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MUNICIPAL RELATIONS: THE CASE OF QUEBEC**

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Résumé

Sans faire l’historique du développement du système municipal au Québec, rappelons que selon l’article 92 de l’Acte de l’Amérique du Nord britannique, les municipalités sont un champ de compétence provinciale. Cela signifie, pour reprendre l’expression consacrée, que les municipalités sont les créatures des provinces. D’un point de vue légal, l’existence des municipalités et les pouvoirs qui leur sont dévolus dépendent du bon vouloir du gouvernement provincial. Dans la pratique, les municipalités outrepassent parfois leur mandat légal pour exercer de facto des compétences que les provinces ne leur concèdent pas explicitement. Malgré l’interdit constitutionnel, cette autonomie n’ouvre-t-elle pas la voie à des relations directes entre les autorités fédérales et le monde municipal? Dans cette note de recherche, nous ferons d’abord état du fait qu’au Québec, en règle générale, les relations municipales-fédérales font l’objet d’un encadrement très strict, incontournable, sauf en ce qui concerne la gestion des biens fédéraux – ce que nous illustrerons par deux exemples. Dans la deuxième partie du chapitre, nous cernons la nature du rôle du gouvernement provincial québécois dans les autres champs de politiques publiques couverts par la démarche de recherche du projet « Politiques publiques et municipalités » (*Public Policy in Municipalities* — PPM). La dernière partie tente une explication d’un mode de gestion qui se présente moins comme une médiation des relations municipales – fédérales que comme une régulation stricte des rapports intergouvernementaux. Encore qu’à l’occasion, ces relations se déploient d’une manière moins normée – ce que nous illustreront une autre fois par deux exemples.

Mots clés : Gouvernance multi-niveau, Médiation provinciale, Fédéralisme canadien, Québec, Municipalités

Abstract

Without going into the full history of Quebec’s municipal system, it is useful to recall that, under Section 92 of the British North America Act, municipalities are an area of provincial responsibility. This means, to use the recognized expression, that municipalities are the “creatures” of the provinces. From a legal standpoint, the municipalities’ existence and the powers they have been allotted depend on the will of the provincial government. Nevertheless, municipalities do have some autonomy, as demonstrated, for example, by the weight of municipal-sourced financing in inter-governmental arrangements surrounding infrastructure projects. Constitutional prohibitions notwithstanding, does this autonomy not open the way to direct relations between federal authorities and the municipal sector? In the first part of this paper, we note the fact that in Quebec, as a general rule, municipal-federal relations are the object of very strict and unavoidable oversight and control, except in the case of the management of

federal assets — which we illustrate with two examples. In the second part of the paper, we define the nature of the Quebec provincial government's role in other public policy areas covered within the framework the Public Policy in Municipalities (“Politiques publiques et municipalités” — PPM) research initiative. Finally, we attempt to explain a mode of management that appears less as a form of mediation in municipal-federal relations than as a strict regulation of intergovernmental relations. These relations nonetheless sometimes occur in a less formalized fashion — which we again illustrate with two examples.

Key Words: Multi-level governance, Provincial mediation, Canadian Federalism, Quebec, Municipalities

Introduction

Without going through the history of the development of Quebec's municipal system, it should be noted that, under Section 92 of the British North America Act, municipalities are an area of provincial responsibility. This means that, to use the recognized expression, municipalities are the "creatures" of the provinces. From a legal standpoint, the municipalities' existence and the powers they have been allotted depend on the will of the provincial government. In practice, municipalities sometimes overstep their legal mandate in the de facto exercising of responsibilities that the provinces do not explicitly grant them. However, in order to understand the areas of municipal responsibility in Quebec, we need to take into account this fundamental fact of the province's legal power to define municipal responsibilities (Collin and Léveillé, 2004; Belley *et al.*, 2009).

Municipalities' weak autonomy on the legal and constitutional levels is also seen on the level of financing and expenditures. We merely need emphasize that, overall, Quebec municipalities receive few transfer payments from higher levels of government, and that their revenues are mainly derived from property taxes. At first sight, the relative insignificance of conditional and unconditional transfer payments in the structure of municipalities' financing represents one of the main differences between Quebec and the other Canadian provinces. This impression is however generally erroneous and is largely explained by two atypical cases: the substantial transfer payments the Ontario government makes to municipalities, which assume quite significant responsibilities in the provision of frontline health and social services in that province; and similar transfer payments in Nova Scotia in the sphere of education. In fact, aside from the special transfers in Ontario and Nova Scotia, the proportion of transfer payments in Quebec municipal budgets is ultimately comparable to that found elsewhere in Canada.

In terms of the structure of municipal expenditures, it is fascinating to note the degree to which the latter are in a way predictable when one knows the size and especially the type of the municipality (industrial or agricultural, residentially or commercially oriented, or otherwise). By analyzing the structure of a municipality's property tax base, one can practically infer the amount and type of expenditures that follow and almost automatically result from this. Municipal officials therefore have very limited room to manoeuvre. We also find the same phenomenon in Quebec as that seen everywhere else in industrialized countries: higher-level governments are downloading and transferring new responsibilities to municipalities (directly or indirectly, by enacting new standards) without this necessarily being accompanied by the additional needed resources.

In their quest for new resources from higher governments, Quebec and Canadian cities in general have made infrastructures their main battleground, probably because they do not feel that they can claim funding for their day-to-day operations in a sufficiently legitimate manner. They sometimes call for a revision of the Canada and/or Quebec shared-cost infrastructure program, and sometimes for ad hoc transfer payments, the continuation of which they will then try to ensure. In this way, municipalities have recently obtained some funds from the federal excise tax on gasoline, in the same way that they now benefit from a GST exemption. In the case of Montréal, these amounts, which are intended to support municipal investment in the rehabilitation of all infrastructures (streets, public transit, etc.), are much lower than investments in the sector of water alone. It is certainly not a gold mine for them, but municipalities generally adopt the attitude of not refusing anything. And, even more rarely, some Quebec municipalities are quietly echoing the words of the Federation of Canadian Municipalities (FCM), which maintains that the real fiscal imbalance in fact concerns municipalities.

We will return later to the means of control that the provincial government exercises over municipalities more directly and on a day-to-day basis. But it should be noted that, in spite of what we have just explained, municipalities do have some autonomy, as shown by the preponderant proportion of municipal-sourced financing in the arrangements that make infrastructure investment possible, for example. Despite the constitutional prohibition, is this autonomy not opening the way to direct relations between federal authorities and the municipal sector?

