

NATIONAL ASSEMBLY
Thirty-fourth Legislature, third session

1994, chapter 56
AN ACT RESPECTING VILLE DE LAVAL

Bill 296

Introduced by Mr Jean A. Joly, Member for Fabre

Introduced 16 June 1994

Passage in principle 17 June 1994

Passage 17 June 1994

Assented to 17 June 1994

Coming into force: 17 June 1994

Act amended: None





CHAPTER 56

An Act respecting Ville de Laval

[Assented to 17 June 1994]

Preamble WHEREAS it is in the interest of Ville de Laval that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Power to act
as incorpora-
tor

1. Ville de Laval, hereinafter referred to as “the city”, may act as incorporator of a company pursuant to section 123.9 of the Companies Act (R.S.Q., chapter C-38). The articles of incorporation of the company as well as its articles of amendment, if any, shall be submitted for approval to the Minister of Municipal Affairs; once so approved, they shall be filed with the Inspector General pursuant to section 123.11 or 123.104 of the said Act by the Minister.

Authorized
activities

The activities of the company referred to in the first paragraph, hereinafter referred to as “the company”, shall be restricted to the operation of the concession granted under section 3. Members of the council of the city shall be in the majority at all times on the board of directors of the company and only they may assume its chairmanship. The city may hold shares in the company; it shall at all times hold the majority of voting shares.

Prohibition

In no case may the company make a public distribution of shares.

Approval

2. The by-laws passed by the company under section 91, 92 or 93 of the Companies Act, as well as any shareholders’ agreement, must be approved by the Minister of Municipal Affairs.

Power to
grant conces-
sion

3. The city may, with the authorization of the Minister of Municipal Affairs, grant a concession for the exercise of all or part of

its jurisdiction in the field of waste management to the company for a period not exceeding ten years.

Rates The rates charged by the concession holder must be approved by the city.

Estimate of costs **4.** Before 1 October each year, the company shall send to the city an estimate of the costs related to the operation of the concession.

Budget estimates Moreover, for each of the five fiscal years following the year of its incorporation, the company shall send in good time to the Minister of Municipal Affairs its budget estimates, its financial statements and any other document pertaining to its financial situation requested by the Minister.

Disqualification **5.** Any member of the council of the city who, during his term of office as council member, directly or indirectly acquires or holds shares issued by the company or any of its subsidiaries or has a direct or indirect interest in a contract with any of those companies is disqualified from holding the office of member of the council of any municipality.

Duration The disqualification persists until the expiry of a period of five years after the day on which the judgment declaring the person disqualified becomes *res judicata*.

Declaration of disqualification The declaration of disqualification may be sought by means of an action for declaration of disqualification under sections 308 to 312 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

Non-applicability of provision **6.** Section 5 does not apply in the cases described in paragraphs 1 and 2.1 to 9 of section 305 of the Act respecting elections and referendums in municipalities.

Disqualification **7.** Any person who directly or indirectly acquires or holds shares issued by the company or by any of its subsidiaries or has a direct or indirect interest in a contract with any of those companies is disqualified from holding any position as an officer or employee of the city other than that of an employee within the meaning of the Labour Code (R.S.Q., chapter C-27).

Legal person **8.** The company is deemed to be a legal person established for a private interest.

Applicability of provision Notwithstanding section 142 of the Act respecting the implementation of the reform of the Civil Code (1992, chapter 57), the

second paragraph of article 2847 of the Civil Code of Québec applies to the presumption established by the first paragraph.

Insurance

9. The company shall contract liability insurance covering its directors and other representatives and shall maintain it in force.

Prohibited practices

10. The company shall not acquire shares in another company or acquire an interest in a partnership unless the activities of that company or partnership are restricted to waste management or a related field. Any such acquisition shall not be made without the authorization of the city.

Power to acquire immovables

11. For the purposes of this Act, the city may acquire immovables, by agreement or by expropriation, in order to sell or lease them to the concession holder.

Applicability

12. This Act applies notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

Non-applicability of provisions

13. Sections 29.3, 573 and 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19) do not apply to the concession contract referred to in section 3.

Coming into force

14. This Act comes into force on 17 June 1994.