

Guide on the Revised Terms and Conditions of the Transfer to Québec Municipalities of a portion of federal gasoline excise tax revenues and the Government of Québec's contribution to **municipal drinking water, wastewater and local road system infrastructure**

This Guide and its Appendices **REPLACE** the versions published in December 2005.

The revised terms and conditions relate to the transfer to Québec municipalities of a portion of the federal gasoline excise tax revenues and the Government of Québec's contribution to municipal drinking water, wastewater and local road system infrastructure.

The changes concern primarily the following:

- The government's contribution is allocated over four years (2006-09) instead of the five years originally planned;
- The acceptance of a work schedule triggers the first payment;
- The municipal contribution is adjusted in relation to the investments made by Québec municipalities towards their infrastructure between January 1, 2000, and December 31, 2005;
- The municipal contribution is adjusted to avoid penalizing less populous municipalities.

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1. Eligible municipalities

These terms and conditions apply to local municipalities designated as a municipality, city, town, village, northern village, parish, township or united township.

2. Period of application of transfer terms and conditions

The terms and conditions of the transfer to Québec municipalities of a portion of federal gasoline excise tax revenues and the Government of Québec's contribution to municipal drinking water, wastewater and local road system infrastructure apply for a period of four years, from November 28, 2005, the date the Canada–Québec Agreement was signed, to December 31, 2009, the date the eligible work will be completed.

3. Distribution of contributions from Canada and Québec

The contributions from the Government of Canada and the Government of Québec total \$1,311.7 million, of which \$928.1 million is from the federal gas excise tax and \$383.6 million was added by the Government of Québec. As such, Québec's contribution represents 29.2% of the confirmed governmental contribution.

As agreed upon with the municipal environment, these government contributions will be allocated to the eligible municipalities as follows:

- municipalities with 6,500 or more inhabitants, based on the population decree in effect on January 1, 2005, will be allocated a rate of \$154.94 per person; however, municipalities that have undergone a municipal reorganisation on January 1, 2006, the population decree in effect on January 1, 2006, applies;
- municipalities with fewer than 6,500 inhabitants, according to the population decree in effect on January 1, 2005, will be allocated a lump-sum amount of \$210,203 per municipality, plus an amount of \$122.10 per person; however, municipalities that have undergone a municipal reorganisation on January 1, 2006, the population decree in effect on January 1, 2006, applies.

4. Level of municipal investment to be maintained

The Canada–Québec Agreement stipulates that the government contributions must be in addition to, and not a replacement of, normal spending by municipalities, hence the need to maintain the level of investment.

In order to measure the level of investment to be maintained, a municipality will have to provide the MAMR (when submitting the work program schedule explained in Section 8 of this guide) with a list of its capital investments made during the chosen three years between January 1, 2000, and December 31, 2005, in the construction and repairs of municipal drinking water, wastewater and local road system infrastructure. It will also have to specify and deduct all grants, contributions and reimbursements received for these capital assets to determine the net investments.

Investments for the construction of infrastructure for new developments are not to be considered for calculation purposes.

The net average annual investment of the three reference years, calculated in Appendix I, must be reached every year for four years, between January 1, 2006, and December 31, 2010. If a municipality does not spend this amount at the end of a given year, it must make up for the shortfall in subsequent years. By multiplying this average by four, the municipality obtains the level of net investment it must maintain between January 1, 2006, and December 31, 2009. The municipality must indicate its net average annual investment in box C in Appendix II. The form in Appendix I, however, must be completed beforehand.

All municipalities must maintain their net average annual investments for the length of the Agreement (2006-09).

5. **Municipal contribution**

By adding its contribution, Québec is expecting that municipalities add their own contribution. Based on an amount of \$154.94 per person for the Agreement's four years, Québec's contribution represents \$45.24 per resident, or an annual contribution of \$11.31 per resident.

The requested municipal contribution will be determined by taking into account the level of municipal investment to be maintained (described in Section 4) and by considering the minimum capital baseline in infrastructure reconstruction of \$28 per resident per year applied under the Infrastructure programs (the Canada-Québec Infrastructure Works Program 2000, the Québec-Municipalities infrastructure programs and the Municipal Rural Infrastructure Fund).

This means that when a municipality's net average annual investments for the three reference years surpasses \$39.31 per resident per year, meaning (\$28 + \$11.31) per resident per year, no additional municipal contribution will be required.

Municipalities whose average is between \$28 and \$39.31 per resident per year will have to add a contribution to reach \$39.31 per resident per year.

