

Minutes of the Special Sitting of the Council of the Municipality of the Township of Harrington held at 2940, Route 327 this Tuesday, March 4th, 2025 at 10:00 a.m.

Present and forming quorum under the chairmanship of Mayor Gabrielle Parr, Councillors Julie James, Chantal Scapino, Robert Dewar and Gerry Clark.

Councillors Richard Francoeur and Daniel St-Onge are absent.

Director General and Clerk-Treasurer Steve Deschênes is present.

Agenda

- 1. Opening of the special sitting**
- 2. Adoption of agenda**
- 3. Cancellation of the regular sitting of the Council scheduled for Monday, March 17th, 2025, which is being moved to Monday, March 31st, 2025 at 7:00 p.m.**
- 4. Submission of the certificate of keeping a register for the loan by-law #366-2024 concerning the acquisition of a 10-wheel truck**
- 5. Adoption of BY-LAW NUMBER 368-2025 on contractual management**
- 6. Adoption of BY-LAW NUMBER 369-2025 decreeing budgetary control and monitoring rules**
- 7. Authorization to sign documents relating to an exchange of land**
- 8. Question period**
- 9. Closure of the special sitting**

1. Opening of the sitting

The special sitting was called to order at 10:00 a.m. Mayor Gabrielle Parr declared the meeting in order, given that a quorum was present and that notice of the special meeting had been given to all members of Council, in accordance with the provisions of articles 152 and 156 of the *Quebec Municipal Code*.

2025-03-R050

2. Adoption of agenda

IT IS MOVED BY: Councillor Robert Dewar

AND CARRIED THAT the agenda be adopted as proposed.

ADOPTED UNANIMOUSLY

2025-03-R051

3. Cancellation of the regular sitting of the Council scheduled for Monday, March 17th, 2025, which is being moved to Monday, March 31st, 2025 at 7:00 p.m.

CONSIDERING THAT it is impossible to hold the regular sitting on the date initially planned.

CONSEQUENTLY,

IT IS MOVED BY: Councillor Gerry Clark

AND CARRIED THAT the sitting of Monday, March 17th, 2025 be cancelled and moved to Monday, March 31st, 2025.

4. Tabling of the registry of the loan by-law #366-2024 concerning the acquisition of a 10-wheel truck

The Director General submits to the Council the certificate of the Clerk-Treasurer attesting the result following the registration procedure for persons entitles to vote for by-law #366-2024

2025-03-R052

5. Adoption of BY-LAW NUMBER 368-2025 on contractual management

WHEREAS a Contract Management Policy was adopted by the Municipality on December 6, 2010, by Resolution No. 175-2010, in accordance with Article 938.1.2 of the *Municipal Code of Québec* (hereinafter referred to as “C.M.”).

WHEREAS article 938.1.2 C.M. was replaced, on January 1st, 2018, obliging municipalities, as of the latter date, to adopt a contract management by-law, the Municipality's current policy however being deemed to be such a by-law.

WHEREAS by-law 291-01-2021 was adopted on June 14, 2021.

WHEREAS the *Act to amend the Act respecting municipal taxation and other legislative provisions* (S.Q. 2023, chapter 33), assented to December 8, 2023 (Bill 39), as well as the *Act to enact the Act to protect elected municipal officers and promote the unimpeded performance of their duties and to amend various legislative provisions respecting municipal affairs* (S. Q. 2024, chapter 24), assented to June 6, 2024 (Bill 57), modify certain provisions of the CM regarding certain measures that may be adopted by Municipalities in their contract management by-laws.

WHEREAS it is necessary to repeal by-law 291-01-2021 and by-law 288-2018 in order to adopt the present contract management by-law to add the provisions made mandatory by these laws.

WHEREAS this by-law must notably provide for:

- Measures to ensure that any bidder or one of its representatives has not communicated or attempted to communicate, for the purpose of influencing the bidder, with any member of the selection committee in connection with the solicitation for which the bidder has submitted a bid.
- Measures to ensure compliance with applicable laws against bid-rigging.
- Measures to ensure compliance with the Lobbying Transparency and Ethics Act and the Code of Conduct for Lobbyists adopted under the Act.
- Measures to prevent acts of intimidation, influence peddling or corruption.
- Measures to prevent conflict of interest situations.
- Measures to prevent any other situation likely to compromise the impartiality and objectivity of the bidding process and resulting contract management.
- Measures to control the making of any decision that has the effect of authorizing the modification of a contract.

WHEREAS this by-law meets the objective of transparency and sound management of public funds.

WHEREAS a notice of motion was given by Councillor Gerry Clark and a Draft by-law was presented and tabled at the meeting of February 17th, 2025.

WHEREAS every Municipality must make its policy accessible at all times by publishing it on the Internet site.

WHEREAS a copy of the by-law was distributed to Council members 72 hours prior to the adoption of this by-law, in accordance with the provisions of the Quebec Municipal Code (RLRQ, c. C-27.1).