While also based on some original data, this chapter synthesizes the research findings of the Quebec team that studied existing relations between municipalities and the federal government and the processes through which provincial mediation occurs in Quebec¹. This research was an opportunity to illustrate variations in provincial mediation in different fields of intervention. The research also used two methods—documentary research and interviews—to pose the question of how the resources that the different government levels have affect their respective abilities to achieve their public policy objectives in six areas of municipal public policy—emergency civil planning, federal property assets, immigrant settlement, development of a municipal public image, infrastructures, and Aboriginal policy. The interviews were prepared with the help of documentary research, and in turn inspired further documentary research. This documentary

¹ Other works of significant interest in this area are: Hamel, Pierre J., in collaboration with Sandra Breux, Harold Bérubé and Louis Carrier (2008). *Les infrastructures des municipalités québécoises et les relations intergouvernementales*. Montréal: INRS-Urbanisation, Culture et Société, 28 pages (preliminary version); Guy Chiasson and Junichiro Koji (2008). *Quebec Immigrant Settlement Policy and Municipalities: Fine-tuning a Provincial Template*. Gatineau: Université du Québec en Outaouais, 56 pages (preliminary version); Laurence Bherer and Pierre Hamel. (forthcoming). «Overcoming Adversity, or Public Action in the Face of New Urban Problems: the Example of Montreal». Robert Young (dir.). *Sites of Governance: Multilevel Governance and Policy Making in Canada's Cities*. Montréal : McGill-Queen's University Press.

research also made possible the production of a basic working document on the functioning of and trends in the Quebec municipal sector, a document that highlights the specificities of “La Belle Province” (Belley et al. 2009).

There are three parts to this chapter. We will first note the fact that in Quebec, as a general rule, municipal-federal relations are the subject of very strict and unavoidable supervision and control, except in the case of the management of federal assets—which we will illustrate with two examples. In the second part of the chapter, we will define the nature of the Quebec provincial government’s role in other public policy areas covered by the research approach for the project *Public Policy in Municipalities* (“Politiques publiques et municipalités”—PPM). In the last part, we will attempt to explain a mode of management that appears less as mediation in municipal-federal relations than as a strict regulation of intergovernmental relations. These relations nonetheless sometimes occur in a less normalized way—which we will again illustrate with two examples.

THE QUEBEC GOVERNMENT AND FEDERAL-MUNICIPAL RELATIONS

With Quebec municipalities being under the exclusive control of the Quebec government, the successive governments of Quebec over the past 30 years have adopted and maintained the same policy in this regard: the Quebec government severely limits direct relations between municipalities and federal departments, by ensuring the rigorous application of the *Loi sur le ministère du Conseil exécutif* (Act respecting the Ministère du Conseil exécutif)². In spite of its very finicky defence of this prerogative, the Quebec government regularly makes accommodations with the federal government. Thus, when Ottawa decides to grant subsidies in an area of municipal responsibility, arrangements are made so that the Quebec government can apply its own norms without the federal government necessarily having anything to say about it. These accommodations are generally negotiated quickly, but are also sometimes the subject of more extended squabbles about the respecting of each level's jurisdictions.

Funds granted by the federal government in municipal spheres of activity typically go through the Quebec government and pass through a "letter box" such as the Société de financement des infrastructures locales (SoFIL). This recently-created ad hoc agency transfers funds from Ottawa to municipalities without federal standards applying. In most cases, the Quebec government quite simply short-circuits relations between the federal and municipal levels of government. This obviously poses a problem in the context of this study, which focuses first and foremost on relations between the two levels of government. In this case, as in many others, Quebec acts as a "distinct society."

As mentioned above, relations between the federal government and municipalities are fairly limited overall in Quebec and mainly concern the management of federal assets found on the province's territory, which thus becomes the counter-example of a general rule that is quite strictly applied in other public policy areas.

Thus, in the case of the province's largest city alone, federal assets occupy nearly 5 % of the surface area of the Island of Montréal, representing about a third of all federal installations in the Montréal census metropolitan area³. Most of these federal properties are under the responsibility of Canada Post Corporation and Public Works and Government Services Canada (PWGSC). They mostly consist of office buildings. These installations nonetheless occupy a relatively small proportion of Montréal's territory. By comparison, property assets under the supervision of the Montréal Port Authority, Parks Canada and the Department of National Defence are less numerous, but cover a proportionately larger surface area.

² www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/M_30/M30.HTM

³ The information and analysis that follow are taken from Bherer and Hamel (forthcoming).

The concentration of federal assets in the heart of the island shows that the federal government is a very influential actor in Montréal's urban development. This is due less to historical and political reasons, as in Quebec City and Ottawa-Gatineau, than to Montréal's particular geographic situation: an insular territory bordered by the larger river on the south side, the urban area has several characteristics that directly involve the responsibilities of the federal government. On the edges of the St. Lawrence River, federal assets occupy a very large territory between the Jacques-Cartier and Honoré-Mercier bridges. They cover a 10 square kilometre surface area extending over 31 kilometres of shoreline. They include major federal installations such as the docks and facilities of the Old Port, the CN and VIA Rail marshalling yards, and the grounds of Canada Post, the Lachine Canal, the St. Lawrence Seaway, Park Jean-Drapeau, etc.

A number of other important actors are also present on this highly prized territory: the provincial government, the City of Montréal, and many companies, civil society actors and residents. Since 1978, this territory has been the focus of several requalification plans. However, the presence of transportation infrastructures such as expressways and railway lines, certain harbour facilities and industries makes access to this space and to the river difficult. Transformation of this area requires numerous investments and the involvement of all the actors present on the territory, thus making relations between levels of government extremely important.

Another illustration of this situation is the recent example of the celebrations for the 400th anniversary of Quebec City's founding⁴.

The projects and festivities throughout 2008 that marked Quebec City's 400th anniversary were carried out with the involvement of the municipal, provincial and federal governments. Following Mayor Jean-Paul L'Allier's initiative in the late 1990s, the three governments set up the Société du 400^e anniversaire de Québec, which was responsible for carrying out and managing the 400th anniversary events. The Société was funded by the three levels of government and, at the height of the celebrations, included a staff of 185 people and 1,500 volunteers. This was an independent non-profit organization governed by a board of nine administrators from the three governments, with equal representation. Aside from the festive aspect, the 400th anniversary was an opportunity for numerous projects for the development of particular sites of interest, which were legacies from the provincial and federal governments to Quebec City. These projects were independently funded and managed by each level of government through its own agencies.

