot, SECONDED by Councillor Gilles Asselin and resolved that, in accordance with section 3 establishing the terms and conditions of payment, the remuneration of the members of Council provided for in by-law number 375-2021 should be paid every two weeks.

Adopted unanimously

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**221-0821**  
**ADMINISTRATION**  
**RESIGNATION OF COUNCILLOR CEDRIC BRIGGS**

The director general and secretary-treasurer tabled and read the letter of resignation of Mr. Cedric Briggs from the position of Councillor n°6. The letter was dated August 9, 2021.

The deputy mayor made the following statement:

*« I am deeply sorry about Mr. Briggs' decision and on behalf of the members of Council and the administrative staff of the municipality, I wish to thank Mr. Briggs for all those hours and years of service to the municipality as councillor (for 12 years) and a member of the Planning Advisory Committee, the CCU (for 10 years ). We wish him a well-deserved retirement.*

*Je suis vraiment désolé au sujet de la décision de M. Briggs et au nom des membres du conseil et du personnel de l'administration de la municipalité, je tiens à remercier M. Briggs pour toutes ces heures et années de service pour la municipalité comme conseiller municipal (12 ans de service) et membre du comité consultatif d'urbaniste, le CCU (10 ans), et nous lui souhaitons une retraite bien méritée.»*

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**222-0821**  
**ROADWORKS**  
**LOCAL ROADS ASSISTANCE PROGRAM (PAVL) - MAINTENANCE**  
**COMPONENT - FINANCIAL ASSISTANCE AGREEMENT**

WHEREAS the municipality has taken cognizance of the draft financial assistance agreement submitted;

IT WAS MOVED by Councillor Gilles Asselin, SECONDED by Councillor Jean-Pierre Pouliot to authorize the mayor and the director general to sign a financial assistance agreement with the *Ministre des Transports* for the maintenance component of the Local Roads Assistance Program.

Adopted unanimously

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**223-0821**  
**ENVIRONMENT**

Nothing to discuss.

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**224-0821**  
**PUBLIC SECURITY**

Nothing to discuss.

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**225-0821  
HEALTH AND WELL-BEING**

The deputy mayor invited the population to consult the website to learn about tick-borne diseases and to remain vigilant.

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**226-0821  
LEISURE AND CULTURE**

Nothing to discuss.

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**227-0821  
VARIA**

Nothing to discuss.

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**228-0821  
SECOND QUESTION PERIOD**

Council held a second question period during which those attending the live broadcast could ask questions to its members.

Copies of the agenda were made available to the public electronically prior to the start of the sitting.

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**229-0821  
END OF SITTING**

The agenda having been exhausted, IT WAS MOVED by Councillor Gilles Asselin, SECONDED by Councillor Loren Allen and resolved to end the sitting at 8.50 p.m.

Adopted unanimously

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Jean-François Grandmont, OMA  
Director-general and Secretary-treasurer

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Denis Vaillancourt  
Deputy mayor

**Attestation**

The signature of these minutes by the mayor is equivalent to the signature by the mayor of all the resolutions it contains as per section 142 of the Municipal Code.



**PROVINCE OF QUEBEC  
BROME-MISSISQUOI REGIONAL COUNTY MUNICIPALITY  
MUNICIPALITY OF WEST BOLTON**

**BY-LAW NUMBER 379-2021 ON CONTRACT MANAGEMENT**

**WHEREAS** the Municipality adopted its first Contract Management Policy on December 6, 2010;

**WHEREAS** the Municipality adopted By-law number 350-2018 on contract management on October 6, 2018 following the entry into force of the *Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers as such* (S.Q. 2017 c. 13);

**WHEREAS** the *Act to establish a new development regime in flood zones of lakes and watercourses, temporarily granting municipalities powers to meet certain needs and amending various provisions* (S.Q. 2021 c. 7) was assented to on March 25, 2021 and some of its provisions came into force on that date;

**WHEREAS** section 124 of that Act imposes an obligation on municipalities to provide, in the by-law on contract management, measures to promote, for a period of three years from 25 June 2021, Québec goods and services, as well as suppliers, insurers and contractors who have an establishment in Québec, for any contract involving an expenditure below the public tender threshold fixed by ministerial regulation;

**WHEREAS** By-law No. 350-2018 on contract management should be repealed in order to replace it with a new by-law that incorporates measures to promote Québec goods and services as well as suppliers, insurers and contractors who have an establishment in Québec, in accordance with section 124 of the above-mentioned Act;

**WHEREAS** a notice of motion of *By-law Number 379-2021 on Contract Management* was given on July 5, 2021;

**WHEREAS** the draft by-law was tabled at the Council meeting of July 5, 2021,

**COUNCIL DECREES AS FOLLOWS:**

**Chapter 1 - PRELIMINARY PROVISIONS**

**Section I - DEFINITIONS**

1. In this By-law and unless in exceptional cases, the expressions or words below have the following meaning:
  - a) **"Purchase"**: Any supply of a good or a service required in the course of the operations of the Municipality, which can be acquired through a call for tenders or by mutual agreement;
  - b) **"Over-the-counter purchase"**: Any supply of a good or service, which can be acquired by mutual agreement on an ad hoc basis and for which the price is already set by the supplier for all its customers, such as the purchase of foodstuffs, office supplies or over-the-counter products;
  - c) **"Call for tenders"**: A public procurement or written solicitation process requesting written price quotations from suppliers for goods or services in accordance with the terms set out in the documents provided for this purpose. Price requests are excluded when no call for tenders is required by law or by this By-law;
  - d) **"Purchase order"**: Document confirming to a supplier the goods to be delivered or the service to be performed based on the relevant terms;