WHEREAS copies of the by-law were made available to the public following the presentation of the by-law.

WHEREAS the members of the Council declare having read said by-law and renounce to its reading.

CONSEQUENTLY,

IT IS MOVED BY: Councillor Julie James

AND CARRIED THAT the present by-law be adopted and IT IS HEREBY ORDAINED AND PASSED AS FOLLOWS:

BY-LAW NUMBER 368-2025 on contract management

CHAPTER I

DECLARATORY AND INTERPRETATIVE PROVISIONS

SECTION I

DECLARATORY PROVISIONS

1. Preamble

The preamble to these by-laws forms part of these by-laws as if it were reproduced in full below.

2. Purpose of the by-law

The purpose of the present by-law is to provide measures for the awarding and management of contracts granted by the Municipality, in accordance with article 938.1.2 C.M. The whole to promote transparency in the awarding of municipal contracts while respecting the rules relating to the awarding of such contracts provided for in the laws governing the operation of municipal organizations.

3. Scope of application

3.1 This by-law applies to any contract entered into by the Municipality, including a contract that is not covered by one of the subparagraphs of the first paragraph of subsection 1 of article 935 or by articles 938.0.1 and 938.0.2 C.M.

3.2 The present by-law applies regardless of the authority awarding the contract, whether it is the Council or any person to whom the Council has delegated the power to spend and enter into contracts on behalf of the Municipality.

3.3 The present by-law applies to all members of the Council, municipal employees, bidders on a call for tenders, suppliers and any person who has an interest in obtaining a contract with the Municipality or who is taking steps to do so.

3.4 Agents, tenderers and consultants retained by the Municipality, regardless of their mandate, are required to comply with the present by-law in the exercise of the mandate entrusted to them.

3.5 The present by-law forms an integral part of all tender documents, with which bidders must comply.

3.6 The present by-law aims to ensure transparency and the sound management of public funds with regard to the citizens of the Municipality. They may submit any concerns regarding contraventions of the present by-law to the general management.

3.7 The Municipality recognizes the importance, role and powers granted to other bodies that may investigate and take action with regard to matters covered by certain measures provided for in the present by-law. This includes, in particular, measures aimed at preventing acts of intimidation, influence peddling, corruption and bid-rigging, as well as those aimed at ensuring compliance with the Lobbying Transparency and Ethics Act and the Code of Conduct for Lobbyists adopted pursuant to this Act.

SECTION II

INTERPRETATIVE PROVISIONS

4. Interpretation of the text

This by-law shall be interpreted in accordance with the principles of the Interpretation Act (RLRQ, c. I-16).

It shall not be interpreted as permitting derogation from the mandatory provisions of the laws governing Municipality contracts, unless such laws expressly permit derogation by this by-law.

5. Special rules of interpretation

This by-law shall not be interpreted:

- a) Restrictively or literally.
- b) As restricting the Municipality's ability to contract by mutual agreement, in cases where the law allows it to do so.

The measures provided for in the present by-law must be interpreted:

- c) In accordance with the principles set out in the preamble to the Act primarily to recognize municipalities as local governments and to increase their autonomy and powers as such (2017, c. 13) (Bill 122) recognizing, in particular, municipalities as being local governments and elected officials, the legitimacy necessary to govern according to their attributions.
- d) To respect the principle of proportionality and thus ensure that the steps related to the measures imposed are proportionate to the nature and amount of the expenditure of the contract to be intervened, having regard to the costs, the time required and the size of the Municipality.

6. Terminology

Unless the context indicates otherwise, the words and expressions used in this by-law have the following meanings:

“Call for tenders”: Public or invitational call for tenders required by articles 935 et seq. C.M. or a by-law adopted pursuant to this Act. The expression “call for tenders” does not include requests for quotations made when no call for tenders is required by law or by this by-law.

“Bidder”: Any person who submits a bid during a call for tender process.

“Local purchasing”: Favours or prioritizes the purchase of a good or service from a supplier located on the Municipality's territory or on the territory of the MRC of Argenteuil, at an equivalent price and quality.

SECTION III

RULES FOR AWARDING CONTRACTS

7. General information

The Municipality complies with the rules governing the awarding of contracts set out in its governing legislation, including the C.M. More specifically:

- a) It proceeds by invitation to tender when the law or the by-law adopted pursuant to article 938.0.1 C.M. imposes such a call for tenders, unless a specific provision to the contrary is provided for in the present by-law.
- b) It proceeds by public call for tenders in all cases where a public call for tenders is imposed by law or by the by-law adopted pursuant to article 938.0.1 C.M.
- c) It may proceed by mutual agreement in cases where the law or the present by-law allows it to do so.

Nothing in the present by-law may have the effect of limiting the Municipality's ability to use any competitive bidding method for the awarding of a contract, whether by public call for tenders, by invitation or by request for quotation, even if it may legally proceed by mutual agreement.