Some federal legacies were managed by the Port of Quebec, thanks to funding from Canada Economic Development (CED). In the context of the project *À la rencontre des eaux et des hommes (Where People and River Meet)*, the Quebec Port Authority (QPA) oversaw the

⁴ The following paragraphs are the result of a documentary analysis—including a press review— carried out in January and February of 2009.

redevelopment of three sites under federal jurisdiction: Baie de Beauport, Pointe-à-Carcy and Bassin Brown. The National Battlefields Commission (NBC), a federal agency created in 1908 on the occasion of Quebec City's tercentenary, worked with QPA to animate and interpret Bassin Brown during the summer of 2008.

During the design phase for the Baie de Beauport and Bassin Brown projects, QPA consulted with "extended technical committees made up of stakeholder groups and Baie de Beauport and Bassin Brown users, as well as representatives of the City of Quebec. The comments and concerns raised during these discussions helped guide the preliminary design concepts."⁵ The City of Quebec and QPA also negotiated an agreement on a grant from the City for QPA to carry out activities at Baie de Beauport during 2008, as well as a lease for the long-term rental of the site by the City. The City did however have to submit this agreement to the Quebec government and obtain its authorization before signing it⁶.

For the Pointe-à-Carcy development, QPA received memorandums from various local actors, including the City of Quebec. In its memorandum,⁷ the City expressed its approval for the project, in conformity with its own objectives, master plans and development orientations. The City suggested a few minor modifications such as the preservation of a fountain and the addition of green cover.

Another federal legacy in the context of the 400th anniversary was the redevelopment of the Louise Basin and the creation of Espace 400^e, under the responsibility of Parks Canada. This agency called upon the expertise of Public Works and Government Services Canada (PWGSC) for the planning and management of the work. "Part of PWGSC's responsibility as project manager was to identify technical and professional needs, award and administer contracts, negotiate costs with contractors, and provide goods and services."⁸ Espace 400^e was ceded for 2008 to the Société du 400^e and then became a Parks Canada discovery and exhibition centre.

The three levels of government were actively involved in the activities surrounding Quebec City's 400th anniversary. Despite this, there was very limited direct collaboration between the City of Quebec and the federal government. On the one hand, the planning and management of the events were done by the Société du 400^e, created by the three governments. On the other hand, the federal legacies to Quebec City were realized on federal properties by various federal agencies working together. Although information and consultation sessions were held by the

⁵ Taken from the Quebec Port Authority website: www.quebec2008portquebec.ca/en/02_consultation.html

⁶ Minutes of the City of Quebec executive committee from June 27, 2007 and April 30, 2008, in particular. For more information, see: Boivin, S. (2008). "Marchandage autour d'un legs d'Ottawa," *Le Soleil*, April 7, p. 3, and the draft agreement: <http://catamaranquebec.org/sites/catamaranquebec.org/files/Entente%20APQ-VQ%2029-04-08.pdf>

⁷ www.quebec2008portquebec.ca/images_vrac/ville_de_quebec.pdf

⁸ Taken from the Public Works and Government Services Canada website: www.tpsgc-pwgsc.gc.ca/bulletin/fa-db/2009/2009-01/2009-01-005-eng.html

federal agencies responsible for these major projects, the City's role remained a marginal one. In addition, any more formal agreements between the City and a federal agency, as in the case of the management of Baie de Beauport, had to be submitted to the Quebec government for approval.

In short, both the Quebec City and Montréal examples show, as Hamel emphasizes, that in Quebec, "relations between municipalities and the federal government are of the same type as those that a municipality necessarily maintains with a major employer, potential investor or powerful property-owner; such relations do not involve the federal level's specifically governmental powers, its programs, laws and regulations" [*our translation*]⁹.

Otherwise, we have to say that in other fields of activity covered by this research, the federal government's role is often discreet, if not merely a financial one. As a general rule, the federal government only rarely appears on Quebec municipal administrations' radar. This also explains the widespread astonishment of people contacted for a potential interview specifically on the subject of provincial mediation in federal-municipal relations: right off the bat, nobody had anything to say about this. This is because, in practice, the Quebec provincial government is careful to ensure its role as a strict regulator of municipal-federal relations.

⁹ Hamel *et al.* (2008), *op. cit.*, p. 20.

THE NATURE OF THE QUEBEC PROVINCIAL GOVERNMENT'S ROLE IN VARIOUS POLICY AREAS

The Quebec provincial government plays an important and complex role in the formulation of municipal public policies. When it isn't acting as a promoter of municipalities' interests with the federal government or as a mediator between these two levels of government, it plays a central role in the supervision of municipal activities, the development of common policies and, especially, the strict regulation of relations between the federal and local levels.

Supervision

Quebec municipalities are subject to a variety of provincial government controls. Whether in the fields of the environment, land use planning and development, public security management or territorial organization, government agencies, including the departments responsible for these different areas, supervise local capacities for policy initiative, development and implementation. It is in fact the ministère des Affaires municipales, du Sport et des Loisirs (MASL) (department of municipal affairs, sports and recreation), which became in February 2005 the ministère des Affaires municipales et des Régions (MAMR) (department of municipal affairs and regions) and in 2008 the ministère des Affaires municipales, des Régions et de l'Occupation du territoire (MAMROT) (department of municipal affairs, regions and land occupancy) that exercises most of these controls. However, when the law requires, other government departments or public agencies may intervene. Government agencies are also responsible for overseeing the application of a series of Quebec laws. If we keep to the principal legislation on municipal matters, we can group government controls into two main categories: common controls or those general to a number of laws, and specific controls relating to each piece of legislation.

The first type of control concerns the requirement that municipalities periodically transmit various sorts of information to MAMROT on specific dates, such as the city's property assessment roll (*Loi sur la fiscalité municipale (Act respecting municipal taxation)*, section 71), the municipal police's annual activity report (*Loi sur la police (Police Act)*, section 264), or information about the source, nature, characteristics, quantities, destination and means of eliminating waste (*Loi sur la qualité de l'environnement (Environment Quality Act)*, section 68.1). Municipalities must also, in a number of cases and according to the requirements of MAMROT and other government departments, produce certain documents generally associated with the planning and management of various areas of municipal administration. We can mention for example municipalities' obligation to adopt a development plan that is in keeping with the province's overall land use planning and development scheme (*Loi sur l'aménagement et*

l'urbanisme (Act respecting land use planning and development), section 82). One of the most important controls is probably each municipality's obligation, in a variety of areas, to obtain the approval of the department concerned before implementing a decision, rule or regulation.