Finally, municipalities whose annual average is less than \$28 per resident per year will have to contribute at least \$11.31 per resident per year. This contribution must be between 5% and 22.6% of total investments based on the population of each municipality

The municipality can calculate its contribution by following the instructions found in Appendix II of this guide. Municipalities that are unable to invest the total required amount must communicate with the "Direction des infrastructures" of the MAMR to find other suitable conditions.

Québec reserves the right to reduce its contribution if a municipality wants to reduce its required contribution.

6. **Work priorities**

Municipalities are required to allocate government contributions to construction work in the following order of priority:

1. Bringing drinking water and wastewater catchment and treatment equipment up to code;

2. Acquiring knowledge about the condition of pipes for drinking water and sewers (inventory, diagnosis and action plan to renew the pipes);
3. Renewing pipes for drinking water and sewage;
4. Local road systems (repairs to and improvements of the local road system, such as bridges or other municipal engineering structures, municipal streets or other local roads).

The following situations or types of work are examples of “Priority 1” work:

Drinking water

- Bringing equipment up to code pursuant to the *Regulation Respecting the Quality of Drinking Water* or the *Groundwater Catchment Regulation*;
- Recurring lack of water to meet current needs (set up a new water supply source or increase the capacity of water supply equipment);
- Requirement to install a municipal drinking water system because individual wells are contaminated;
- Replacement of outdated infrastructures other than pipes;
- Installation of municipal water meters to measure municipal drinking water consumption (excluding water meters for homes, industries, businesses and institutions).

Wastewater

- Building a municipal sewer system and treatment plant to solve a public health problem;
- Correcting a problem of non-compliance with discharge requirements set by the MAMR (treatment plant or overflow system);
- Replacing outdated infrastructures other than pipes;
- Adding required equipment to carry out the MAMR’s work-monitoring program.

Municipalities must demonstrate to the MAMR that they do not have any “Priority 1” work to be carried out before proposing lower priority projects. The use of the gas tax transfer and Québec’s contribution to finance a part of priority 1 projects for which the municipality has asked for financial support through one of MAMR’s regular grant programs will be considered among the selection criteria for projects to be considered as priority under these programs.

Furthermore, priority 2 and 3 categories do not apply to a municipality that demonstrates to the MAMR that its drinking water or sewer pipes do not need to be renewed in the next 10 years, or to a municipality that does not have or require such pipes.

Finally, in order to carry out work on its local road system, a municipality must demonstrate to the MAMR that it does not have any Priority 1, 2 or 3 work to be done.

Under exceptional circumstances, MAMR could authorize a work program that does not entirely respect this order of priority.

Once MAMR will have accepted that part or all of the governmental contribution be allocated to local road system projects, a work schedule for the local road system will require a positive recommendation from the ministère des Transports du Québec [Québec Ministry of Transport] (MTQ). These files will be forwarded to the MTQ, and the MAMR will ensure the payment of the governmental contribution.

7. Non-eligible work and expenses

The transfer of a portion of federal gasoline excise tax revenues and the Government of Québec contribution cannot be used for the reimbursement of the following:

- routine maintenance work;
- purchase of land;
- legal fees;
- Goods and Services Tax (GST) rebate to which municipalities are entitled, or any other tax that will eventually be reimbursed.

Moreover, expenses related to the salaries of municipal employees cannot be reimbursed through the transfer of a portion of federal gasoline excise tax revenues and the Government of Québec's contribution, except under exceptional circumstances recognized by the MAMR in the case of work on drinking water and wastewater infrastructure, or by the MTQ in the case of work on the local road system.

The cost of work that is already covered by a grant and the municipal share to be paid for this work as part of government financial assistance programs cannot be reimbursed through the transfer of a portion of federal gasoline excise tax revenues and the Government of Québec's contribution.

Finally, costs for work completed before the signature of the Canada–Québec agreement, i.e. November 28, 2005, are not eligible for government support.

8. Work schedule

In order to receive the government contributions, each municipality is required to submit to the MAMR a work schedule detailing priority investment needs for drinking water, wastewater or local road system work to be carried out for every year between 2006 and 2009 inclusively.

The MAMR has developed a model (see Appendix III of this document) to guide municipalities on the presentation of their work schedules.

All work schedules or amendments thereto must be approved by a resolution of the municipal council and sent to the MAMR. A sample resolution is found in Appendix IV of this guide.

To receive the government's total contribution, the investments in priority work to be carried out between 2006 and 2009 inclusively must correspond, at least, to the total of government and municipal contributions. A municipality also has to indicate distinctly to the MAMR the work planned to maintain their level of investment during those years.

A municipality can calculate the total investment that it must make between 2006 and 2009 inclusively by following the instructions found in Appendix II of this guide.