7.1 Whenever possible and in the best interests of the Municipality, Quebec or otherwise Canadian goods and services, as well as companies with an establishment in Quebec or elsewhere in Canada, are preferred to any other competitor when awarding a contract by mutual agreement or when sending out a written call for tenders when the amount of the expenditure is below the threshold determined by the Minister requiring recourse to a public call for tenders.

In the case of mutual agreement contracts, the Municipality prefers to send requests for quotations to these companies in preference to any other competitor, when such requests are justified. In the event of equality of price, quality of service or, more generally, any offer comparable in its essential elements between a Québec company and a Canadian company, the Municipality gives preference to awarding the contract to the Québec company.

For contracts awarded following a written call for tenders, if it is not possible or not in the Municipality's interest to limit itself to such persons, the Municipality must review its requirements to determine whether a new

wording can be used to favour them before proceeding with the call for tenders.

If, despite this review of the requirement, it remains necessary or in the Municipality's interest to include persons who do not meet the objective of the first paragraph, the Municipality may revise its procurement strategy to consider awarding the contract by mutual agreement, where permitted.

Where circumstances do not permit or justify favouring such firms, the Municipality may enter into a contract with another competitor.

7.2 When the Municipality uses the measure set out in article 7.1 of the present by-law, it proceeds with a rotation of the co-contractors when awarding contracts by mutual agreement or inviting bids, if this is possible and in its best interest. The Municipality must consider the following factors, in order to determine if it can favor rotation:

- a) The degree of expertise required.
- b) The Municipality's previous customer experience.
- c) Contract lead times.
- d) Experience and financial capacity required.
- e) Proposed price.
- f) Any other criteria directly related to the contract.

When such rotation is possible and in the Municipality's interest, it will select a different contractor or invite different bidders from previous contracts in the same field.

7.3 For the purposes of this section, an establishment in Quebec is any place where a supplier, insurer or contractor carries out its activities on a permanent basis, which is clearly identified with its name and accessible during normal business hours.

Quebec goods and services are goods and services for which the majority of their design, manufacture, assembly or performance is carried out from an establishment located in Quebec.

The Municipality, when making a decision regarding the awarding of a contract covered by this article, applies the following concept:

7.3.1 In the event of equal competence or quality, the Municipality may favour the awarding of a contract to a company with an establishment in Québec and offering Québec products and services when the price submitted by the latter differs by less than 10% from the lowest bid, subject to the provisions applicable to contracts that may only be awarded after a request for public tender.

8. By mutual agreement

For certain contracts, the Municipality is not subject to any specific competitive bidding procedure (public call for tenders or by invitation). The present by-law may not restrict the Municipality's right to proceed by mutual agreement for these contracts. These are, in particular, contracts:

- Which, by their nature, are not subject to any tendering process (contracts other than insurance contracts for the execution of work, supply and services).
- Expressly exempt from the tendering process (notably those listed in article 938 *C.M.* and contracts for professional services required as part of an appeal before a court, body or person exercising judicial or jurisdictional functions.
- Insurance, for the performance of work, supplies or services (including professional services) involving an expenditure of less than \$50,000.

9. Local purchasing

The Municipality may award a contract by mutual agreement to a local supplier who does not necessarily offer the lowest price, provided that, for at least the same quality, its offer does not exceed 10% more than the best price submitted by a supplier outside the Municipality.

10. Measures

When the Municipality chooses to award a contract by mutual agreement, the following measures apply, unless such measures are incompatible with the nature of the contract:

- a) Lobbying
 - Measures provided for in articles 16 and 17.
- b) Intimidation, influence peddling or corruption
 - Measures provided for in article 20.
- c) Conflict of interest
 - Measures provided for in article 22.
- d) Modification of a contract
 - As per article 35.

11. Invitation to tender contract

The Municipality reserves the right to award a contract, the value of which varies between \$50,000 and the threshold decreed by the Minister, following a call for invitational tenders, whenever possible, from at least two suppliers.

Any call for tenders where the analysis of bids is based solely on price is awarded to the bidder submitting the lowest price.

Any call for tenders where the analysis of bids is based on an evaluation method using qualitative criteria and a weighting grid is awarded to the bidder with the highest score.

The external consultant carrying out the call for tenders procedure, in particular the preparation of tender documents, must, at the Municipality's request, sign an undertaking to comply with the present by-law.

In the case of a call for tenders by invitation, the identity of invited bidders may not be made public until the bids have been opened.

Persons (natural persons or legal entities) may obtain tender documents from the place designated in the call for tenders or from the electronic tendering system (SEAO) by paying the required fees, where applicable. Apart from the said system and the persons designated in the tender documents, no one is authorized to act in the name of or on behalf of the Municipality to issue these documents.

12. Contract by public call for tenders

Any contract involving an expenditure equal to or greater than the threshold decreed by the Minister is awarded following a public call for tenders as prescribed by the general regime governing the awarding of Municipality contracts, the *Québec Municipal Code* and the *Act respecting contracting by public bodies*.