So we see that controls requiring the transmission of information to various departments as well as those requiring the Minister's approval prior to application of a rule or regulation are the most common. The first sort of controls is not very constraining in that it is simply a matter of the town clerk providing information such the summary of assessment roll, the names of the people forming the city council after an election, the internal regulation of the municipal police, etc. On the other hand, the power of approval is the most constraining and the most widespread. It has the most consequences on the management process, as cities, towns and villages have to face delays in the application of their regulations, as well as being, in a number of cases, forced to modify their regulations to comply with the department's requirements.

For example, in the case of public security management as well as in environmental management, the legislation is more restrictive in that it gives the Minister the right to take initiatives, such as ordering an environmental impact assessment or imposing severe penalties. These powers can however only be used when all the conditions established by the legislation have been met. Bill 75 also gives the department of municipal affairs the right to issue decrees regarding the organization of new cities and towns and to impose its will in the case of a disagreement.

In the area of public security, with the work of the Nicolet Commission, this field emerged as an important category of provincial and municipal public action. The government in fact adopted a new policy in 2001, the main objectives of which are to have public security issues recognized and to institutionalize new practices, which involves a number of provincial controls over municipalities' activities in this area. Eight years after this legislation was adopted, public security actors are continuing to progressively apply the new principles and to implement a more solid emergency management, with all of this under the provincial government's supervision.

In recent years, Jean Charest's Liberal Party government has strongly promoted a policy of decentralization toward municipalities and other territorial actors. Such a decentralization process should lead to a more local form of government where municipalities are given more autonomy, responsibility and powers, including financial powers. But we have to say that, in practice, the provincial level is refusing to relinquish any powers and is maintaining all of its control over municipal management, including in the area of land use planning and development. In this context, municipalities are clearly not able to enter into partnerships with the federal government.

Regulation

It is probably not entirely accurate to talk about regulation when we refer to the provincial government's role in federal-municipal relations. As we indicated above, a number of federal programs are channelled through Quebec government and agencies and it becomes difficult to track them: the main manifestation of the influx (or reflux) of federal transfer payments is the variation in the level of transfers that bear the Quebec government's stamp. Otherwise, the federal government's influence is felt indirectly on the municipal level, in a roundabout way.

Thus, in the case of immigration, since the 1970s, the provincial government has in large part determined the nature of the public policies adopted. Here, the Quebec government has developed an approach that differs considerably from that taken by the federal government and that is reflected in the country's other provinces. Whereas the federal government has adopted a series of policies promoting multiculturalism, the Quebec government takes another, so-called intercultural approach that fosters immigrants' integration into Quebec society. On their end, municipalities such as Montréal adopt an ad hoc approach, in trying by trial and error to resolve problems posed by the management of cultural diversity, without necessarily referring to the provincial philosophy in this matter.

But the fact remains that Quebec applies distinct immigration policies and funds them partly with the help of financial contributions from the federal government. The accords between the two levels of government state that the provincial government is free to decide on the number of immigrants admitted annually on its territory and to choose the economic immigrants and refugees that it admits based on its own criteria. Finally, the provincial government has the exclusive responsibility of seeing to the reception, settlement and integration of these immigrants. In exchange, it receives its share of the federal funding allocated in this area (a little over \$188 million in 2007-2008). Considering this, can one talk about mediation in federal-municipal relations in this case when these relations are so tenuous?

The situation is just as ambiguous in the area of infrastructures. Federal resources reach the municipal level (there are therefore relations between the two levels), but the provincial government does not simply regulate them. It in large part determines how municipalities will use these funds. The provincial government invests heavily and influentially in various infrastructure projects, especially roads, that are closely linked to municipal systems. In this context, we need to highlight one very important phenomenon: the growing control that Quebec is exercising over municipalities. As it receives federal subsidies, the provincial government substitutes itself for the federal in determining how these funds are to be used on the local level. It is now no longer enough to submit a dossier in due form to the department concerned. The department no longer allows municipalities to allot projects in order of importance, based on their

needs. Prioritization of the work to be carried out must now be done according to a specific process, which is set out step by step in the guide prepared for this purpose. Another element of overall control recently appeared with the requirement contained in Bill 61 creating the Public-Private Partnership Agency, where the latter can oblige municipalities to go through it and follow the PPP approach.

The situation is not all that different in the public security sector. The Quebec emergency management model elaborated since 2001 has been strongly inspired by practices developed in Montréal in the early 1990s (with the setting up of humanitarian and community organization committees and mixed municipality-industry committees). This partnership-oriented approach, characterized by regular meetings of public security actors, networking, information sharing and the common development of public security documents, is in fact in line with the aims of the new Quebec policy. This way of working together has made it possible to clarify public security actors' roles and the allocation of responsibilities between the provincial and municipal levels. The territorial rather than sectorial division of responsibilities has also fostered the creation of a logical chain of responsibility, from municipalities to the provincial government.

The 2001 reform enabled the setting up in Quebec of a strongly horizontally and vertically integrated emergency system, and an interlinked and integrated approach on the infraprovincial level. But this does not mean that the federal government is not involved in the Quebec public security system. Its intervention is simply closely oriented by the provincial government, which wants to avoid direct relations between the municipal and federal levels. The general rule is that the federal government only intervenes if the province says that it is unable to act with its resources alone regardless of the type of disaster, except in the case of an exceptional state of emergency caused by an external threat. This is called the overflow principle. The municipality is the first to intervene. If it needs more support and resources, it asks for help from the provincial government, which sets up its own public security centre. The federal government is the last to act, unless infrastructures under its responsibility or its assets are directly affected.

In other sectors such as the environment or national security, the three levels of government now work together on the same committees. This openness illustrates the growing concerns in the area of risk management and encourages a rapprochement between the three levels. Cooperation and the networking and collaborative approaches strongly valued by public security actors are also contributing to this openness. But in spite of the collaborative and associative approach, the federal government is still a minority partner that has little influence in the development of Quebec municipal public policies.