- e) **"Selection committee"**: Committee formed when the bidding process involves the use of a bid weighting and evaluation system, regardless of the method chosen;
- f) **"Contract"**: Any commitment by which the Municipality obtains services (including insurance), has work done or purchases goods and for which it undertakes to disburse an amount as payment to a contractor or supplier, with the exception of an employment contract or an inter-municipal agreement;
- g) **"Supply contract"**: Contract for the purchase or rental of movable property in which costs may be included for the installation, operation and maintenance of the property;
- h) **"Construction contract"**: Contract for the construction, reconstruction, demolition, repair or renovation of a building or civil engineering structure, including site preparation, excavation, drilling and blasting, supply of products and materials, equipment and machinery if they are provided for in the contract and are related thereto, and the installation and repair of fixed equipment of a building or civil engineering structure;
- i) **"Service contract"**: Contract for the provision of services in which the parts or materials required for this provision may be included;
- j) **"Professional services contract"**: Contract for the provision of services that, under a law or by-law, can only be provided by a doctor, dentist, nurse, pharmacist, veterinary surgeon, engineer, surveyor, architect, chartered professional accountant, lawyer or notary;
- k) **"Price request"**: Written or oral communication kept confidential, with a minimum of two (2) suppliers for the purpose of obtaining written prices, with the use of e-mail being authorized;
- l) **"Cost overrun"**: Any excess cost beyond the original cost of a contract, other than a variation in the quantities estimated at unit price;
- m) **"Officer-in-charge"**: The officer responsible for tendering or managing the contract, depending on the context;
- n) **"Supplier"**: A natural or legal person retained to perform a contract following a call for tenders or following the conclusion of a contract resulting from a negotiation by mutual agreement where applicable;
- o) **"Solicitation procedure"**: All the mechanisms unified by the Municipality for the purpose of awarding a contract to a supplier based on one of the adjudication methods provided for herein (Public call for tenders, call for tenders by invitation, request for quotation or solicitation by mutual agreement);
- p) **"Budget activity officer"**: Any public servant who meets the regulatory requirements for budget control and monitoring as a budget activity officer;
- q) **"SAP"**: Public tender threshold set by ministerial regulation;
- r) **"Bidder"**: A natural or legal person who intends to bid or who has submitted a bid and who has undertaken to meet the requirements and conditions of the tender documents if the contract is awarded.

## **Section II - PURPOSE**

2. The purpose of this by-law is to put in place contract management rules that address the seven (7) categories of measures required by section 938.1.2 of the *Municipal Code* (CQLR C-27.1), in order to assure the taxpayers of the Municipality that the amounts expended for the purchase of goods or services are in accordance with the principles of fairness, transparency and sound management.

3. The rules provided for in this By-law must be interpreted in such a way as to respect the principle of proportionality based on the nature and amount of the expense, the contract to be performed and the costs, time and size of the Municipality.

### **Section III - SCOPE**

4. The provisions of this By-law:

- a) are not intended to replace or modify any legislative or regulatory provision relating to the award of municipal contracts, in particular the provisions applicable to contracts of a value equal to or greater than the public tender threshold set by ministerial regulation;
- b) are not intended to prevent a contract from being made in a case of force majeure that is likely to endanger the life or health of the population or to seriously damage municipal facilities, in which case the mayor, or any other person authorized by section 937 of *the Municipal Code* or by a by-law of the Municipality, may override these rules and award the necessary contract to mitigate the situation;
- c) are not intended to limit the possibility for the Municipality to use any competitive method for the award of a contract, whether by Public call for tenders, by invitation or by a price request, even if it can legally proceed by mutual agreement;
- d) are not intended to prevent the Municipality from proceeding by mutual agreement in cases where the law or this By-law so permits;
- e) apply regardless of whether the contract is awarded by Council or by an authorized officer;
- f) bind bidders, suppliers, as well as any person who, through its actions, seeks to enter into a contract with the Municipality.

Any authorized party or any supplier or contractor involved in a contract process must act in accordance with the Contract Management By-law.

5. The provisions of this By-law shall not apply:

- a) during an over-the-counter purchase;
- b) to the exceptions in section 938 of the *Municipal Code*.

## **Chapter 2 - MEASURES REFERRED TO IN SECTION 938.1.2 OF THE MUNICIPAL CODE**

<b>Section I – MEASURES TO ENSURE COMPLIANCE WITH ANY APPLICABLE ANTI-BID-RIGGING LEGISLATION.</b>
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6. No employee or member of Council may disclose any information as to the number or identity of persons who have been invited to submit a price or bid, who have submitted a price or bid, or who have requested a copy of the call for tenders, a document to which it refers or an additional document related thereto until the opening of bids.

7. All calls for tenders must provide that the bidder must, for any information, only write to the officer-in-charge or his representative whose details appear in the call for tenders.

8. Employees or members of the Municipal Council must not communicate information to a bidder through a tendering process and must refer it to the officer-in-charge or his representative whose contact details appear on the call for tenders.

9. Any available information concerning a call for tenders must be accessible in an impartial and uniform manner to all potential bidders. In particular, the officer-in-charge must ensure that documents that have been prepared by a consultant for the Municipality and contain technical information must be accessible to all potential bidders.

10. Any call for tenders must provide that, in order to be eligible for the award of a contract, a bidder, as well as any subcontractor it associates with the implementation of its bid, must not have been found in the last five (5) years, guilty of collusion, fraudulent acts or other acts of the same nature, or held liable for such acts in connection with a call for tenders or a contract, by a final decision of a court, body or person exercising judicial or quasi-judicial functions.

11. The officer-in-charge must ensure that bidders have not been found guilty of violating an anti-bid-rigging legislation such as the *Act to provide for measures to fight crime in the construction industry* (SQ, 2009, v. 57) and the *Competition Act* (RSC, 1985, C-34), and must also ensure that the establishment of a business relationship with a bidder is not against a penalty imposed on him.

