

MUNICIPALITY OF LITCHFIELD

Minutes of the Regular Council Meeting on June 7, 2021 at 7:00 p.m. held by video conference.

Present by video conference: Mayor Colleen Larivière, councilors Denis Dubeau, Joe Belanger, Emile Morin, Terry Racine, Donald Graveline and John Stitt.

Also present: Director General, Julie Bertrand

*A recording of this meeting will be posted on the municipal website.

Quorum is met and Mayor Colleen Larivière presides the meeting.

Adoption of Agenda

2021-06-79

It is moved by Donald Graveline and unanimously resolved to adopt the agenda for June 7th, 2021.

Carried

Adoption of Minutes

2021-06-80

It is moved by Emile Morin and unanimously resolved to adopt the meeting minutes from May 3rd, 2021.

Carried

URBANISM

2021-06-81

Inspectors Report

It is moved by John Stitt and unanimously resolved to approve the municipal inspector's report and related expenses.

Carried

ROADS AND EQUIPMENT

Inspection report and recommendation for the repair/replacement of the Crawford Road Bridge.

2021-06-82

Whereas the municipality has mandated CIMA+ to conduct and inspection of the Crawford Road bridge;

Whereas the report and recommendation has been received;

Whereas the members of council and Kim Lesage, engineer from the MRC Pontiac has reviewed the report and recommendation;

Whereas it has been agreed to proceed with the repairs of the bridge;

Therefore,

It is moved by Donald Graveline and unanimously resolved to hire Kim Lesage to prepare the plans for the bridge repairs.

Carried

ROADS/EQUIPMENT

Authentication of emergency supply of calcium for Crawford and Leslie Lake road due to 301North MTQ road closure

2021-06-83

Whereas the Ministry of Transport has closed a portion of the 301 North at the intersection of the Crawford Road;

Whereas this closure has caused an extreme increase of traffic volume on the Crawford and Leslie Lake Roads on municipal territory;

Whereas the increased traffic has cause damage to the roads and has caused an extreme amount of residual dust;

Whereas the extreme of amount of dust is causing a dangerous reduced visibility for drivers;

Whereas the municipality is responsible for the municipal roads and the extra ordinary situation poses an elevated security risk;

Whereas the municipality has been in communication with the Sureté du Quebec and has requested increased monitoring of the traffic;

Whereas the Municipality has requested that the MTQ apply liquid calcium to a portion of the Crawford and Leslie Lake roads due the increase of traffic caused by the 301 north MTQ road closure;

Whereas the MTQ has indicated that it is not responsible for the maintenance of municipal roads;

Whereas the MTQ has NOT designated the municipal roads as the official detour for the 301 north road closure;

Whereas the municipality has requested financial aid and increased police patrol from the provincial government;

Whereas no confirmation has been received regarding the request for financial aid and increased police patrol;

Whereas the municipality has erected additional safety and traffic signs;

Whereas it is necessary to control the extreme dust for safety reasons and this increased responsibility has fallen on the municipality;

Therefore,

It is moved by Emile Morin and unanimously resolved to authentic the emergency purchase of 32 000 liters of liquid calcium to be spread on the Crawford and Leslie Lake roads. It is also resolved to transfer budgetary funds from the accumulated surplus in the amount of \$11 000 to the budgetary item "Calcium" of the 2021 provisional budget. The expense of \$11 000 for the emergency supply of liquid calcium is authorized from the budgetary item "calcium" from the 2021 provisional budget.

Carried

Purchase of granular calcium

2021-06-84

It is moved by Joe Belanger and unanimously resolved to purchase 6 bags of granular calcium. This expense of \$4428.00 plus taxes will be authorized from the accumulated surplus.

Carried

Authentication of minor repairs to the 2010 and 2017 International Truck

2021-06-85

It is moved by Terry Racine and unanimously resolved to approve the minor repairs required on the 2010 and 2017 International truck resulting from the PEP program for safety requirements. This expense of \$281.92 is authorized from the budgetary item "vehicle repairs" from the 2021 provisional budget.

Carried

FINANCE

Payment of accounts

2021-06-86

It is moved by Terry Racine and unanimously resolved to authorize payment of invoices to be paid and to accept the payment of invoices paid prior to this meeting.

Carried

Monthly Invoices

Invoices paid: \$3549.70

Invoices to be paid: \$ 37027.39

Certificate of availability

I, Julie Bertrand, Director General of the Municipality of Litchfield, certify that there are sufficient credits available to pay the approved amount of bill totaling \$40 577.09 for the month of June 2021.