13. Information document

The Municipality must publish, on its Internet site, the information document relating to contract management attached in Appendix 1, in order to inform the public and potential contractors of the measures taken by the Municipality within the framework of the present by-law.

SECTION IV

BID RIGGING

14. Penalties for collusion

A provision shall be inserted in the tender documents allowing the Municipality to reject a bid if it is clearly established that there has been collusion with any person in contravention of any law designed to combat bid rigging.

15. Declaration

All bidders must attach to their bids a solemn declaration that their bids have been prepared and submitted without collusion, communication, agreement or arrangement with any person in contravention of any law designed to prevent bid-rigging. This declaration must be made on the form attached as Appendix 2.

SECTION V

LOBBYISM

16. Duty of elected representatives and employees to provide information

Any member of the Council or any civil servant or employee must remind any person who takes the initiative of contacting him or her to obtain a contract of the existence of the *Lobbying Transparency and Ethics Act*, when he or she believes that there has been a contravention of this Act.

17. Training

The Municipality encourages the participation of Council members, civil servants and employees in training sessions designed to inform them of the legislative and regulatory provisions applicable to lobbying.

18. Declaration

All bidders must attach to their bids a solemn declaration stating that neither they nor any of their collaborators, representatives or employees has engaged in any communication of influence for the purpose of obtaining the contract in contravention of the *Lobbying Transparency and Ethics Act* or, if such communication of influence has occurred, that it has been registered in the Lobbyists Registry when such registration is required by law. This declaration must be made on the form attached as Appendix 2.

SECTION VI

INTIMIDATION, INFLUENCE PEDDLING OR CORRUPTION

19. Reporting

Any member of Council, any civil servant or employee, as well as any other person working for the Municipality must denounce, as soon as possible, any attempt at intimidation, influence peddling or corruption which he has witnessed in the course of his duties. This measure shall not be interpreted as limiting the right of the person concerned to lodge a complaint with the police or any other public authority.

A member of Council shall report the matter to the Director General; the Director General to the Mayor; and other civil servants and employees, as well as any person working for the Municipality, to the Director General. When the denunciation directly or indirectly involves the mayor or the general management, the denunciation is made to the person not involved. If both are involved, the denunciation is made to the deputy mayor or to another member of the Municipality's Council who is not involved. The person who receives the denunciation must treat it with diligence and take the appropriate measures according to the nature of the situation denounced.

20. Declaration

All bidders must attach to their bids a solemn declaration stating that neither they nor any of their collaborators, representatives or employees have engaged, in the context of the call for tenders, in acts of intimidation, influence peddling or corruption against a member of Council, a civil servant or employee or any other person working for the Municipality. This declaration must be made on the form attached in Appendix 2.

SECTION VII

CONFLICTS OF INTEREST

21. Disclosure

Any member of Council, any civil servant or employee, as well as any other person working for the Municipality, involved in the preparation of contractual documents or in the awarding of contracts, must disclose, as soon as possible, the existence of any pecuniary interest in a legal person, company or enterprise likely to enter into a contract with the Municipality. A member of the Council must make this denunciation to the Director General; the Director General to the Mayor; other civil servants and employees, as well as any other person working for the Municipality, to the Director General. When the denunciation directly or indirectly involves the mayor or the general management, the denunciation is made to the person not involved. If both are involved, the denunciation is made to the deputy mayor or to another member of the Municipality's Council who is not involved. The person who receives the denunciation must treat it with diligence and take the appropriate measures according to the nature of the situation denounced.

22. Declaration

When the Municipality uses a bid weighting and evaluation system, all members of the selection committee must solemnly declare in writing, before beginning the evaluation of bids, that they have no direct or indirect pecuniary interest in the contract being evaluated. He must also undertake not to divulge the mandate entrusted to him by the Municipality, nor to use, communicate or attempt to use or communicate, either during or after his mandate, any information obtained in the course of or in connection with the performance of his duties as a member of the selection committee. This declaration must be made on the form attached as Appendix 3.

23. Minimal pecuniary interest

Minimal pecuniary interest is not covered by the measures described in Articles 21 and 22.

SECTION VIII

CONFIDENTIALITY, DISCRETION, IMPARTIALITY AND OBJECTIVITY OF THE TENDERING PROCESS

24. Confidentiality and discretion

Members of the Council, employees and officers of the Municipality must, in the context of any call for tenders or awarding of a contract, even before or after said process, exercise discretion and maintain, to the extent possible, the confidentiality of information known to them concerning such process.

25. Prohibited disclosure

It is forbidden for anyone to disclose, prior to the opening of tenders and in compliance with the requirements of the Act, any information making it possible to know the number or identity of persons who have submitted a tender or who have requested a copy of the request for tender or of a document to which it refers.

26. Obligation of confidentiality of agents and consultants entrusted with drafting documents or assisting the Municipality in the tendering process

Where applicable, any agent or consultant appointed by the Municipality to draft tender documents or to assist the Municipality in the tendering process must, insofar as possible, maintain the confidentiality of his mandate, of any work carried out within the scope of this mandate and of any information brought to his knowledge in the course of its execution.