Association

In all cases of association between the three levels of government, Quebec ensures that relations between the other two levels of government are kept to a minimum. In some cases, however, the three partners are associated and have relative autonomy. But when this happens, it is in the context of informal agreements, in more nebulous policy areas where it is possible to avoid the provincial government.

In terms of the management of Montréal's public image, an initial observation reiterates a conclusion that OECD reached in 2004 after evaluating metropolitan governance in the Montréal area: "good metropolitan governance in Montréal is hampered by an unclear definition of responsibilities and a lack of harmonization of territories under the responsibility of the various institutional structures in place" [*our translation*]. Since the 1990s, planning, management and intervention bodies have proliferated in the Montréal area. Their powers are unstable, and they are all attempting, to varying degrees, to influence decision-making processes.

The development of the city's image is thus occurring at the intersection of two approaches. On the one hand, it is involved in creating an arena of opposition on a symbolic and ideological level in order to win acceptance for a hegemonic representation likely to affirm the supremacy of the actor or actors that promote it. On the other hand, it is associated with strategic operations of positioning and alliances in the public arena. The problem is that, for the moment, no one actor is strong enough to persuade the others to support its view of things. The result is, if not a perpetual state of confrontation, at least a series of parallel operations that one cannot foresee converging in the near future, but that are opening the door to some degree of intervention by the provincial *and* federal levels.

This initial observation does not mean that there is all-out war between all public actors at the three levels of government, including their private partners. However, the alliances that are prevailing are often quite specific and constantly need to be reviewed or re-negotiated. This situation obviously adds to the difficulties in reaching a strong consensus around an image that all share or accept. This is our second observation.

The mechanisms that dominate relations between levels of government in Quebec mainly fall within the sphere of the province and essentially affect relations between the provincial and municipal levels. We will describe them for two areas where they are numerous and complex: immigration¹⁰ and infrastructures¹¹.

¹⁰ For more on this subject, see Chiasson and Koji (2008), op. cit.

¹¹ See Hamel *et al.* (2008), op. cit.

In the field of immigration, a provincial action plan in large part defines the programs and policies adopted. Here, provincial interventions can be grouped into five areas: support for new immigrants; linguistic integration; socioeconomic integration; diversity management; and regional development. Together with several other components of the provincial government that work with it in the application of these policies and programs, the ministère de l'Immigration et des Communautés culturelles (MICC) (department of immigration and cultural communities) obviously plays a leading role in this area.

In terms of support for new immigrants, MICC manages the Programme d'accompagnement des nouveaux arrivants (PANA) (support program for new immigrants). This program, introduced in 2004, helps newly-arrived immigrants integrate into Quebec society and into the job market. This is done mainly by funding local non-profit organizations. Linguistic integration, one of the provincial government's longstanding priorities, largely occurs through the Programme d'aide financière pour l'intégration linguistique des immigrants (PAFILI) (financial aid program for the linguistic integration of immigrants), also administered by MICC.

On the level of socioeconomic integration, however, in addition to PANA, new immigrants also receive help from the ministère de l'Emploi et de la Solidarité sociale (MESS) (Quebec department of employment and social solidarity), through the Programme d'aide à l'intégration des immigrants et des minorités visibles en emploi (PRIIME) (employment integration program for immigrants and visible minorities). By offering funding to small and medium-sized businesses, this program encourages them to give immigrants their first work experience in Quebec. This department also administers the "Québec pluriel" program, which helps to increase the employability of young immigrants and members of visible minorities. Launched in 2004 in Montréal and Quebec City, the program now involves Gatineau, Laval, Longueuil and Sherbrooke as well. In addition, MICC has signed more than twenty agreements with professional associations to facilitate the recognition of foreign specialists' expertise.

Regarding diversity management, MICC administers the Programme d'appui aux relations civiques et interculturelles (PARCI) (support program for civic and intercultural relations) and offers financial assistance to non-profit organizations working to improve relations between the province's cultural communities. This program is being pursued in the work environment, with the Centre d'expertise en relations interculturelles (centre of expertise in intercultural relations) and the Service-conseil en relations interculturelles (intercultural relations consulting service), both created in 2004. More generally, the Quebec government has helped to improve minorities' representation in the job market through the Programme d'accès à l'égalité (access to equality program), based on the *Loi sur l'accès à l'égalité en emploi* (*Act respecting equal access to employment*) and the Programme d'obligation contractuelle (contractual obligation program).

Finally, on the level of regional development, the provincial government is trying to encourage immigrants' integration into regions of the province outside Montréal, through the Programme régional d'intégration (PRI) (regional integration program).

In sum, the provincial government's intervention in the area of immigration is substantial and is centred on MICC, although other departments and organizations are involved as well. A large number of local actors are also integrated into these policies and programs. Local NGOs thus play a major role in the application of several of the programs described above, and municipalities act as intermediaries between MICC and these NGOs. This partnership with local NGOs is similar to that seen in other regions of Canada, even though it differs in its underlying philosophy and in the fact of the provincial government, rather than the federal government, acting as a special partner.

The same goes in the area of infrastructures, where the Quebec government offers municipalities a wide array of support programs. Most originate from the ministère des Affaires municipales, des Régions et de l'Occupation du territoire (MAMROT) (department of municipal affairs, regions and land occupancy), but others come from the ministère des Transports (transportation department) or the ministère du Développement durable, de l'Environnement et des Parcs (department of sustainable development, the environment and parks). The latter has developed the ClimatSol soil decontamination program, which replaces the Revi-Sol program. This measure of only \$50 million (\$25 million for Montréal, \$5 million for Quebec City and \$20 million for other municipalities) is sparking the interest and even enthusiasm of many municipal administrators, especially in small municipalities where it allows for the rehabilitation of often central unused land and fosters redevelopment projects that otherwise seem completely unrealistic.

MAMROT offers four main programs in the area of infrastructures. It introduces first the Programme d'infrastructures Québec-Municipalités (Quebec-municipalities infrastructure program) (\$690 million), which has become almost permanent since the repealing or nullification of its end dates. Secondly, the Programme de renouveau urbain et villageois (urban and village renewal program) was launched in 2002. The MAMROT also offers the **2000 Canada-Quebec Infrastructure Works Program** (\$1.7 G), a worthy successor to the earlier programs, whose deadlines were constantly being extended (as with the earlier programs, the federal contribution is payable in cash at the end of the work, whereas the provincial contribution is staggered over a long period of time: municipalities borrow the amount of money and the government reimburses it with interest). Finally, the Fonds sur l'infrastructure municipale rurale (FIMR) (rural municipal infrastructure fund) with contributions from MAMROT and the Green Municipal Fund is managed by FCM and was created in 2000 from a federal government grant for the allocation of subsidies and loans to support environmental projects.