Signed: _____ Date: _____

Julie Bertrand, Director General

Tax arrears – MRC Land Sale

2021-06-87

To authorize the secretary-treasurer or a representative to bid for the acquisition of certain buildings put up for sale for failure to pay taxes

WHEREAS the Municipality of Litchfield may bid and acquire properties offered for sale for unpaid municipal taxes, in accordance with article 1038 of the Municipal Code;

WHEREAS some buildings will be put up for sale for non-payment of taxes, in accordance with the resolution bearing the number 2021-06-87;

WHEREAS this Council believes it appropriate to authorize the secretary-treasurer, general manager or a representative to bid and acquire some of the buildings put up for sale for non-payment of taxes;

THEREFORE

It is moved by Denis Dubeau and unanimously resolved to submit tax arrears for role number 9474 67 2377 and 9560 52 3309 to the MRC land sale to take place in September 2021.

THAT

In accordance with the provisions of the Municipal Code, this Council authorizes the secretary-treasurer, director general Julie Bertrand to bid for and on behalf of the municipality for certain buildings subject to the sale for non-payment of taxes to be held on (date of the sale) and this, up to the amounts of taxes, capital, interest and costs.

Carried

Ist Project by-law 2021-245 Contractual Management Policy

2021-06-88

PROJECT BY-LAW NUMBER 2021-245 - CONTRACTUAL MANAGEMENT

WHEREAS a Contract Management Policy has been adopted by the Municipality on March 1, 2011, in accordance with article 938.1.2 of the Municipal Code of Québec (hereinafter called "C.M.");

WHEREAS section 938.1.2 CM was replaced on January 1, 2018, obliging the municipalities, as of the latter date, to adopt a bylaw on the contractual management, the current policy of the Municipality however being deemed to be such Bylaw;

WHEREAS the Municipality wishes, as permitted by the 4th paragraph of Article 938.1.2 CM, to provide for rules for the awarding of

contracts that include an expenditure of at least \$ 25,000 but less than the threshold of the expenditure of a contract that can be awarded only after a public bid solicitation under Article 935 CM;

WHEREAS therefore, Article 936 C.M. (invitation to tender) no longer applies to these contracts from the date of entry into force of this Bylaw;

WHEREAS this Bylaw meets an objective of transparency and sound management of public funds;

WHEREAS a notice of motion has been given and a draft by-law has been tabled at the meeting of June 7 2021.

WHEREAS the Director General and Secretary-Treasurer states that the purpose of this by-law is to provide for contractual management measures for any contract to be entered into by the Municipality, including certain contracting rules for contracts which involve an expenditure of not less than \$ 25,000 but less than the expenditure threshold of a contract that can be awarded only after a public bid solicitation under section 935 CM, this threshold being, since April 19, 2018, \$ 101 100, and may be modified following the adoption by the Minister of a bylaw to that effect;

THEREFORE,

It is moved by Terry Racine and unanimously resolved THAT THE PRESENT PROJECT BY-LAW IS ADOPTED AND THAT IT IS ORDERED AND RULED AS FOLLOWS:

CHAPTER I

DECLARATORY AND INTERPRETATIVE PROVISIONS

SECTION I

DECLARATORY PROVISIONS

1. Purpose of the Bylaw

[This Bylaw aims to:](#)

- (a) to provide for the awarding and management of contracts awarded by the Municipality, in accordance with article 938.1.2 C.M.
- (b) provide for contracting rules that include an expenditure of not less than \$ 25,000 but less than the expenditure threshold of a contract that can be awarded only after a public bid solicitation under Article 935 CM.

2. Scope

This Bylaw applies to any contract entered into by the Municipality, including a contract that is not referred to in any of the paragraphs of the first paragraph of subsection 9 (1) or in sections 938.0.1 and 938.0. 2 CM.

This by-law applies regardless of the authority that grants the contract, be it the council or any other person to whom the council has delegated the spending power and enter into contracts on behalf of the municipality.

SECTION II

INTERPRETATIVE PROVISIONS

3. Interpretation of text

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

It shall not be construed as derogating from the mandatory provisions of the laws governing municipal contracts, unless such laws expressly permit derogation by this by-law including, for example, some of the measures provided for in Chapter II of the this bylaw.

4. Other bodies or agencies

The Municipality recognizes the importance, the role and the powers granted to other bodies that may investigate and act on the objects targeted by certain measures provided for in this by-law. This includes measures to prevent acts of intimidation, trading in influence, bribery, bid-rigging, and those aimed at ensuring compliance with the Transparency and Ethics Act. Lobbyists and the Lobbyists' Code of Conduct adopted under this Act.