27. Selection of invited bidders

To maintain the confidentiality of the identity of bidders prior to the opening of tenders, the Municipality Council delegates to the General Manager the power to select invited bidders in the context of a call for tenders by invitation or in the context of a contract by mutual agreement.

28. Delegation of authority to appoint members of the selection committee responsible for analyzing tenders

To preserve the confidentiality of the identity of the members of the selection committee, the Municipality Council delegates to the General Manager the power to appoint any member of the selection committee responsible for analyzing tenders in the context of a call for tenders using criteria other than price alone, in accordance with the process prescribed by law.

29. Person responsible for the call for tenders

Every call for tenders shall identify a person in charge of the call for tenders and shall provide that any potential bidder or any bidder must contact this person in charge alone to obtain any information or clarification relating to the call for tenders.

30. Questions from bidders

The person in charge of the call for tenders compiles the questions asked by each bidder during the call for tenders process and issues, if he deems it necessary, an addendum, so that all bidders obtain the answers to the questions asked by the others.

The person in charge of the call for tenders has full discretion to judge the relevance of the questions asked and those requiring a response and may group and reformulate certain questions for the purposes of transmitting responses to bidders.

31. Whistleblowing

Any member of Council, any civil servant or employee, as well as any other person working for the Municipality must, as soon as they are informed, denounce the existence of any situation, other than a conflict of interest, likely to compromise the impartiality and objectivity of the call for tenders process and the management of the resulting contract.

A member of the Council makes this denunciation to the General Management; the General Management to the Mayor; other civil servants and employees, as well as any other person working for the Municipality, to the General Management. When the denunciation directly or indirectly involves the mayor or the general management, the denunciation is made to the person not involved. If both are involved, the denunciation is made to the deputy mayor or to another member of the Municipality's Council who is not involved. The person who receives the denunciation must treat it with diligence and take the appropriate measures according to the nature of the situation denounced.

32. Complaints management

The Municipality delegates responsibility for complaint management to the General Manager. Its role is to receive complaints about suspicious practices, collusion, rigging, influence peddling, intimidation and corruption, both from citizens and from bidders who feel aggrieved. In the event that the complaint involves general management, it is made to the mayor.

General management may submit any complaints of suspicious practice or illegal acts to the Ministry of Municipal Affairs and Housing (MAMH) complaints coordinator. Entities involved in the handling of complaints must maintain the confidentiality of the identity of the person making the complaint.

SECTION IX

AWARDING OF CONTRACTS

33. Right to reject bid(s)

The Municipality reserves the right not to accept bids that are significantly higher than market rates or the Municipality's cost estimates, or that are unreasonable or manifestly too low. Bids are considered too low when they are seriously likely to compromise the performance and/or quality of the contract to be awarded.

34. Division of contracts

The Municipality may only divide a contract into several similar contracts to the extent permitted by article 938.0.3 of the Municipal Code, i.e. in cases where such division is justified for reasons of sound administration.

35. Contract modification

Any modification made to a contract that has the effect of increasing its price must be justified by the person responsible for managing the contract, taking into account the applicable rules for authorizing such a modification. The Municipality may not modify a contract awarded following a call for tenders, except in cases where the modification constitutes an accessory to the contract and does not change its nature.

Non-modification of a contract is the rule, and modification the exception. For all contract amendment requests, the project manager must submit a written request to General Management, stating the reasons for the amendment.

- For any amendment(s) to a contract totalling an expenditure of less than 10% of the cost of the original contract, up to the maximum that General Management has been delegated the power to authorize such expenditure by the by-law providing for the delegation of expenditure.
- Any such modification to the contract may be authorized in writing to General Management. The written authorization must state the reasons for authorizing the change and be submitted to the Municipal Council.
- For any amendment(s) to a contract involving an expenditure equal to or greater than 10% of the cost of the original contract, the General Manager must submit a recommendation to the Municipal Council. In such a case, the contract modification is only authorized by a resolution of the Municipal Council.

36. Site meetings

When justified by the nature of the work, the Municipality encourages the holding of regular worksite meetings to monitor the execution of the contract.

SECTION X

ADMINISTRATIVE AND FINAL PROVISIONS

37. Application of by-law

Application of this by-law is the responsibility of the Municipality's General Manager. The latter is responsible for preparing the report to be submitted annually to Council concerning the application of this by-law, in accordance with article 938.1.2 *C.M.*

38. Repeal of the Contract Management Policy

This by-law replaces and repeals by-law 291-01-2021 and by-law 288-2018 as amended.

39. Coming into force and publication

This by-law comes into force in accordance with the law and is published on the Municipality's website. In addition, a copy of this by-law is sent to the MAMH.

ADOPTED UNANIMOUSLY

2025-03-R053

6. Adoption of BY-LAW NUMBER 369-2025 decreeing budgetary control and monitoring rules

WHEREAS, pursuant to the second paragraph of Article 960.1 of the Municipal Code of Québec, the Council must adopt a by-law on budgetary control and monitoring.