WHAT EXPLAINS THE PROVINCIAL APPROACH?

The characteristics of the province of Quebec in large part explain the nature of the relations observed between the different levels of government. In a way, one can say that these relations develop and evolve in response to tensions between the province's political and economic characteristics. But we also see cases where intergovernmental relations are strongly marked by the nature of the policies in question.

The nature of the province

Since the 1960s, the Quebec provincial government has assumed increased responsibilities due to an accelerated development of the Quebec state, a development fuelled by a desire for modernization and by nationalism centred on the francophone component of the province; but this same government is also facing a progressive decline in its revenues (fiscal imbalance). Consequently, it is increasingly dependent on federal transfer payments. Paradoxically, this modernization has made the Quebec state a very important tool of provincial and national government wishing to curtail, as much as possible, federal government intrusions into the province's areas of responsibility. These changes have also induced the Quebec government to extend its influence in its own areas of responsibility and in certain spheres that are in theory federal government responsibilities. Striving, to varying degrees, to fulfil the role of a national government, the provincial government is in this context focussed on defending its autonomy more than are the country's other provinces. This has led, as we have seen, to an extremely close supervision of relations between the federal and municipal levels.

In the case of Montréal, given the uncertainty that has characterized local political leadership since the 1990s, governance arrangements have proved to be very turbulent, and also very short-lived. This can be partly explained by the weak political leadership. It is also the nature of the local state that is involved here. Montréal is not a capital city. Unlike other large cities, the municipality cannot therefore benefit from advantages in terms of the public resources usually allocated to capital cities. In addition, due to the city's demographic and economic importance in Quebec, the provincial government does not want to give it too large a proportion of public resources, nor make it a leading political centre in the context of the Canadian federalist system where there is still an ongoing power struggle between the provinces and the federal government. Strengthening Montréal as a political centre would likely weaken Quebec's political power in its negotiations with the federal government. This has resulted in provincial interventions and institutional reforms targeted to the Montréal area that are quite simply contradictory. On the one hand, the provincial government wants to strengthen Montréal, defined as a development pole, whereas, on the other hand, it is maintaining Montréal's divided political power in multiplying the levels of power, collaboration and decision making.

At the same time, the government recognizes two municipal political associations as legitimate representatives of the municipal sphere. They have the unofficial status of important spokespersons and are almost always immediately invited to participate in all formal consultation operations (as in the context of parliamentary commissions) or more informal ones. The first is the Union des municipalités du Québec (UMQ) (Union of Quebec Municipalities). It has some 230 members and represents over six million people and more than 90 % of the province's municipal budgets. In practice, UMQ brings together urban municipalities under the *Loi sur les cités et villes* (*Cities and Towns Act*) or that have a specific charter, but UMQ in fact has a great deal of difficulty in maintaining cohesion among its members and fostering harmony among the different types of municipalities. For example, the largest cities regularly withdraw from the Union and then ultimately rejoin once again, until the next confrontation. This is in particular the case for Montréal, which is clearly an important loss for UMQ.

The other association is the Fédération québécoise des municipalités (FQM) (Federation of Quebec Municipalities). If UMQ is the small club for big municipalities, FQM is the big association for the smallest ones. Active on 85 % of Quebec's territory, especially in rural areas, but also in urban and periurban settings, FQM represents more than 900 municipalities and almost all of the province's regional county municipalities (RCMs). This federation, set up 60 years ago, has always been the spokesperson for the regions. FQM has a board of directors representing its members: it consists of 38 mayors, elected by the mayors of member municipalities in their region, a representative of bilingual municipalities, a representative of municipalities of over 10,000 inhabitants, a representative of municipalities on the territory of the Montréal Metropolitan Community and a representative of municipalities on the territory of the Quebec Metropolitan Community.

UMQ and FQM are unquestionably still municipal officials' main spokespersons for their interests with the Quebec government. The government in fact recognizes the importance of their role, as it set up, several years ago, a formal consultation and discussion mechanism (Table Québec-municipalités, a provincial-municipal round table) in which these associations are officially represented and where projects and policies of interest to the municipal sector are discussed. But an examination of the latest legislative reforms affecting the municipal sphere shows that several other groups can also voice their concerns and try to influence government decisions. This is the case in particular for the main employers' and union associations, which do not hesitate to take a stance when their members' interests are involved.

And finally, we should mention the Federation of Canadian Municipalities (FCM), which occupies a strategic position in relations between the municipal and federal levels. In one form or another, it has been giving voice to Canadian municipal governments since 1901, and currently has over 1,750 members. With a mandate of representing this level of government's interests in

matters connected with federal policies and programs, it constitutes a rare bridge allowing Quebec municipalities to have access to Ottawa, especially in regard to the province's largest cities. Montréal, Laval, Longueuil and Quebec City thus belong to the Big City Mayors Caucus (BCMC), which brings together mayors of the country's 22 largest cities and meets two or three times a year to discuss FCM priorities. This organization obviously has limited influence over the development and application of public policies. But it nonetheless represents a powerful lobby and, in the Quebec context, an interesting avenue for municipalities wishing to bypass the provincial government.

The nature of the policies

There are no cases where the federal government enters into a relation with the Quebec municipal level without the provincial government acting as mediator or partner. As one provincial civil servant explained during an interview: "In our understanding, under existing frameworks, the Quebec government is the only intervener for the federal government; it ensures the [government's] official positioning and so is not a mediator between the federal government and municipalities that might want to negotiate an agreement. Strictly interpreted, these frameworks stipulate that for the federal government, municipalities are not official interveners and, conversely, for municipalities, the federal government is not a potential intervener" [*our translation*]¹². In other words, the federal government's involvement necessarily implies that of the provincial government. This federal government involvement is closely governed by the *Loi sur le ministère du Conseil exécutif* (Act respecting the Ministère du Conseil exécutif), which explicitly describes how relations between levels of government should be managed in Quebec. Provincial civil servants and their federal counterparts scrupulously follow this legislation, which considerably reduces the possibility of administrative conflict or friction between levels of government.