5. Specific rules of interpretation

This Bylaw shall not be interpreted as:

- a) a restrictive or literal manner;
- b) as restricting the possibility for the Municipality to contract by direct agreement, in cases where the law allows it to do so.

The measures provided for in this Bylaw must be interpreted

- a) in accordance with the principles set out in the preamble to the Act, which primarily recognize that municipalities are local governments and thereby increase their autonomy and powers (2017, c.13) (Bill 122), recognizing in particular municipalities as local governments and elected officials, the legitimacy necessary to govern according to their attributions;
- b) in order to comply with the principle of proportionality and thereby ensure that the steps related to the measures imposed are proportionate to the nature and amount of the contract expenditure to be incurred, having regard to the costs, the time required and the size of the municipality.

6. Terminology

Unless the context otherwise indicates, words and expressions used in these Bylaws have the following meanings:

« *Call for tenders* » : Invitation to tender or public invitation required by articles 935 and following C.M. or a bylaw adopted under this law. Are excluded from the expression "call for tenders", price requests that are formulated when no call for tenders is required by law or by this Bylaw.

« *Tenderer* » : Anyone who submits an offer during a bidding process

CHAPTER II

RULES OF CONTRACT AWARD AND ROTATION

6. General

The Municipality respects the contracting rules provided for in the laws that govern it, including the C.M. More specifically:

- a) it proceeds by invitation to tender where the law or a bylaw made under an Act imposes such a call for tenders, unless there is a specific provision to the contrary provided for in this Bylaw;
- b) it proceeds by public call for tenders in all cases where a public call for tenders is imposed by law or by a bylaw adopted under the law;
- c) it may proceed by direct agreement in cases where the law or this Bylaw permits it to do so.

Nothing in this by-law may have the effect of limiting the possibility for the Municipality to use any method of call for competition for the award of a contract, whether by public call for tenders, by invitation or by request for price, even if it can legally proceed by direct agreement.

7. Contracts that can be concluded by direct agreement

[Subject to Article 11, any contract referred to in any of paragraphs of the first paragraph of Article 935 CM, involving an expenditure of at least \\$ 25 000, but less than the threshold of the expense of a contract can only be awarded after a public bid solicitation under Article 935 CM, may be concluded by direct agreement by the Municipality.](#)

8. Rotation - Principles

The Municipality favors, if possible, the rotation among the potential suppliers, with regard to the contracts that can be passed by agreement under Article 8. The Municipality, in the decision making in this regard, considers in particular the following principles:

- a) the degree of expertise required;
- b) the quality of the work, services or materials already delivered or delivered to the Municipality;
- c) the delays inherent in the execution of the work, the supply of material or materials or the provision of services;
- d) the quality of the goods, services or works sought;
- e) the delivery terms;
- f) maintenance services;
- g) the required experience and financial capacity;
- h) price competitiveness, taking into account all market conditions;
- i) the fact that the supplier has an establishment on the territory of the Municipality;

- j) any other criteria directly related to the market.

9. Rotation - Measures

For the purpose of ensuring the implementation of the rotation provided for in section 9, the Municipality shall apply, to the extent possible and in the absence of special circumstances, the following measures:

- a) potential suppliers are identified before awarding the contract. If the territory of the Municipality has more than one supplier, this identification may be limited to the latter territory or, as the case may be, the territory of the MRC or any other geographic region that is deemed relevant given the nature of the contract to intervene;
- b) once the suppliers have been identified and considering the principles set out in section 9, the rotation between them must be encouraged, unless there are grounds for sound administration;
- c) the Municipality may make an appeal for interest in order to find out which suppliers may meet its needs;
- d) unless there are special circumstances, the person in charge of managing the contract completes, to the extent possible, the analysis form found in Appendix 4;
- e) for the categories of contracts it determines, for the purpose of identifying potential suppliers, the Municipality may also establish a list of suppliers. The rotation among the suppliers appearing on this list, if any, shall be favored, subject to the provisions of paragraph (b) of this Article.

10.1

Without limiting the principles and measures set out in terms of supplier rotation provided for in this Regulation, in the context of the award of any contract which involves an expenditure below the decreed threshold of the expenditure of a contract which cannot be awarded. that after a public call for tenders, the municipality must favor Quebec goods and services as well as suppliers, insurers and contractors who have an establishment in Quebec.

An establishment in Quebec, within the meaning of this article, is any place where a supplier, an insurer or a contractor carries out his activities on a permanent basis which is clearly identified with his name and accessible during normal office hours.

Quebec goods and services are goods and services, the majority of which of their design, manufacture, assembly or realization are made for the most part from an establishment located in Quebec.