**Section II - MEASURES TO ENSURE COMPLIANCE WITH THE *LOBBYING TRANSPARENCY AND ETHICS ACT* (CQLR, C-T-11.011) AND THE *CODE OF CONDUCT FOR LOBBYISTS* ADOPTED UNDER THAT ACT.**

12. Any call for tenders must state that every bidder must solemnly declare, by a written declaration accompanying its bid, that if influence communications took place to obtain the contract, they complied with the *Lobbying Transparency and Ethics Act* and the *Code of Conduct for Lobbyists*.

Failure to produce this declaration will result in the automatic rejection of the bid.

13. Any contract must include a clause allowing the Municipality, in the event of non-compliance with the *Lobbying Transparency and Ethics Act* or the *Code of Conduct for Lobbyists*, to terminate this contract if the non-compliance is discovered after contract award, as long as the violation is related to events directly related to the contract with the Municipality.

14. Any elected official or municipal employee who is approached by a person seeking to influence decision-making on a matter covered by the *Lobbying Transparency and Ethics Act* must ask that person if they are registered in the Lobbyists Registry.

If the person is not registered, the elected official or the municipal employee must inform him of the existence of the aforementioned legislation and the obligation to register in the Lobbyist Registry.

**Section III - MEASURES TO PREVENT INTIMIDATION, INFLUENCE PEDDLING AND CORRUPTION.**

15. The financial guarantees required from a bidder must be adapted based on the actual nature of the need in order to ensure that they are not over-valuated or disproportionate to the contract.

16. No clause of a call for tenders must allow the withdrawal of a bid after it has been opened. The bid security presented, if any, must be forfeited and the excess cost to the Municipality must be claimed from the defaulting bidder if it was the lowest compliant bidder.

17. In order to avoid having potential bidders in one place, no mandatory participation in site group visits should be provided.

However, in the case of the refurbishment of an existing structure of such magnitude that the project cannot be specifically described in the tender documents, the required visits must be carried out individually by appointment with the bidders.

18. All calls for tenders must provide that all bidders must solemnly declare, by a written declaration (attached as Annex I) that they must attach to their bid, that to their knowledge and after serious verification, their bid was prepared without collusion, communication, agreement or arrangement with a competitor.

Failure to file this declaration will result in the automatic rejection of the bid.

19. Any bidder who is convicted for establishing a bid with collusion, communication, agreement or arrangement shall be ineligible to bid for any contract with the Municipality for five (5) years after his conviction.

#### **Section IV - MEASURES TO PREVENT CONFLICT OF INTEREST SITUATIONS.**

20. The selection committee must be composed of at least three (3) members, in addition to one (1) secretary, who are not members of Council.

21. The selection committee must be established before the call for tenders is issued, but its composition must be kept confidential.

22. Every member of the selection committee must declare under oath, in accordance with the form attached as Annex II to this By-law:

- a) to perform his duties without partiality, favouritism or consideration, and respect the applicable rules of ethics;
- b) that should he become aware that one of the bidders, shareholders or board members of one of the bidders is related to him or has business ties with him, or that he is in competition with one of the bidders under evaluation, he shall notify the secretary of the selection committee without delay.

23. The secretary of the selection committee must ensure that members of this committee are provided the information relevant to their mandate and shall give them access to basic training.

#### **Section V - MEASURES TO PREVENT ANY OTHER SITUATION LIKELY TO COMPROMISE THE IMPARTIALITY OR OBJECTIVITY OF THE CALL FOR TENDERS OR THE MANAGEMENT OF THE RESULTING CONTRACT**

24. The members of a selection committee must undertake not to divulge any information concerning the discussions and scores awarded during their work.

25. The officer-in-charge or his representative whose contact details appear in the call for tenders, are the only persons who can issue an addendum as part of a tendering process. The officer must ensure that bidders are provided and given unbiased, consistent and equal information devoid of any favouritism.

26. Where a bid evaluation and weighting system is provided for the award of a contract, the tender documents may provide for the use of a form that allows for a uniform presentation of the information required from bidders to demonstrate quality.

27. Any calls for tenders must provide that no person who participated in the preparation of the call for tenders may bid or directly or indirectly control a bidding company.

However, this exclusion does not apply to persons who participated in the development of technical clauses or project cost estimates, to the extent that the documents they prepared, including the detailed costs breakdown, are provided to all bidders.

28. Any call for tenders must provide that all bidders must submit a declaration of their intention to sub-contract when this option is permitted and which, if applicable,

specifies the sub-contractors concerned in such a way as to limit any possible collusion with the bidder except for those determined through the Quebec Bid Depository System or by an agency holding a bulk brokerage permit.

In the context of a construction contract, the call for tenders may, however, provide that the list of subcontractors will be submitted before the contract is signed or at the latest on the date of opening of the work site.

Any calls for tenders may provide that failure to file this declaration will result in the automatic rejection of the bid.

29. All calls for tenders must provide that all bidders must solemnly declare, by a written declaration attach to their tender (Annex I), that to their knowledge and after serious verification, neither they nor any collaborator or employee communicated or attempted to communicate with an employee or a member of Council of the Municipality for the purpose of influencing him or obtaining information relating to this call for tenders, except in the context of a written communication with the officer-in-charge or his representative whose details appear in the call for tender.

Failure to file this return will result in the automatic rejection of the bid.

If such an act is discovered after contract award, the Municipality reserves the right, at its sole discretion, to terminate the contract, without prejudice to its other rights and remedies against this co-contractor.

30. Any company with a head office in Quebec that is interested in entering into a construction contract for \$25,000 or more with the Municipality must provide a certificate issued by Revenu Québec stating that it has filed the declarations and reports required under Quebec tax laws and that it does not have an overdue account with Revenu Québec. In the event that the contractor uses subcontractors, the contractor is responsible for ensuring that the subcontractors have a valid attestation from Revenu Québec if the amount of their respective subcontract is \$25,000 or more.

**Section VI - MEASURES TO GOVERN THE MAKING OF DECISIONS AUTHORIZING THE AMENDMENT OF A CONTRACT**

31. The Municipality must ensure that site meetings are regularly held during the execution of construction works in order to monitor the execution of the contract and, in particular, control the resulting costs.