WHEREAS the Council has adopted by-law number 283 - 2018 and it is necessary to repeal it, as well as by-laws 206-2012, 170-2007, 170-2019.

WHEREAS this by-law must provide, in particular, for the means used to guarantee the availability of funds prior to the taking of any decision authorizing an expenditure, which means may vary according to the authority granting the authorization of expenditures or the type of projected expenditures.

WHEREAS in accordance with the second paragraph of Section 165.1 of the Municipal Code of Québec, the hiring of an employee is only effective if, in accordance with the by-law adopted pursuant to the second paragraph of Section 960.1, funds are available for this purpose.

WHEREAS, pursuant to Article 961 of the Municipal Code of Québec, a by-law or Council resolution authorizing an expenditure is only effective if, in accordance with the by-law adopted pursuant to the second paragraph of Article 960.1, funds are available for the purposes for which the expenditure is proposed.

WHEREAS, pursuant to the fourth paragraph of Section 961.1 of the Municipal Code of Québec, an expenditure authorization granted by delegation is effective only if, in accordance with the regulation adopted under the second paragraph of Article 960.1, funds are available for that purpose.

WHEREAS article 176.4 of the Municipal Code of Québec, and the fifth paragraph of article 961.1 provide for the procedures for rendering accounts to Council for the purposes of budgetary control and monitoring.

WHEREAS a notice of motion was given, and a draft by-law was tabled at the meeting of February 17th, 2025.

CONSEQUENTLY,

IT IS MOVED BY: Councillor Gerry Clark

AND CARRIED THAT by-law number 369 -2025 be and is hereby adopted by the Council and that the following be rules and decreed by law.

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

DEFINITIONS

« Municipality »:	Municipality of the Township of Harrington
« Council »:	Council of the Township of Harrington
« Director General »:	Principal official that the Municipality is obliged to have and whose role is usually held ex officio by the secretary-treasurer under article 210 of the Quebec Municipal Code
« Clerk-Treasurer »:	Officer required by article 179 of the Quebec Municipal Code. He automatically assumes the function of General Manager under article 210, subject to article 212.2, which provides for the possibility of the two functions being exercised by different persons.
« Financial year»:	The period between January 1 and December 31 of any given year.
« Delegation Regulations »:	A concept that, under the first and second paragraphs of Article 961.1 of the Quebec Municipal Code, by which the Council delegates to municipal officials or employees the power to authorize expenditures and to enter into contracts on behalf of the Municipality.
« Budget Variation Policy:	Policy setting the limit of permitted budget variations and budget transfer procedures.
« Service Directeur »:	Municipality official or employee responsible for a budget envelope entrusted to him or her.

SECTION 1 - OBJECTIVES OF THE BY-LAW

Article 1.1

The present by-law establishes the budgetary control and monitoring rules that all Municipality officials and employees concerned must follow.

More specifically, it establishes the rules of responsibility and operation required to ensure that any expense to be incurred or carried out by an officer or employee of the Municipality, including the hiring of an employee, is duly authorized after verification of the availability of the necessary credits.

The present by-law applies to any appropriation attributable to financial or investment activities for the current fiscal year that the Council may adopt by resolution or by-law.

In addition, the present by-law establishes the rules for the delegation of spending authorizations granted by the Council pursuant to the first and second paragraphs of Article 961.1 of the Quebec Municipal Code.

Article 1.2

The present by-law also establishes the rules of follow-up and budgetary accountability that the Clerk-Treasurer, any other authorized municipal officer and those responsible for budgetary activities of the Municipality must follow.

SECTION 2 - BUDGET CONTROL AND MONITORING PRINCIPLES

Article 2.1

- The appropriations required for the Municipality's financial and investment activities must be approved by the Council prior to their allocation to the related expenditures. This approval of credits takes the form of a vote of credits expressed in one of the following ways:
- Adoption by the Council of the annual budget or a supplementary budget.
- Adoption by the Council of a borrowing by-law.
- The adoption by the Council of a resolution or by-law by which credits are allocated from surplus revenues, the accumulated surplus, financial reserves or reserved funds.

Article 2.2

Before any expense may be incurred, it must be duly authorized by the Council, an authorized municipal officer or a department manager in accordance with the delegation by-law in force, after verification of the availability of the necessary credits.

Article 2.3

All Municipality officials and employees are responsible for applying and respecting the present by-law as it applies to them.

All department directors must comply with the present by-law when authorizing an expense for which they are responsible, before it is incurred or made. They may only authorize expenditure within their area of responsibility and may only commit their budget appropriations for the purposes for which they are earmarked.

SECTION 3 - DELEGATION OF AUTHORITY TO AUTHORIZE EXPENDITURES

The Council delegates its spending authority as follows:

Article 3.1

Any department director, the Director General or other designated person may authorize expenditures and enter into contracts in the name of the Municipality, on condition that they commit the Municipality's credit only for the current fiscal year and within the limits of the budget envelopes for which they are responsible.