The Municipality, in making a decision regarding the granting of a contract referred to in this article, considers in particular the principles and measures set out in terms of the rotation of potential suppliers and more specifically detailed in articles 9 and 10 of the by-law, under reserves the necessary adaptations for local purchase.

CHAPTER III

MEASURES

SECTION I

CONTRACTS BY AGREEMENT

10. General

For certain contracts, the Municipality is not subject to any special competitive bidding procedure (public call for tenders or invitation). This bylaw may not have the effect of restricting the possibility for the Municipality to proceed by direct agreement for these contracts. These include, in particular, contracts:

- which, by their nature, are not subject to any tendering process (contracts other than insurance contracts for the performance of works, supply and services);
- expressly exempted from the tendering process (in particular those listed in Article 938 CM and the professional services contracts necessary for an appeal to a court, body or person exercising judicial or judicial functions ;
- insurance, for the performance of works, supplies or services (including professional services) that involve an expenditure of less than \$ 25,000.

11. Measures

When the Municipality chooses to grant a private contract, the following measures apply, unless these measures are incompatible with the nature of the contract:

- a) Lobbying

- Measures provided for in Articles 16 (Duty to inform elected officials and employees) and 17 (Training);
- b) Intimidation, influence peddling and corruption
- Measure provided for in Article 19 (Denunciation);
- c) Conflict of interest
- Measure provided for in Article 21 (Denunciation);
- d) Amendment of a contract
- Measure provided for in Article 27 (Amendment of a contract).

12. Information Document

The Municipality must publish, on its website, the contractual management information document attached to Annex 1, so as to inform the public and potential contractors of the measures it has taken under this by-law.

SECTION II

BID-RIGGING

13. Sanction if collusion

Must be inserted in the tender documents, a provision providing for the possibility for the Municipality to reject a bid if it is clearly established that there has been collusion with any person in contravention of any law aimed at combating bid rigging.

14. Declaration

All tenderers must attach to their tender, or at the latest before the award of the contract, a statement affirming solemnly that its bid has been prepared and submitted without collusion, communication, agreement or arrangement with any person in contravention any law to combat bid-rigging. This declaration must be made on the form attached as Annex 2.

SECTION III

LOBBYING

15. Duty to inform elected officials and employees

Any member of the council or any officer or employee shall remind all persons who take the initiative of contacting him or her to obtain a contract that the Lobbying Transparency and Ethics Act is in place, when he believes that there is a contravention of this law.

16. Training

The Municipality favors the participation of council members and public servants and employees in training designed to provide them with information on applicable laws and bylaws relating to lobbying.

17. Declaration

Tenderers must attach to their tender or, at the latest before the award of the contract, a statement affirming solemnly that neither it nor any of its employees, agents or employees engaged in a communication of influence for the purpose of obtaining a contract in contravention of the Lobbying Transparency and Ethics Act or, if such disclosure of influence has occurred, that it has been entered in the Lobbyists' Register when such registration is required by law. This declaration must be made on the form attached as Annex 2.

SECTION IV

INTIMIDATION, INFLUENCE TRAFFIC AND CORRUPTION

18. Denunciation

All member of the council, any public servant or employee, as well as any other person working for the Municipality must denounce, as soon as possible, any intimidation, influence peddling or corruption which he has

witnessed in the framework of his functions. This measure should not be interpreted as limiting the right of the person concerned to lodge a complaint with a police service or other public authority.

A member of the council makes this denunciation to the director general; the director general to the mayor; other public servants and employees as well as any person working for the Municipality, the Director General. When the denunciation directly or indirectly involves the mayor or the director general, the denunciation is made to the one who is not involved. If both are involved, the information is reported to the acting mayor or other non-involved municipal council member. The person who receives the information must treat it with diligence and take the appropriate measures according to the nature of the situation complained of.

19. Declaration

All tenderer must enclose with his tender, or at the latest before the award of the contract, a declaration solemnly affirming that neither he nor any of his collaborators, representatives or employees has engaged in the call for offers, acts of intimidation, trading in influence or corruption, against a member of the council, an officer or employee or any other person working for the Municipality. This declaration must be made on the form attached as Annex 2.

SECTION V

CONFLICTS OF INTEREST

20. Denunciation

All member of the council, any officer 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 denounce, as soon as possible, the existence of any interest pecuniary in a legal person, company or company likely to conclude a contract with the Municipality.

A member of the council makes this denunciation to the director general; the director general to the mayor; other public 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 director general, the denunciation is made to the one who is not involved. If both are involved, the information is reported to the acting mayor or other non-involved municipal council member. The person who receives the information must treat it with diligence and take the appropriate measures according to the nature of the situation complained of.