Municipalities that are unable to invest the entire required amount must contact the MAMR's Direction des infrastructures to agree on other conditions. Any work schedule that includes work to renew drinking water or sewer pipes must be accompanied by an action plan for the renewal of the pipes that meets MAMR requirements, as described in the *Guide d'élaboration d'un plan d'intervention pour le renouvellement des conduites d'eau potable et d'égout* [Transl.: Guide to the development of an action plan for the renewal of drinking water and sewer pipes], which can be found on the MAMR Web site.

A municipality that intends to carry out work to renew its drinking water or sewer pipes with the help of government contributions but that does not have an action plan establishing priorities for this work will have until 2007 to prepare such a plan.

In the meantime, the municipality can submit a two-year (2006-2007) schedule to the MAMR for the most urgent work that needs to be done. A statement describing the situation and affirming that there is an emergency will be accepted. However, the government assistance associated with this work cannot exceed the government contribution for the years 2006 and 2007, which equals 24% of the total government contribution, if the work is not justified by an action plan.

Afterwards, the municipality will have to submit, before December 31, 2007, a two-year (2008-2009) schedule and action plan to renew its drinking water and sewage pipes. If the action plan is available earlier, the municipality can submit a work schedule covering each of the remaining years until 2009. If the action plan shows that a renewal of the pipes undertaken before the submission is an emergency, the recognized eligible cost for this work will no longer be limited to 24% of the government's total contribution.

A municipality may submit a partial schedule by indicating when it will submit a more complete schedule; however, the amount of the first payment will be adjusted to avoid paying a surplus in relation to the submitted work costs.

9. Work schedule compliance and release of initial payments

The approval of a work schedule by the MAMR, or the MTQ where appropriate, will trigger the payment process for the governmental contribution, which will be staggered over four years as follows, based on the terms and conditions described in this Guide for applicable contributions:

- 24% in 2006;
- 16% in 2007;
- 20% in 2008;
- 40% in 2009.

The Government of Québec has entrusted the Société de financement des infrastructures locales du Québec (SOFIL) to manage the payment of funds from the transfer of a portion of federal gasoline excise tax revenues and the Government of Québec's contribution. SOFIL will issue payments to each municipality on the MAMR's recommendation in the case of work related to drinking water and wastewater, and on the MTQ's recommendation in the case of work on the local road system.

Once the MAMR will have approved a work schedule for drinking water or wastewater, or the approval of the MTQ for work schedules relating to the local road system, it will be up to SOFIL to trigger the investments in the following manner:

- first payment: within 60 days of the work schedule's approval;
- other payments: according to terms and conditions to be determined by the MAMR or the MTQ, where appropriate.

If a municipality presents a four-year work schedule with insufficient investments to access the expected total governmental support, MAMR's Direction des infrastructures will contact it to agree upon specific conditions.

Except for the first payment, the MAMR or the MTQ could agree with municipality that the payments will be made from the year in which the investments will begin.

10. Compliance of statement of accountability and external audit reports and release of final payments

Each municipality will be required to submit a statement of accountability so that its compliance with the conditions for payment of the government contributions can be verified. The municipality must indicate the work completed in the covered years and provide an estimate of the corresponding unverified actual costs. If the statement of accountability is deemed unsatisfactory by the MAMR or the MTQ, where appropriate, future payments may be suspended.

The municipality will also have to submit to the MAMR, no later than six months after the statement of accountability, a report from an external auditor validating the statement of accountability based on the actual costs incurred and paid for. The report must demonstrate, to the satisfaction of the relevant Department, compliance with the required payment conditions, if not, future payments may be suspended.

The relevant Department and the municipality will establish together the number of required statements of accountability and when to present them.

An amount equal to 15% will be held back on the final expected payment until the receipt of the External auditor's report validating the last statement of accountability.

11. Public communications

The government of Québec and the government of Canada, in consultation with the municipality, will make public announcements about any project completed with funds from the transfer of a portion of federal gasoline excise tax revenues and the Government of Québec's contribution to municipal drinking water, wastewater and local road system infrastructure.

For all publicity relating to a particular project, the municipality must mention the participation of the government of Québec and the government of Canada.

12.

Contact information for inquiries and correspondence

For all inquiries or to submit documents as required by this guide, please contact:

**Direction des Infrastructures
Ministère des Affaires municipales et des Régions**
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Québec, QC G1R 4J3
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Fax: (418) 644-8957
E-mail: infrastructures@mamr.gouv.qc.ca

*Ce document est également disponible
en français à l'adresse à la gauche.*

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Bas-Saint-Laurent (region 01)

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APPENDIX I – Summary of net capital investments

Summary of net capital investments, for three years between January 1, 2000, and December 31, 2005, relating to the construction or the repairing of municipal drinking water, wastewater or local road system infrastructure.