Article 3.2

The General Manager or Department Manager may authorize any employee in his or her department to work outside normal working hours in the event of surplus work or for the smooth running of an exceptional activity or to deal with an emergency.

Article 3.3

The civil servants, hereinafter designated, responsible for managing an activity budget, are authorized to incur expenses in their fields of competence up to the amounts indicated below, provided that the expense is incurred in compliance with the contract management by-law in force and the present by-law:

Title	Maximum amount per expenditure (Before taxes)
Director General	50 000 \$
Deputy Director General	25 000 \$
Director, Public Works and Fire Department	25 000 \$
Department Director	5 000 \$

Within three (3) working days following expenses incurred outside of normal office hours, a report must be made through the usual channels to the Director General, who will submit the whole to the Council at the next session of the Municipal Council.

Any expenditure in excess of \$50,001 before taxes must be authorized by Council resolution.

Article 3.4

Emergency measures: Notwithstanding the foregoing, Council authorizes the Director General to commit the Municipality's credit for any expenditure required due to an emergency, up to a maximum of \$100,000 before taxes per event. This authorization cannot be added to the amounts already authorized to the Director General for routine purchases in the normal course of the Municipality's operations. Before proceeding with said expenditure, the Director General must receive the Mayor's approval. A report from the Director General, accompanied by the approval, must be tabled at the next Council meeting. In the absence of the Director General, the Council authorizes the Deputy Director General and the Director of Public Works to act with the assent of the Mayor.

Training, conventions: No employee (managerial, unionized or non-unionized) may attend or participate in a convention incurring costs on behalf of the Municipality without prior authorization from the Director General. This request for authorization must be accompanied by an estimate of the costs relating to the training or convention, and a note indicating the source of funding and ensuring the availability funds. The Director General and an elected official may not attend or participate in a

conference incurring costs on behalf of the Municipality without prior authorization from the Municipal Council.

Municipal election: During a general election or by-election, the returning officer is authorized to make all necessary purchases or rentals of materials or services, and to hire election officers, in accordance with the provisions of the Municipal Code (R.S.Q., c. C-27.1) and the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2). However, election staff salaries must be approved by Council through the adoption of a resolution.

Legal advice: The General Manager and Deputy General Manager are authorized to request legal advice when deemed necessary.

Hiring of personnel and disciplinary measures: The General Manager is authorized to proceed with the hiring of employees, as provided for in the budget adopted by resolution. The General Manager is responsible for ensuring that the Municipality has the required credits. If necessary, he may authorize appropriate budget transfers. In addition to the powers provided for in the Municipal Code of Québec (R.S.Q., c. C-27.1), the General Manager also exercises the powers provided for in paragraphs 2 and 3 of section 113 of the Cities and Towns Act (R.S.Q., c. C-19). The Director General may apply disciplinary measures to employees and must inform the Council thereof. Confirmation of hiring and disciplinary measures must be ratified by resolution.

Credit card: The Director General, Assistant Director General and Director of Public Works are authorized to hold a credit card in the name of the Municipality for the payment of expenses related to their respective functions, or for the purchase of merchandise required for the operations of the Municipality, or for expenses related to training sessions and conventions for elected officials and Municipality personnel. The amount of the authorized credit limit is determined by Council resolution.

Budget variance allowed: Budget variance is permitted per budget item within the same budget function over the course of a fiscal year, for the purposes of better service to the population and greater efficiency. Consequently, the department director is authorized to make an expenditure even if this transaction will result in the total expenses allocated to this budget item exceeding the allocated budget, only if at least one other budget item within the same budget function has a budget available to cover the deficit item. The expenditure that will generate this overrun in the budget item must first be authorized by the Finance department. Among other things, any cost overrun may be offset by an equivalent budget transfer. The Finance Department may make the appropriate budget transfers. Only the Municipality Council is authorized to make budget reallocations.

SECTION 4 - GENERAL BUDGET CONTROL AND MONITORING PROCEDURES

Article 4.1

To verify the availability of funds prior to authorizing an expense, the department manager concerned should ask the finance department manager. The same applies to the Secretary-Treasurer or Director General, as the case may be, when either is required to authorize an expense or submit an expense to Council for authorization, in accordance with the delegation by-law in force.

Article 4.2

The General Manager and the Finance Department are responsible for keeping this by-law up to date. They shall submit to the Council for

adoption any proposed amendments to the by-law that may be required to adapt it to new circumstances or to a legislative change affecting it.

The Finance Department, in conjunction with the General Manager, is responsible for ensuring that adequate internal controls are implemented and maintained to ensure that the by-law is applied and complied with by all Municipality officials and employees.

SECTION 5 - COMMITMENTS EXTENDING BEYOND THE CURRENT YEAR

Article 5.1

Any authorization of an expenditure commitment extending beyond the current financial year must first be subject to verification of the appropriations available for the portion chargeable in the current financial year.