21. Declaration

When the Municipality uses a system of weighting and evaluation of the offers, any member of the selection committee must solemnly declare in writing, before starting the evaluation of the tenders, that he has no particular pecuniary interest, direct or indirect, in respect of the contract being evaluated. He must also undertake not to disclose the mandate entrusted to him by the Municipality, and not to use, communicate, attempt to use or communicate, both during his term of office and after this one., 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 in Annex 3.

22. Minimal pecuniary interest

The minimal pecuniary interest is not affected by the measures described in Articles 21 and 22.

SECTION VI

IMPARTIALITY AND OBJECTIVITY OF THE TENDERING PROCESS

23. Responsible for the call for tenders

All tender identifies a person responsible and provides that any potential bidder or any bidder must address solely to the person responsible for any information or clarification regarding the tender.

24. Questions from tenderers

The person responsible of the call for tenders compiles the questions posed by each bidder during the bidding process and issues, if deemed necessary,

an addendum, so that all bidders can obtain the bids. answers to questions asked by others.

The person responsible of the call for tenders has full discretion to judge the relevance of the questions asked and those that require a response and may consolidate and reword certain questions for the purpose of forwarding responses to bidders.

25. Denunciation

All member of the council, any officer or employee, as well as any other person working for the municipality, must, as soon as he is informed, denounce the existence of any situation, other than a conflict of interest, likely to compromise the impartiality and objectivity of the tendering process and resulting contract management.

A member of the council makes this denunciation to the director general; the director general to the mayor; other officers 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 director general, the denunciation is made to the one who is not involved. If both are involved, the information is reported to the acting mayor or other non-involved municipal council member. The person who receives the information must treat it with diligence and take the appropriate measures according to the nature of the situation complained of.

SECTION VII

AMENDMENT OF A CONTRACT

26. Amendment of a contract

Any change in a contract that has the effect of increasing the price must be justified by the person responsible for the management of the contract, considering the applicable rules to authorize such a modification.

The Municipality may not modify a contract awarded following a call for tenders, except in the case where the modification constitutes an accessory to it and does not change its nature.

27. Site meetings

When justified by the nature of the work, the Municipality favors regular site meetings to monitor the execution of the contract.

CHAPITRE IV

ADMINISTRATIVE AND FINAL PROVISIONS

28. Application of the bylaw

The application of this bylaw is the responsibility of the Director General of the Municipality. The latter is responsible for preparing the report to be submitted annually to the council concerning the application of this by-law, in accordance with article 938.1.2 C.M.

29. Repeal of the Contract Management Policy

This Bylaw replaces and repeals the Contract Management Policy adopted by Council on March 1, 2011 and deemed, since January 1, 2018, a Bylaw on Contract Management under section 278 of the Act, which is intended principally to recognize that municipalities are municipalities. governments and to increase their autonomy and powers in this respect (2017, c.13).

30. Entry into force and publication

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

2021-06-89 **Equalization of the evaluation role**
Whereas the municipality has received a recommendation from the FQM evaluator, Carle Provencher, that the evaluation role of the municipality be equalized to current market value;
Whereas the result of such equalization will have a greater impact on taxpayers if it is not done at this time;
Whereas the municipality has a responsibility to ensure the evaluation role is current;
Therefore,
It is moved by Emile Morin and unanimously resolved to approve the equalization of the municipal evaluation role according to the law.
Carried

*It is noted that as required by law, Mayor Lariviere has presented the 2021 Mayor's Report and this report will be posted on the municipal website.

*It is noted that the Commission Municipal de Quebec has requested that all municipalities in the Province of Quebec forward documentation of the preparation of the 2021 budget procedures taken by the municipality. This document has been sent to the CMQ according to the law.

2021-06-90 **HUMAN RESOURCES**
Summer employment – transfer site/public works
Whereas the municipality has posted the summer jobs position;
Whereas the municipality has received 2 acceptable applications;
It is moved by John Stitt and unanimously resolved that Director General, Julie Bertrand contact the selected applicants and proceed with an interview with the HR committee. Should a candidate meet the requirements, it is agreed to hire the candidate for the summer jobs program.
Carried

2021-06-91 **DGA Job posting**
It is moved by Donald Graveline and unanimously resolved to repost the position for DGA and to increase the work hours to 32.5 hours /week.
Carried

2021-06-92 **ADJOURNMENT**
It is moved by Joe Belanger and unanimously resolved to adjourn the meeting at 8:58 p.m.
Carried

Colleen Larivière
Mayor

Julie Bertrand
Director General