Description of Work	20 _____			20 _____			20 _____		
	Costs	Grants, Contributions or reimbursements Received	Net Investment	Costs	Grants, Contributions or reimbursements Received	Net Investment	Costs	Grants, Contributions or reimbursements Received	Net Investment
	(1)	(2)	(1) - (2)	(1)	(2)	(1) - (2)	(1)	(2)	(1) - (2)
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	Total 20 _____		\$ (3)	Total 20 _____		\$ (4)	Total 20 _____		\$ (5)

Amount to be entered in Box C of Appendix II

$[(3) + (4) + (5)] \div 3 =$

(6)

APPENDIX II – Calculation of total investments to be made between 2006 and 2009 inclusively

Municipality: _____

Geographic code: _____

Enter in box A the population decree for 2005, or for 2006 in the case of municipalities that have undergone a municipal reorganization on January 1,2006.

A	
---	--

Amount of the governmental contribution (Amount confirmed by the MAMR)

B	
---	--

Level of municipal investment to be maintained

Annual average of net investments over 3 years (amount in box 6 of Appendix I)

C	
---	--

Level of municipal investment to be maintained for 4 years (C x 4)

D	
---	--

Municipal contribution

Annual average of net investments over 3 years per resident (C / A)

E	
---	--

If E > \$39.31: no contribution

F	
---	--

If E is between \$39.31 and \$28 [(\$39.31 - E) x A x 4 years]

G	
---	--

If E < \$28 [\$11.31 x A x 4 years]

H	
---	--

If E < \$28 and H / (H + B) < 5%, minimum municipal contribution of 5%, (B x 0,05) / 0.95

I	
---	--

Required municipal contribution (maximum F, G, H and I)

J	
---	--

Total of investments (B + D + J)

K	
---	--

Quebec reserves the right to reduce its contribution if a municipality wants to reduce its required municipal contribution

APPENDIX III – Work Schedule

Municipality: _____

Geographic code: _____

Date: _____

Work to maintain the level of municipal investment		
Description of work	Year	Expected costs
TOTAL		
(equal to or greater than the amount in Box D of Appendix II)		

Priority 1 Work — Bring drinking water and wastewater catchment and treatment equipment up to code		
Description of work	Year	Expected costs
Total costs of priority 1 work		

Priority 2 Work — Acquisition of knowledge of drinking water and sewer pipes (inventory, diagnosis and action plan to renew the pipes)		
Description of work	Year	Expected costs
Total costs of priority 2 work		

APPENDIX III (continued)

Municipality: _____

Geographic code: _____

Date: _____

Priority 3 Work — Renewal of drinking water and sewer pipes		
Description of work	Year	Expected costs
Total costs of priority 3 work		

Priority 4 Work — Local road system (repairs to or improvement of local road system infrastructure, such as bridges or other municipal engineering structures, municipal streets or other local roads)		
Description of work	Year	Expected costs
Total costs of priority 4 work		

Total costs of priority 1 to 4 works (equal to or greater than the amounts in boxes b and J in Appendix II)	
---	--

APPENDIX IV

Sample resolution

Whereas:

- The municipality has read the *Guide on the Revised Terms and Conditions for the Transfer to Québec Municipalities of a portion of federal gasoline excise tax revenues and the Government of Québec's contribution to municipal drinking water, wastewater and local road system infrastructure* and its appendices;
- The municipality must respect the applicable terms and conditions of the Guide that apply to it in order to receive the government contributions confirmed to it in the letter by the Minister of Municipal Affairs and Regions;


Be it resolved that:

- The municipality hereby undertakes to comply with the applicable terms and conditions of the Guide;
- The municipality hereby undertakes to be solely liable for and save harmless Canada, Québec and their ministers, senior officials, employees and agents from all liability for any claims, requirements, losses, damages and costs of any kind stemming from an injury to or death of an individual or damage to or loss of assets attributable to a deliberate act or negligence resulting directly or indirectly from work funded from the transfer of a portion of federal gasoline excise tax revenues and the Government of Québec's contribution;
- The municipality hereby approves the content and authorizes the submission of the work schedule of (DATE) and all other documents required by the ministère des Affaires municipales et des Régions to the department's Direction des Infrastructures, with a view to obtaining the governmental contribution confirmed to the municipality in a letter by the Minister of Municipal Affairs and Regions;
- The municipality hereby undertakes to inform the Direction des Infrastructures of the ministère des Affaires municipales et des Régions of any changes made to the work program schedule approved herein.



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