32. In the event of unforeseen circumstances and if it becomes necessary to modify a contract in progress, the following rules must be respected:

- a) the amendment must be ancillary to the contract and not change its nature, with contract amendment being the exception;
- b) an officer may authorize a contract amendment entailing a cost overrun only to the extent that the thresholds authorized by the by-laws stipulating the rules for budget control, monitoring and delegation of authority are respected, in which case a purchase order must be issued;
- c) any cost overrun equal to or less than \$15,000 plus taxes must be authorized in writing by the general manager;
- d) any cost overrun of more than \$15,000 plus taxes must be authorized by resolution of the Municipal council.

**Section VII - MEASURES TO PROMOTE ROTATION AMONG PROSPECTIVE CONTRACTING PARTIES FOR CONTRACTS THAT MAY BE MADE BY AGREEMENT UNDER THE RULES ADOPTED UNDER THE FOURTH PARAGRAPH AND THAT INVOLVE AN EXPENDITURE OF AT LEAST \$25,000 BUT BELOW THE EXPENDITURE THRESHOLD FOR A CONTRACT THAT MAY BE AWARDED ONLY AFTER A PUBLIC CALL FOR TENDERS UNDER [ARTICLE 935](#)**

33. The Municipality favours a rotation among potential contracting parties that can meet its needs and, in the case of a price request or a calls for tenders or by a contract by mutual agreement when this approach is authorized, it must, as far as

possible, invite new competitors who have not been solicited at a previous adjudication. For contracts by mutual agreement, a new search for bidders must be carried out for each new contract when the contract is sufficient.

As a result, the solicitation officer must take necessary measures to facilitate such a rotation and document the process with appropriate support, in order to promote an equitable distribution of contracts and accessibility to new competitors from the region.

Rotation should not be at the expense of sound public expenditure management. In the event that the rotation cannot be profitable for the Municipality, the officer in charge of the call for tenders must document his decision.

### **Chapter 3 - MEASURES REFERRED TO IN SECTION 124 OF THE ACT ESTABLISHING A NEW PLANNING REGIME IN FLOOD-FREE AREAS OF LAKES AND WATERCOURSES, GRANTING TEMPORARILY TO MUNICIPALITIES POWERS TO MEET CERTAIN NEEDS AND AMENDING VARIOUS PROVISIONS**

#### **Section I - Measures to promote Québec goods and services as well as SUPPLIERS, INSURERS AND CONTRACTORS WHO HAVE AN ESTABLISHMENT IN QUÉBEC**

34. For the period from June 25, 2021 to June 25, 2024, the Municipality shall promote, for the purposes of entering into any contract that involves an expenditure less than the SAP, the acquisition of goods and the provision of Québec services as well as suppliers, insurers and contractors who have an establishment in Québec.

To that end, the Municipality shall promote the acquisition of goods created and manufactured in Québec and the supply of services by Québec enterprises. The Municipality also favours suppliers, insurers and contractors who have an establishment in Québec and who can meet its needs.

When the Municipality solicits and awards a contract by way of a request for tender, call for tenders by invitation or by mutual agreement, it must ensure that it invites suppliers, insurers and contractors who are able to offer Québec goods and services to it, as well as suppliers, insurers and contractors who have an establishment in Québec.

To that end, the official responsible for solicitation must take the necessary measures to encourage the award of any contract that involves an expenditure less than SAP to suppliers, insurers and contractors who are able to offer Québec goods and services to the Municipality and to suppliers, insurers and contractors who have an establishment in Québec. The officer in charge of the solicitation must document the process in an appropriate medium.

This Article shall not have the effect of undermining the sound management of public expenditure. In the event that the supply of goods or services by a supplier, insurer or contractor having an establishment in Québec cannot be profitable for the Municipality, the officer responsible for the call for tenders must document his decision on the basis of objective and demonstrable facts.

35. In the context of a call for tenders by invitation launched under this by-law, the Municipality reserves the right to award the contract to a tenderer who has not submitted the lowest tender subject to the fact that the price of his own tender does not exceed the price of the lowest tender by more than 5%.

36. In the context of a price request sent to several suppliers, the Municipality reserves the right to offer a local supplier who has proposed a price higher than a "non-local" supplier the possibility of reducing its price to that of the "non-local" supplier.
37. In the context of a request for prices sent to several suppliers, the Municipality may, in the event of an equal price proposed, favour the local supplier.

#### **CHAPTER 4 - RULES FOR AWARDING CERTAIN CONTRACTS**

##### **Section I - GENERAL RULES FOR CONTRACT SOLICITATION AND AWARD**

38. Subject to what may be specifically mentioned below depending on the nature of the contract to be awarded, the rules provided for in this section must be considered generally by the Municipality, when a solicitation process is initiated.

When applicable, the use of fixed price and unit price contracts is preferred to hourly rates, in order to allow risk sharing with suppliers.

39. The Municipality may proceed with the solicitation and award of a contract by mutual agreement when the subject of this contract appears on the list of exceptions provided for in section 938 of *the Municipal Code*. This provision is not intended to exclude the application of the provisions of sections VI and VII of chapter 2 which remain applicable to those contracts, as the case may be.
40. When the Municipality is able to choose the method of solicitation, in addition to the situations described in section 34, the following aspects are considered:
- a) Contract amount;
  - b) Market competition;
  - c) Impact on the regional economy;
  - d) Possibility of rotation among competitors;
  - e) Organizational effort required;
  - f) Timeline to be respected;
  - g) Anticipated added value in using the procedure.

The officer in charge of the call for tenders must document his decision as to the choice of solicitation method.