As we saw, this general rule has different applications depending on whether the public policy area under consideration is essentially under provincial or territorial jurisdiction (emergency civil planning, development of a municipal public image), is the focus of national policies (immigrant settlement, infrastructures—and here it would be interesting to add the case of housing), is rarely the focus of policies (Aboriginal policy in cities), or involves the federal government as an agent of urban development without any real governmental connotation (federal property assets).

This being said, there are specific cases where relations between the three levels of government can occur in a less normalized way; and this is manifested not so much in provincial mediation as in a convergence of interests and interventions. We will give two examples of this: revitalization

¹² Excerpted from an interview conducted in the summer of 2007.

of the Lachine Canal in southwestern Montréal¹³ and public action(s) on local development in Lanaudière, on the fringes of the metropolitan area.

In the 1990s, the federal government launched an immense revitalization program with the objective of allowing pleasure boating on the Lachine Canal and turning this area into a recreation and tourism site. Once intended for the industries along this waterway, the canal no longer had any use when it was closed to local navigation in 1970. Over the following decade, the cities of Lachine and Montréal made several proposals to the federal government to revitalize the canal. The federal authorities were gradually convinced. In 1977, responsibility for the site was given to Parks Canada, a division of Public Works Canada. For ten years, the canal was the focus of a modest redevelopment, which nonetheless represented a turning point in the site's new tourism and recreational vocation. A cycling path, green spaces and pedestrian walkways allowed Montrealers to timidly re-appropriate the canal during the 1980s.

This period also corresponded with the development of a renewed interest, by authorities on the three levels, in the river and its shorelines. This interest took three forms. First was the 1988 signing of the Canada-Quebec Agreement on the St. Lawrence (later called the St. Lawrence Action Plan), which aimed for a better environmental management of the river and its surroundings. In the wake of this bipartite agreement, a federal-provincial Joint Environmental Assessment Panel Reviewing the Lachine Canal Decontamination Project was set up in 1989. The federal authorities (Parks Canada and the Old Port of Montréal Corporation) responsible for different sections of the Lachine Canal felt that the complexity of the issues associated with the canal's cleanup justified the creation of this panel. The joint panel approach allowed for the conducting of a single environmental assessment procedure that respected both federal and provincial requirements in this regard. With this panel and the St. Lawrence Action Plan, the federal and provincial governments showed that they were willing to work together under certain conditions.

The municipal level was not to be outdone: Montréal and its neighbours had pressed since the 1970s for recognition of the strategic interest of the river network around the island. In the early 1980s, the major revitalization of the Old Port of Montréal, which turned it into a recreational, tourism and heritage site, was indicative of the spirit of collaboration between the three levels of government. The public also had the opportunity to support this new vision of the harbour areas and access to the river thanks to public consultations held in 1978-79 and 1985-86 on the rehabilitation of the Old Port. The Old Port area was inaugurated in 1992 for Montréal's 350th anniversary.

¹³ The information and analysis for this example are taken from Bherer and Hamel (forthcoming), op. cit.

It was in this rather favourable context that Montréal's mayor at the time, Pierre Bourque, succeeded in setting up Grand Montréal Bleu (*Blue* Greater Montréal), a metropolitan-wide municipal coalition with the objective of protecting and valuing the region's numerous water areas. On the strength of this support, Pierre Bourque presented the coalition's various projects to the federal authorities, including the Lachine Canal rehabilitation project, for which he received promises of funding. From that moment on, things began to move quickly: the federal government showed its willingness to launch the project. We can think in particular of the revision of the master plan for the canal (which had not been updated since its initial formulation in 1979) and the setting up of the agency responsible for local tourism development, the corporation du Pôle des Rapides (rapids area corporation). In 1995, all the actors involved in this project undertook to work together. The agreement between the federal government and municipalities along the canal was officially announced in April 1997 and led to the major work that was carried out in 2003.

The Lachine Canal revitalization is not only a project almost exclusively initiated and planned by the state, but it is also the result of concerted action between the three levels of government. The ideal conditions under which rehabilitation of the site occurred make this project an ideal example of multilevel governance. Its planning obviously engendered tensions about the nature of the project, but this did not hamper the process. The three government actors exhibited the same willingness to go ahead. How can we explain this wonderful agreement? There were three reasons that fostered consensus around the Lachine Canal: the availability of funding, specific government alliances, and sustained collaboration between all the actors involved in the project.

We observed a similar type of convergence in the case of local development in the Joliette-Berthierville region, on the immediate periphery of the Montréal metropolitan area. In this regard, we conducted a brief survey¹⁴, in February-April 2009, of the main local development actors in this region: the federally associated Société d'aide au développement de la collectivité (SADC) (community development assistance corporation) of d'Autray-Joliette and the provincially connected conseils locaux de développement (CLD) (*local development councils*) of Joliette and d'Autray. Based on mandates that, though not identical, are nonetheless very similar, how are these two agencies—SADC and CLD—able to link their interventions in the course of their activities?

“It isn't a secret: SADC is a full-fledged partner like the Banque Nationale or Caisses Desjardins might be” [*our translation*]¹⁵. This excerpt expresses the widely held view that, in the

¹⁴ The methodology was the same as that followed for the entire PPM project, that is, an initial documentary analysis—in this particular case through content analysis of the websites of the three agencies concerned—followed by a series of four semi-structured interviews with authorities at the SADC d'Autray-Joliette, the CLD Joliette, the CLD d'Autray and a federal member of parliament. Other documents provided during the interviews completed the study materials.

¹⁵ Excerpted from a telephone interview conducted on February 24, 2009.

field, SADC is not a federal but a local actor, a local development actor within a heterogeneous ensemble simultaneously under the responsibility of higher levels of government, the municipal sphere, the community and private sectors, etc.

However, it was explicitly in response to the SADCs' actions in territorial economic development and local development that, in 1995, on the initiative of ministre des Régions (Regional Development Minister) Guy Chevrette, the Quebec government created the centres locaux de développement (CLD) (local development centres). In 2003, the CLDs' mode of governance was changed to make them municipal agencies based on a variety of formulas. Thus, the CLD de d'Autray is now fully integrated into the organizational setup of the RCM (a unique case in Quebec), whereas the CLD de Joliette has instead remained under the leadership of a board of directors where municipal officials are still in the minority.