Article 5.2

When preparing the budget for each fiscal year, each department manager must ensure that his or her budget covers previously incurred expenses that must be charged to the fiscal year's financial activities and for which he or she is responsible. The Municipality's finance department must ensure that the necessary appropriations for these expenses are correctly provided for in the budget.

SECTION 6 - SPECIAL EXPENSES

Article 6.1

Some expenses are of a special nature, such as:

- Electricity, heating and telecommunications costs, which are paid on receipt of invoice.
- Expenses inherent in the application of collective agreements or related to working conditions and basic salary.
- Employee future benefit obligations.
- Co-payments to intermunicipal boards and supra-municipal organizations.
- Provisions and accounting allocations.

When preparing the budget for each fiscal year, each department manager concerned must ensure that his or her budget covers the specific expenses for which he or she is responsible. The Municipality's finance department must ensure that the necessary appropriations for these specific expenses are properly provided for in the budget.

Article 6.2

Although the specific expenses referred to in article 6.1 do not lend themselves to a priori control, they are subject, like any other expense, to the budgetary monitoring and accountability rules set out in section 7 of the present by-law.

Article 6.3

When an unforeseen situation arises, such as the conclusion of an out-of-court agreement or a new collective agreement, the Finance Department must ensure that the necessary additional funds are available. If necessary,

it may make the appropriate budget transfers, in agreement with the General Manager.

SECTION 7 - BUDGET MONITORING AND REPORTING

Article 7.1

All department managers are required to monitor their budgets on a monthly basis, and to report immediately to their line manager whenever they anticipate a budget variance that exceeds the limit stipulated in the current budget variance policy. He/she must justify or explain in writing any unfavorable budget variance observed or anticipated, in a memo to his/her superior, accompanied, if necessary, by a request for a budget transfer.

If the budget variance cannot be absorbed by a budget transfer, the Municipality's Clerk-Treasurer must inform the Council and, if necessary, submit a supplementary budget proposal for the additional appropriations required.

Article 7.2

As prescribed by article 176.4 of the Quebec Municipal Code, the Clerk-Treasurer shall table two comparative statements at the last regular sitting of Council held at least four weeks before the meeting at which the budget for the following fiscal year is to be adopted. During a general election year within the Municipality, the two comparative statements are tabled no later than the last regular sitting held before the Council ceases to be in session, in accordance with section 314.2 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

The first compares revenues and expenses for the current fiscal year, realized up to the last day of the month ending at least 15 days before the month in which the statement is filed, with those for the previous fiscal year, realized during the corresponding period of the previous fiscal year.

The second compares projected revenues and expenses for the current fiscal year, at the time the statement is prepared and based on information then available to the Clerk-Treasurer, with those projected in the budget for that year.

Article 7.3

In order for the Municipality to comply with article 176.5 and the fifth paragraph of article 961.1 of the Quebec Municipal Code, the Clerk-Treasurer must also prepare and submit to Council, at a regular sitting each month, a report of expenses authorized by any officer or employee in accordance with the delegation by-law in effect. At a minimum, this report must include all transactions carried out within 25 days of the filing date that have not already been reported.

SECTION 8 – ENTRY INTO FORCE

Article 8

These by-laws shall enter into force in accordance with the law and repeal by-laws 283-2018, 206-2012, 170-2007, 170-2019.

ADOPTED UNANIMOUSLY

2025-03-R054

7. Authorization to sign documents relating to an exchange of land

CONSIDERING the agreement reached on June 12, 2018, between Mr. John Edward Fox and the Municipality concerning the exchange of land

between Mr. Fox and the Municipality so that the Municipality could reconfigure Maskinongé River Road.

CONSIDERING THAT the reconfiguration work on Maskinongé River Road was carried out in 2019 and 2020.

CONSIDERING THAT it is now necessary to regularize by notarial deed the transfer of title to the land associated with the exchange of land between Mr. John Edward Fox and the Municipality.

FOR ALL THESE REASONS,

IT IS MOVED BY: Councillor Robert Dewar

AND CARRIED THAT the preamble form an integral part of this resolution.

AND THAT the Township of Harrington Municipal Council authorize Mayor Gabrielle Parr and Director General Steve Deschênes to sign any document associated with this resolution for and on behalf of the Municipality.

ADOPTED UNANIMOUSLY

8. Question period

The Mayor answers questions from the citizens present at the meeting.

9. Closure of the special sitting

IT IS MOVED BY: Councillor Gerry Clark

AND CARRIED THAT the meeting be adjourned at 10:19 a.m.

ADOPTED UNANIMOUSLY

I, Gabrielle Parr, Mayor, certify that the signing of these minutes is equivalent to the signing by me of all the resolutions contained therein within the meaning of section 142 (2) of the Municipal Code of Québec.

Gabrielle Parr
Mayor

Steve Deschênes
Director General and Clerk-
Treasurer

2025-03-R055