41. The Municipality encourages the purchase of products that maintain or improve the quality of the environment and promote sustainable development.
42. The Municipality favours the use of businesses within its territory for all contracts that are not subject to a Public call for tenders.
43. All supply contracts, non-professional service contracts, professional services contracts and construction contracts involving an expenditure of at least \$25,000 but below the public tender threshold fixed by ministerial by-law may be entered into by mutual agreement by the Municipality.

The officer-in-charge is responsible for verifying that the contract is to the advantage of the Municipality. He must also document the considerations that led it to award the contract to one company rather than another.

44. When conducting a Public call for tenders or a call for tenders by invitation, the Municipality may choose one of the following four (4) evaluation methods depending on the nature of the contract:
- a) The lowest compliant bidder;
  - b) The weighting grid including the price;
  - c) The method of weighting and evaluation of two-envelope bids;
  - d) The weighting grid including the price with discussion and negotiation.



Notwithstanding article 936.0.1.2 of the *Municipal Code*, any professional services contract that includes an expenditure that is less than the public tender threshold set by ministerial regulation may be awarded by means of a call for tenders that considers only the price without having to use a bid evaluation and weighting system.

45. For a call for tenders, contract award to the bidder with the lowest compliant bid is the rule. When a bid evaluation and weighting system is used, the contract is awarded to the bidder with the highest score.

**CHAPTER 5 - VIOLATIONS OF THE BY-LAW**

46. Any member of Council who violates this by-law is liable to the penalties provided for in the *Municipal Code* in the form of civil or criminal penalties.
47. The obligations imposed in this by-law form an integral part of any employment contract binding the Municipality to an employee.

In addition to any criminal penalties provided by law, an employee who violates this by-law is subject to disciplinary measures depending on the severity of the violation, based on the principle of escalating sanctions and may result in suspension without pay or a dismissal.

48. Any bidder or subcontractor who violates the requirements imposed by this by-law is subject to the rejection of his bid, the cancellation of his contract or ineligibility to submit a bid to the Municipality for a period of five (5) years following a conviction if he violates a law that provides for such punishment.

**CHAPTER 6 - TRANSITIONAL AND FINAL MEASURES**

49. The director general is responsible for applying this By-law.
50. The provisions of this By-law apply in respect of any contract the tendering process of which commences after the entry into force of the by-law.
51. The Contract Management Policy adopted on October 6, 2018 is repealed.
52. This By-law enters into force according to the law.

ADOPTED IN WEST BOLTON ON AUGUST 16, 2021.

\_\_\_\_\_  
**DENIS VAILLANCOURT**  
 Deputy Mayor

\_\_\_\_\_  
**JEAN-FRANÇOIS GRANDMONT, OMA**  
 Director general and Secretary-treasurer

Notice of motion:	July 5, 2021
Tabling of draft:	July 5, 2021
Adoption:	August 16, 2021
Public notice of entry into force:	August ,2021
Transmission to MAMOT:	August , 2021

**Schedule I**

MUNICIPALITY OF WEST BOLTON  
CALL FOR TENDERS NUMBER \_\_\_\_\_

**BIDDER'S DECLARATION**

I, the undersigned, \_\_\_\_\_, as a duly authorized representative of \_\_\_\_\_ for the submission of this bid, solemnly declare that: *[each applicable box must be checked]*

- I am authorized by the bidder to sign this declaration on its behalf;
- I understand that the enclosed bid may be rejected if the statements contained herein are not true or complete;
- I understand that the contract, if awarded to me, may be terminated if the statements contained herein are not true or complete;
- I have read and understand the contents of this statement;

I declare that to my knowledge and after serious verification:

- this bid has been prepared without collusion and without communication or making an agreement or arrangement with a competitor;
- there has been no communication, agreement or arrangement with a competitor with respect to prices, methods, factors or formulas for presenting a price, the decision to submit a bid or not, or submitting a bid that does not meet the specifications of the bid solicitation;
- neither I nor any collaborator or employee has communicated or attempted to communicate with an employee or a member of the Council of the Municipality for the purpose of influencing or seeking information with respect to this solicitation, except a communication with the officer-in-charge or his representative, whose contact information appears in this call for tenders;
- neither I nor any collaborator or employee has communicated or attempted to contact a selection committee member to influence or obtain information regarding this solicitation.
- that I have not been found guilty of an offense against a law that would prevent me from contracting with a public body.

I declare: *[check one of the options]*

- that I have not, at any time, directly or through another person, made influence communications to obtain the contract from a member of Council or an employee of the Municipality;

**OR**

- that I, directly or through another person, made influential communications to obtain the contract from a member of Council or an employee of the Municipality, but that such communication complied with the *Lobbying Transparency and Ethics Act* and the *Code of Conduct for Lobbyists*. The individuals who were contacted are:  
\_\_\_\_\_

I declare: *[check one of the options]*

I am a lobbyist registered in the Lobbyists Registry that was established under the *Lobbying Transparency and Ethics Act*;

OR

I am not a lobbyist who is registered in the Lobbyists Registry that was established under the *Lobbying Transparency and Ethics Act*.

NAME OF AUTHORIZED PERSON: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Solemnly declared before me in \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Commissioner for Oaths  
District of \_\_\_\_\_

**Schedule II**

MUNICIPALITY OF WEST BOLTON  
CALL FOR TENDERS NUMBER \_\_\_\_\_

**DECLARATION AND COMMITMENT OF A MEMBER  
OF A SELECTION COMMITTEE**

I, \_\_\_\_\_, as a member of the selection committee for the award of the above-mentioned contract, solemnly declare that:

**1. I am committed, as a member of this selection committee:**

- not to mention that I am a member of this selection committee to anybody, except to other members of the selection committee or the secretary of the committee;
- to act faithfully and in accordance with the mandate entrusted to me, without partiality, favour or consideration and respecting the applicable ethical rules;
- not to disclose or make known, without being required to do so, anything I have learned in the exercise of my duties, except to other members of the selection committee, the secretary of the committee and the Municipal Council;

