



PROVINCE OF QUEBEC  
TOWN OF KIRKLAND

## **BY-LAW NO: GEN-2019-53**

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**BY-LAW FIXING THE REMUNERATION OF ELECTED  
MUNICIPAL OFFICERS OF THE TOWN OF  
KIRKLAND**

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### **ADOPTION PROCEDURE**

Notice of motion:	February 4, 2019
Draft by-law:	February 4, 2019
Publication:	February 6, 2019
Adoption of by-law:	March 4, 2019
Publication:	March 13, 2019
Coming into force:	March 13, 2019

- WHEREAS pursuant to the provisions of the *Act respecting the remuneration of elected municipal officers* (CQLR, c. T-11.001), the Municipal Council of the Town of Kirkland (hereinafter referred to as "the Town") on November 5, 2018, adopted a by-law fixing the remuneration of its members;
- WHEREAS Federal Tax measures applicable as from the 2019 tax year prescribe that non-accountable expense allowances paid to elected officers to perform the duties of their office are included in computing their income for tax purposes;
- WHEREAS consequently, it is therefore necessary to replace *By-law No. GEN-2018-54 respecting the remuneration of elected municipal officers* adopted by the municipality;
- WHEREAS notice of motion of this by-law was given at the regular sitting of the Municipal Council held on February 4, 2019;
- WHEREAS pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19), copy of this by-law was given to members of the Council not later than two business days before the sitting at which it was to be approved;
- WHEREAS pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19), copies of this by-law were made available to the public;
- WHEREAS a public notice was published in accordance with section 9 of the *Act respecting the remuneration of elected municipal officers* (CQLR, c. T-11.001);

#### **THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:**

##### **ARTICLE 1 - PREAMBLE**

The Preamble forms part of this by-law as if recited at length hereinbelow.

##### **ARTICLE 2 - OBJECT**

The object of this by-law is to fix the remuneration of elected municipal officers.

##### **ARTICLE 3 – REMUNERATION OF THE MAYOR**

The Mayor's annual remuneration is fixed at \$59,695 for fiscal 2019, it being understood that for any subsequent fiscal year, that amount shall be adjusted annually according to the indexation provided for in article 7 of this by-law.

##### **ARTICLE 4 – REMUNERATION OF THE ACTING MAYOR**

Should the Mayor be absent or unable to perform the duties of his or her office for more than sixty (60) days, then as of the 61<sup>st</sup> day, instead of the annual remuneration provided for in article 5 of this by-law, the Acting Mayor shall receive the same remuneration as the Mayor.

##### **ARTICLE 5 – REMUNERATION OF OTHER COUNCIL MEMBERS**

The annual remuneration of other Municipal Council members, other than the Mayor, is fixed at \$20,310 for fiscal 2019, it being understood that for a subsequent fiscal year, the remuneration of Municipal Council members shall be adjusted annually according to the indexation provided for in article 7 of this by-law.

##### **ARTICLE 6 – EXPENSE ALLOWANCE**

In addition to the remuneration payable under this by-law, every Council member shall receive an expense allowance of an amount equal to one-half the remuneration fixed hereunder, subject to the maximum allowance stipulated in section 19 of the *Act respecting the remuneration of elected municipal officers* (CQLR, c. T-11.001).

**ARTICLE 7 – INDEXATION**

The remuneration payable to Council members must be adjusted annually, on January 1 of each year, according to the rate of increase of the Consumer Price Index (CPI) for the preceding fiscal year published by Statistics Canada for the Montréal region.

The rate of increase in the Consumer Price Index is established as follows:

- (a) by subtracting the index established for the month of December for the penultimate year preceding the fiscal year concerned from the index established for the month of December for the previous year; and
- (a) by dividing the difference obtained under paragraph (a) by the index established for the month of December for the penultimate year preceding the fiscal year concerned;

Where the product of the computation under the second paragraph is not a multiple of 10, it shall be increased to the nearest multiple of 10.

**ARTICLE 8 – REMUNERATION REVIEW**

Notwithstanding the foregoing, the remuneration payable to Council members shall be reviewed and determined within ninety (90) days of the day of the general municipal elections held under the *Act respecting elections and referendums in municipalities* (CQLR, c. E-2.2). The remuneration thus determined shall be in effect and payable to Council members as of January 1 following the holding of such elections.

**ARTICLE 9 – TRANSITION ALLOWANCE**

Subject to the provisions of the *Act respecting the remuneration of elected municipal officers* (CQLR, c. T-11.001), a transition allowance shall be paid in a single payment to a person who ceases to be a Council member after having held office for not less than twenty-four (24) months preceding the end of his or her term of office. The transition allowance shall be paid within ninety (90) days of the end of the person's term of office.

For the purpose of the transition allowance, remuneration includes remuneration paid to a member by a mandatory body of the Town of Kirkland or by a supramunicipal body.

**ARTICLE 10 – PAYMENT TERMS AND CONDITIONS**

The Municipal Council determines the terms and conditions of payment of base remuneration and expense allowances.

**ARTICLE 11 – APPLICATION**

The Director General is responsible for the application of this by-law.

**ARTICLE 12 – RÉTROACTION**

This by-law shall be retroactive to January 1, 2019.

**ARTICLE 13 – REPEAL OF BY-LAW NO. GEN-2018-54**

This by-law repeals and replaces *By-law No. GEN-2018-54 respecting the remuneration of elected municipal officers* and its amendments and all resolutions incompatible with this by-law.

In the event of incompatibility between the provision of by-law and those of any by-law or resolution of the Town in existence when this by-law comes into force, the provisions of this by-law shall prevail.

**ARTICLE 14 – COMING INTO FORCE AND PUBLICATION**

This by-law comes into force in accordance with the law and is published on the Town of Kirkland website.

(Michel Gibson)

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Mayor

(Lise Labrosse)

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Assistant Town Clerk & Director of Communications