“On the municipal level, SADC has the power to propose but not to impose.” “To the CLD, SADC is not a federal actor.” “So there is a great deal of complicity between the federal and provincial levels in terms of the region's economic development. If there is interference, it might come from the individual heading the agency, but not from the structure” [*our translations*]. These three interview extracts, among several others, testify to a shared evaluation by the actors interviewed of the quality of the interrelations. In regard to assistance for businesses and economic initiatives (for example, support for young entrepreneurs), SADC's activity is essentially complementary to that of the CLDs. SADC can obtain assistance from Canada Economic Development (CED) in the form of loans, whereas the CLDs more often use the grant mechanisms available from the ministère du Développement économique, de l'Innovation et de l'Exportation (MDEIE) (*Quebec department of economic development, innovation and export*) and other provincial departments. In terms of local development, the two agencies appear as local actors able to work together with many other actors—including local municipalities and RCMs—in the context of specific missions. In both cases, reference to the level of government they belong to is not relevant and is not made, as the force behind the action is the anticipated results. Nevertheless, according to what was said about this, some Quebec departments are still somewhat reticent about the SADC's direct intervention (e.g. MAMROT), whereas others are indifferent (e.g. MDEIE).

This is because, in the end, the initiative in local development is elsewhere—based on projects by private or community entrepreneurs and in civil society. We are thinking, among other things, of the Table des partenaires du développement social de Lanaudière (*Lanaudière Table of Partners for Social Development*)¹⁶, created in March 1999 after and in the wake of the Forum régional sur le développement social (regional social development forum)—an initiative of the Conseil de

¹⁶ The information that follows is taken from the website of the Table des partenaires du développement social de Lanaudière: www.tpdsl.org/index.htm, consulted on June 25, 2009.

la santé et du bien-être (Quebec Council on *Health and Welfare*) through the Association des régions du Québec (association of Quebec regions). “The Table des partenaires du développement social de Lanaudière brings together and mobilizes actors from various Lanaudière milieus around social development concerns in order to improve the population’s quality of life” [*our translation*]. Although its funding sources are all within the sphere of provincial and municipal agencies, although the board of directors consists of representatives of these agencies, and although, in its dossiers, it mainly addresses itself to the provincial and municipal sectors, the Table includes some federal actors among its partners: the SADCs in its territory and Service Canada, a federal member of parliament, and the Canadian Council on Social Development. And especially, over the years and with the various projects, it has apparently acquired, in a number of local and social development dossiers, a widely-recognized capacity to play the role of a leader and key agent of mobilization, with each partner acting as a local actor without reference to its federal, provincial, municipal, community or other type of allegiance.

In short, the initiative in local and social development is largely found outside formal municipal, provincial or federal structures and comes first and foremost from a network of actors that know one another, widely discuss local problems and issues, and willingly collaborate within specific intervention projects. The question of intergovernmental relations is toned down here and seen by everyone as not relevant, with each actor defining itself above all as an agent of local development. For example, it is interesting to note that the SADC d’Autray received a mention for its exceptional contribution to Lanaudière’s social development on the day celebrating the Table des partenaires’ 10th anniversary, as an *Organization, agency, private enterprise, social economy enterprise, etc.* It is also in this context of collaboration in action and teamwork that SADC now rents space in a building belonging to the d’Autray RCM, where the CLD also has premises. This being said, government agencies are still careful to establish the scope and specificity of their mission and interventions, in short, of their *raison d’être*.

This is shown by the example of the ongoing Local Agenda 21 process for the City of Saint-Gabriel-de-Brandon, the initiative of which is claimed by both the CLD and SADC. This process is based on the potentialities offered by both federal (e.g. Youth Strategy) and provincial (e.g. Pacte rural, or Rural Pact) programs and for which each has launched a consultation and involvement process that calls upon the milieu’s same human resources. In short, there is mainly a difference in tone between the two: the SADC considers itself more as an agent of civil society than an emissary of the federal government, and the CLD sees itself as a local actor and not the arm of the municipal level.

Conclusion

In Quebec, relations between levels of government are marked by a number of tensions, but there does seem to be a consensus on the current arrangement. While the advocates of greater autonomy for municipalities complain of being held in check by Quebec, their opponents, more numerous and more influential, emphasize the pressing need to more or less closely supervise municipalities' activities, in saying that, left to themselves, municipalities would have quickly gobbled up substantial amounts on projects of minor importance.

On the local level, Montréal is the case that diverges the most from this overall trend. In recent years, in calling upon various territorial levels and occurring at many levels, Montréal urban policies have taken the path of governance. But this does not mean that they have been able to produce a stable urban management model. In fact, this testifies above all to how hard it is for public authorities to respond to contradictory economic and social demands. The compromises that have resulted have not proved the most satisfactory to date. Many of the policies, programs and program components studied are generating new problems, or at least new economic and social concerns, due to the contemporary forms that metropolitanization is taking. Whether it is an issue to do with public security, immigration, development of a public image for promotion of the city or the presence of Aboriginal people in urban areas, in each case one finds oneself in the presence of a reality that is strongly marked by either structural changes or cultural and political changes that testify to a concern and openness on the part of civil and political society to the recognition of minorities.

In the public policy areas that have been the focus of the PPM study, due to the many levels of governance concerned and the very fact of the numerous actors involved, most of the time we see the presence of actors associated with the three levels of government. Moreover, even though in principle a hierarchy and complementarity between the three levels of responsibility should prevail, this does not often happen. Each one's roles vary according to the problems, activity sectors and the presence or tradition of intervention. In summary, we are seeing a form of multilevel governance with a very variable geometry and that has also proved to be not very stable or long lasting. This observation testifies to the uncertainty that very strongly characterizes the logic of urban action that has been deployed at various territorial levels.

This being said, the research that we are synthesizing here shows one dominant tendency: the government of the Province of Quebec's role as an "orchestra leader" in these relations between levels of government. In spite of notable exceptions, where we see the municipal level acting with relative autonomy, or the federal government briefly invested in an activity sector, the provincial level has emerged in Quebec as a central figure, an implacable arbitrator in relations

between levels of government. This tendency, which is well entrenched in the legislation and administrative practices, and that does not seem to want to diminish whatever the nature of the government in power in Quebec, clearly distinguishes “La Belle Province” from other parts of the country.

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