**2. In addition, in the event that I learn that one of the bidders or shareholders or board members of one of the bidders is related to me or has business ties with me, or that I am in competition with one of the bidders under evaluation, I will notify the secretary of the selection committee without delay.**

**3. I have read and understood the contents of this statement;**

NAME OF SELECTION COMMITTEE MEMBER: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
DATE: \_\_\_\_\_

Solemnly declared before me in \_\_\_\_\_  
This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Commissioner for Oaths  
District of \_\_\_\_\_

**PROVINCE OF QUEBEC  
BROME-MISSISQUOI REGIONAL COUNTY MUNICIPALITY  
MUNICIPALITY OF WEST BOLTON**

**BY-LAW NUMBER 380-2021 STIPULATING THE RULES FOR BUDGET CONTROL  
AND MONITORING AND DELEGATING THE POWER TO AUTHORIZE EXPENDITURES**

**WHEREAS** under the second paragraph of section 960.1 of the *Municipal Code of Québec*, Council must adopt a budget control and monitoring by-law;

**WHEREAS** this by-law must provide in particular the means used to guarantee the availability of funds prior to making any decision authorizing an expenditure, which means may vary according to the authority authorizing the expenditure or the type of projected expenditure;

**WHEREAS** under the second paragraph of section 165.1 of the *Municipal Code of Québec*, an employee engagement has effect only if, in accordance with the by-law passed under the second paragraph of section 960.1, funds are available for this purpose;

**WHEREAS** under section 961 of the *Municipal Code of Québec*, a by-law or resolution of Council authorizing an expenditure has effect only if, in accordance with the by-law adopted under the second paragraph of section 960.1, funds are available for the type of expenditure proposed;

**WHEREAS** under section 961.1 of the *Municipal Code of Québec*, Council may adopt a by-law to delegate to any officer or employee of the Municipality the power to authorize expenditures and to enter into contracts on behalf of the municipality;

**WHEREAS** under the fourth paragraph of section 961.1 of the *Municipal Code of Québec*, an authorization of expenditure granted under a delegation has effect only if, in accordance with the by-law adopted under the second paragraph of section 960.1, appropriations are available for this purpose;

**WHEREAS** section 176.4 of the *Municipal Code of Québec*, and the fifth paragraph of section 961.1 provide the means of accountability to Council for budgetary control and monitoring purposes;

**WHEREAS** a notice of motion of Bylaw number 380-2021 establishing rules of budget control and monitoring and delegating the power to authorize expenditures was given on July 5, 2021;

**WHEREAS** the proposed By-laws were tabled at the meeting of July 5, 2021;

**COUNCIL DECREES AS FOLLOWS:**

The above preamble is an integral part of the by-law.

## DEFINITIONS

"Municipality":	Municipality of West Bolton.
"Council":	Municipal Council of the Municipality of West Bolton.
"Director general and secretary-treasurer":	Senior officer that the municipality is required to have under sections 210 and 179 of the <i>Municipal Code of Québec</i> , subject to section 212.2 which provides for the possibility that the two functions may be performed by different persons.
"Fiscal year":	Period between January 1 and December 31 of a year.
"Delegation to authorize expenditures":	Regulatory provisions adopted under the first and second paragraphs of section 961.1 of the <i>Municipal Code of Québec</i> , by which Council delegates to municipal officials or employees the power to authorize expenditures and enter into contracts on behalf of the municipality.
"Budget activity manager":	Official or employee of the municipality responsible for a budget item entrusted to him, which includes any budget item that is under the responsibility of a direct subordinate.

## SECTION 1 - OBJECTIVES OF THE BY-LAW

### Article 1.1

This By-law establishes the budgetary control and monitoring rules that all the officers and employees concerned must follow.

More specifically, it establishes the rules of responsibility and operation required so that any expense to be initiated or incurred by an officer or an employee of the municipality, including the commitment of an employee, is duly authorized after verification of the availability of necessary funds.

This By-law applies to any appropriation attributable to financial or investment activities in the current year that Council may adopt by resolution or by-law.

### Article 1.2

This By-law also establishes the rules for budget monitoring and reporting that the director general and secretary-treasurer and the budget activity managers of the municipality must follow.

### Article 1.3

In addition, this By-law establishes the rules for delegating spending authorizations that Council enacts under the first and second paragraphs of section 961.1 of the *Municipal Code of Québec*.

In particular, this By-law delegates to certain employees of the municipality the power to authorize any expenditure and to enter into contracts on behalf of the municipality in the areas of jurisdiction determined therein and within the monetary limits specified therein.

## SECTION 2 - PRINCIPLES OF BUDGET CONTROL AND MONITORING

### Article 2.1

Appropriations necessary for the financial and investment activities of the municipality must be approved by Council prior to their allocation to the expenses related thereto. This approval of appropriations takes the form of a vote of appropriations expressed by one of the following means:

- adoption by Council of the annual budget or supplementary budget,
- adoption by Council of a loan by-law,
- adoption by Council of a resolution or by-law granting funds from surplus income, accumulated surplus, financial reserves or restricted funds.

#### Article 2.2

To be carried out or incurred, any expense must be duly authorized by Council, an authorized municipal officer or a budget activity manager in accordance with the delegation rules prescribed in section 3, after verifying the availability of the necessary funds.

#### Article 2.3

Any officer or employee of the municipality is responsible for applying and complying with this By-law as far as it is concerned.

Every budget activity manager must comply with this By-law when authorizing an expenditure under his responsibility before it is committed or carried out. He may only authorize the expenditure within his purview and commit the appropriations provided for in his budget only for the purpose for which they are allocated.

### SECTION 3 - DELEGATION OF AUTHORITY TO AUTHORIZE EXPENDITURES

#### Article 3.1

Any budget activity manager may authorize expenditures and contracts on behalf of the municipality, provided that he only binds the municipality's funds for the current fiscal year and complies with the maximum monetary limit that has been granted to him.

The budget activity manager to whom Council delegates the power to authorize expenditure must comply with the following conditions:

- a) the contract must be awarded in accordance with the legal requirements applicable to the awarding of municipal contracts and the Contract Management By-laws adopted by the municipality;
- b) if the contract is not subject to such legal requirements, it must ensure that the authorized expenditure is made for an amount advantageous to the municipality (price, quality, service);
- c) the contract cannot commit the funds beyond the current fiscal year.

Specifically, Council delegates to the director general and secretary-treasurer the power to authorize any expenditures or representation expenses previously provided for in the budget for the current fiscal year, and to enter into any contract accordingly, for and on behalf of the municipality, in respect of any matter provided for in the budget, provided that the authorization of such an expenditure does not exceed the monetary limit of \$15,000.00 plus taxes, per transaction.

Council delegates to the deputy director general and deputy secretary-treasurer the power to authorize any expenditure or representation expenses previously provided for in the budget for the current fiscal year, and to enter into any contract accordingly, for and on behalf of the municipality, concerning any matter provided for in the budget, as long as the authorization of such expenditure does not exceed the monetary limit set at \$ 5,000.00 plus taxes per transaction.

Council delegates to the road works supervisor the power to authorize all expenditures related to municipal roads, environmental health, municipal infrastructure maintenance and municipal vehicle maintenance functions, as long as the authorization of such

expenditure does not exceed the monetary limit of \$5,000.00 plus taxes, per transaction.

Finally, Council delegates to the planning officer the power to authorize any expenditure related to the functions of the Town planning and municipal inspection department, as long as the authorization of such expenditure does not exceed the monetary limit set at \$ 1,000.00 plus taxes per transaction.

The delegation of a power to authorize certain expenditures to an officer or employee does not mean an abdication of the power of Council to exercise such a power itself.

The delegation does not apply to a commitment of expenditure extending beyond the current fiscal year. Any such commitment or contract must be authorized by Council. The amount subject to authorization must cover commitments extending beyond the current year.

When Council delegates to the director general and secretary-treasurer of the municipality the power to hire an officer or salaried worker under section 165.1 of the *Municipal Code of Québec*, the authorization of the expenditure to be incurred is subject to the rules of delegation of this article.

### Article 3.2

In the event of unforeseen circumstances and if it becomes necessary to amend a contract in progress, the following rules must be respected:

- the amendment must be ancillary to the contract and not change its nature, modification of the contract being the exception;
- an employee may authorize a change to a contract resulting in a cost overrun only to the extent that he complies with the thresholds authorized by this By-law and the provisions of the Contract Management By-laws of the municipality;
- any cost overrun equal to or less than \$15,000 plus taxes must be authorized in writing by the director general;
- any cost overrun of more than \$15,000 plus taxes must be authorized by a Municipal Council resolution.

### Article 3.3

Budgetary variations are permitted from one budget item to another, within the same budget function, during a fiscal year. The director general and secretary-treasurer may make the appropriate budget transfers.

Budget variations from one budget function to another must be authorized by a Municipal Council resolution.

## SECTION 4 - GENERAL PROVISIONS FOR BUDGET CONTROL AND MONITORING

### Article 4.1

To check the availability of funds prior to authorizing an expenditure, the budget activity manager concerned relies on the accounting system in force in the Municipality. The same applies to the director general and secretary-treasurer when he must authorize an expenditure or submit an expenditure for authorization to Council in accordance with this By-law.

### Article 4.2

If the verification of the available appropriations shows a shortfall in appropriations within his budget, the budget activity manager or the director general and secretary-treasurer, as the case may be, must follow the instructions provided in article 7.1 of this By-law.



### Article 4.3

An officer or employee who is not a budget activity manager cannot authorize any expenditure whatsoever. He may, however, initiate or incur an expenditure which has been duly authorized in advance, if he receives the mandate or if his job description so provides.

If, for urgent purposes, an officer or employee is required to incur an expense without authorization, he must notify the relevant budget activity manager after the fact as soon as possible and provide him the relevant statements, invoices or receipts.

### Article 4.4

The director general and secretary-treasurer is responsible for ensuring that adequate internal controls are put in place and maintained to ensure the application of and compliance with this bylaw by all officers and employees of the Municipality.

## SECTION 5 - COMMITMENTS EXTENDING BEYOND THE CURRENT FISCAL YEAR

### Article 5.1

Any authorization of an expenditure commitment that extends beyond the current fiscal year must first be subject to verification of the availability of funds for the part attributable to the current year.

### Article 5.2

When preparing the budget for each fiscal year, each budget activity manager must ensure that his budget covers the expenses previously incurred which must be charged to the financial activities of the fiscal year for which he is responsible. The director general and secretary-treasurer must ensure that the necessary funds for these expenses are properly budgeted.

## SECTION 6 - SPECIAL EXPENSES

### Article 6.1

Certain expenses are of a special nature, such as the following:

- Salary and expense accounts of elected officials;
- Salary of municipal employees;
- Deductions at source and benefits as well as contributions to the CSST;
- Real estate transfer costs;
- Postage and publication costs;
- Telephone, internet or other communication devices and 911 service;
- Professional fees for IT;
- Professional fees for elections;
- Professional fees for auditors, evaluators;
- Professional fees for scientific and engineering services;
- Legal services (Municipal Court and others);
- Office supplies and subscriptions;
- Contributions and training;
- Radio licenses;
- Electricity for buildings, equipment and public lighting;
- Heating fuel for municipal buildings;
- Signs and signage;
- Snow removal contracts;
- General insurance;
- *Sûreté du Québec*;

- Vehicle registration;
- Vehicles repair and maintenance;
- Building repair and maintenance;
- Repair and maintenance of land and public roads;
- Repair and maintenance of various equipment;
- Rental and contract work for maintenance of buildings, equipment, municipal networks;
- Calcium and abrasives;
- Gasoline, diesel, propane;
- Chemicals (aqueduct and sewers);
- Clothes and accessories;
- Leisure and culture - expenses related to activities and social events;
- Parts, materials and accessories (aqueduct, sewers, roads, fire department, recreation and culture);
- Share of contributions to the Brome-Missisquoi RCM or other supramunicipal organizations;
- Water courses in the Brome-Missisquoi RCM;
- Water purchase;
- Garbage, selective collection and organic materials contracts;
- Purchase of rolling bins (selective collection and organic materials);
- Debt repayment (principal and interest);
- Tax refund following a certificate of alteration of the assessment roll.

When preparing the budget for each fiscal year, the director general and secretary-treasurer must ensure that the necessary funds for these particular expenses are properly budgeted. In this case, the director general and secretary-treasurer is authorized to pay these special expenses.

#### Article 6.2

Although the special expenses referred to in Article 6.1 are not subject to prior control, they are, like any other expense, subject to the monitoring and reporting rules set out in Section 7 of this By-law.

#### Article 6.3

When an unforeseen situation arises, such as an out-of-court settlement, the director general and secretary-treasurer must ensure that the additional funds required are made available. He may carry out the requisite budget transfers where appropriate.

### SECTION 7 - BUDGET MONITORING AND REPORTING

#### Article 7.1

Any budget activity manager must regularly monitor his budget and report immediately to the director general and secretary-treasurer as soon as he anticipates a budget variation. He must justify or explain in writing any unfavourable budgetary discrepancy noted or anticipated and, if necessary, submit a request for a transfer.

If the budget variation cannot be absorbed by transfer, the director general and secretary-treasurer of the municipality must inform Council and, if necessary, submit for adoption a proposal for a supplementary budget for the additional appropriations required.

#### Article 7.2

As prescribed under section 176.4 of the *Municipal Code of Québec*, the director general and secretary-treasurer must table, at the last regular meeting of Council held at least four weeks before the meeting where the budget for the following fiscal year must to be adopted, two comparative statements on the revenues and expenses of the

Municipality. In a general election year in the municipality, the two comparative statements shall be tabled no later than the last regular session held before Council ceases to sit in accordance with section 314.2 of the *Act respecting elections and referendums in municipalities*.

The first comparative statement to be filed compares the income and expenses of the current fiscal year as at the last day of the month that ended at least 15 days before the date on which the statement is tabled, and those of the previous fiscal year that were carried out during the corresponding period.

The second comparative statement to be tabled compares the revenues and expenses expected to be realized for the current fiscal year at the time the statement was prepared based on information then available to the director general and secretary-treasurer, and which have been provided for in the budget for this fiscal year.

### Article 7.3

In order for the Municipality to comply with section 176.5 and the fifth paragraph of section 961.1 of the *Municipal Code of Quebec*, the director general and secretary-treasurer must also prepare and periodically submit to Council at an ordinary session, a report of authorized expenditures authorized by any budget activity manager within the framework of the delegation permitted by section 3.1. This report may consist of a list of disbursements made for expenditures of less than \$1000.00 plus taxes. It must at least include all transactions made earlier than 25 days prior to tabling, which had not already been reported.

## SECTION 8 - BANKING TRANSFERS AND INVESTMENTS

### Article 8

The director general and secretary-treasurer is authorized to carry out all bank transfers between accounts belonging to the municipality, including investments as described in section 203 of the *Municipal Code*, in order to top up or regularize the balance.

## SECTION 9 - ORGANIZATIONS CONTROLLED BY THE MUNICIPALITY

### Article 9

In the case of a particular organization included in the municipality's reporting purview by virtue of recognized control criteria, Council may decide that the rules of this By-law apply to that body where the circumstances so warrant and making the necessary adjustments.

In such a case, the director general and secretary-treasurer is responsible for ensuring that the agreement governing the relationship between the controlled body in question and the Municipality covers compliance with the principles of the present By-law that are deemed relevant as well as applicable adapted provisions.

## SECTION 10 - REPEAL

### Article 10

This By-law repeals for all legal purposes any previous by-law relating to the same subject, including By-law number 321.

## SECTION 11 - ENTRY INTO FORCE

### Article 11

This by-law enters into force in accordance with the law.

**ADOPTED IN WEST BOLTON ON AUGUST 16, 2021.**

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**DENIS VAILLANCOURT**

Deputy Mayor

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**JEAN-FRANÇOIS GRANDMONT, OMA**

Director general and Secretary-treasurer

CANADA  
PROVINCE OF QUEBEC  
BROME-MISSISQUOI RCM  
MUNICIPALITY OF WEST BOLTON

**BY-LAW NUMBER 381-2021  
ON THE CONDITIONS FOR PUBLISHING PUBLIC NOTICES OF THE  
MUNICIPALITY OF WEST BOLTON**

CONSIDERING section 433.1 of the Municipal Code of Québec, CQLR, c.C-27.1;

WHEREAS Council deems it necessary to adopt a by-law determining the manner in which its public notices are to be published;

CONSEQUENTLY, THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

ARTICLE 1

The preamble shall form an integral part of this by-law.

ARTICLE 2

The municipality shall publish all public notices on its website.

ARTICLE 3

The municipality shall also post any public notice on a bulletin board situated at the Town Hall and in the municipal newsletter.

ARTICLE 4

Nothing in this by-law shall have the effect of preventing the municipality from also publishing a public notice in a newspaper or at any other place or by any other means it considers appropriate given the circumstances.

ARTICLE 5

This by-law applies to any public notice including a notice given under the *Act respecting land use planning and development*, RLRQ, c. A-19.1.

ARTICLE 6

These by-laws shall enter into force in accordance with the Act.

**ADOPTED IN WEST BOLTON ON AUGUST 16, 2021.**

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Denis Vaillancourt  
Deputy Mayor

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Me Jean-François Grandmont, OMA  
Director general and Secretary-treasurer