

NATIONAL ASSEMBLY
Thirty-fourth Legislature, third session

1994, chapter 70

AN ACT RESPECTING THE RÉGIE INTERMUNICIPALE DE GESTION DES DÉCHETS DE LA RÉGION MASKOUTAINE

Bill 204

Introduced by Mr Charles Messier, Member for Saint-Hyacinthe

Introduced 18 June 1993

Passage in principle 16 June 1994

Passage 16 June 1994

Assented to 17 June 1994

Coming into force: 17 June 1994

Act amended: None





CHAPTER 70

An Act respecting the Régie intermunicipale de gestion des déchets de la région maskoutaine

[Assented to 17 June 1994]

Preamble

WHEREAS it is in the interest of the Régie intermunicipale de gestion des déchets de la région maskoutaine that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

"member
municipal-
ity"

1. In this Act, the expression "member municipality" means every municipality whose territory is subject to the jurisdiction of the Régie intermunicipale de gestion des déchets de la région maskoutaine, created by an order published in the *Gazette officielle du Québec* on 14 September 1991.

Executive
committee

2. The board of directors of the Régie intermunicipale de gestion des déchets de la région maskoutaine may, by by-law passed by a two-thirds vote, establish an executive committee composed of five members.

Chairman

3. The chairman of the Régie is chairman of the executive committee *ex officio*.

Members

The two delegates of the city of Saint-Hyacinthe are members of the committee *ex officio*.

Members.
Resolution

The other members of the committee are appointed by resolution of the board of directors from among its members for a renewable one-year term of office.

Vice-
chairman

The board of directors shall appoint a vice-chairman from among the members of the committee; the vice-chairman shall exercise all

the powers of the chairman in the latter's absence or where the office is vacant.

Quorum

4. Three members shall constitute a quorum of the executive committee. Every person presiding over the executive committee is entitled to vote but is not required to do so; every other member of the executive committee is required to vote, unless he is prevented from voting by reason of his interest in the matter concerned under the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2). In the case of a tie-vote, the decision shall be held to be negative.

In camera sittings

5. The committee sits *in camera*, unless it considers it advisable to have a public sitting or the board of directors requires a public sitting.

Attendance

In all cases, the members of the board of directors may attend the sittings.

Secretary

6. The secretary of the Régie shall act as secretary of the committee.

Vacancies

7. Any vacancy on the committee shall be filled by the board of directors within 30 days.

Resignation of a member

8. The resignation of a member of the committee shall be effective from the day of its delivery to the secretary.

Powers

9. The board of directors, by by-law passed by a two-thirds vote, may delegate to the executive committee any power other than the power to make by-laws. It may also determine on what matters the executive committee must, at its request, issue an opinion.

Exceptions

However, the board of directors may not delegate to the committee the appointment or the fixing of the salary of an employee assigned to a position the holder of which is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27), or the awarding of a contract whose amount exceeds \$10 000.

Internal management

10. Subject to approval by the board of directors, the executive committee must make rules for its internal management and may amend them whenever it finds it advisable to do so.

Minutes

11. The minutes of the votes and deliberations of the executive committee shall be drawn up and entered in a book kept for that purpose by the secretary of the committee, be signed by the secretary and the chairman of the committee after having been approved at the

following sitting, and shall be open for the inspection of any taxpayer who wishes to examine them.

Turn-key
contracts

12. Notwithstanding section 468.51 of the Cities and Towns Act (R.S.Q., chapter C-19) insofar as the Régie may be governed by the provisions of sections 573 and 573.1 of that Act, the Régie may, in the exercise of its jurisdiction and without any further formality other than the prior authorization of the Minister of Municipal Affairs, enter into a turn-key contract.

Manage-
ment con-
tracts

Similarly, the Régie may enter into any contract whose object is the management of all or part of the facilities built under the first paragraph.

Terms

13. The turn-key contract entered into under the first paragraph of section 12 shall entrust the contracting partner with the responsibility of designing the facilities required for the exercise by the Régie of its jurisdiction in matters of waste management and disposal, and of building and operating such facilities for a period specified in the contract.

Terms

The contract shall state the objectives set by the Régie and, where applicable, the cost limits and other conditions with which the facilities and management thereof must comply. The contract may also entrust the contracting partner with the responsibility of ensuring the long-term financing of the facilities.

Non-
applicability
of c. T-14

14. The Municipal Works Act (R.S.Q., chapter T-14) does not apply to work carried out under a turn-key contract.

Loans

15. Notwithstanding sections 468.37 to 468.39 of the Cities and Towns Act or, where applicable, articles 606 to 608 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), the Régie may, by by-law requiring only the approval of two-thirds of the member municipalities and that of the Minister of Municipal Affairs, contract loans to provide for the payment of fees and other preliminary expenses related to the carrying out of its objects, other than the acquisition of immovable property.

Tariff

16. The Régie may fix, by by-law and according to any method it considers appropriate, the tariff of contributions, prices or duties payable by member municipalities or other persons or classes of persons in respect of services rendered or the use of installations.

Prohibited
practices

17. The Régie may not accept waste and sludge not generated on its territory, except if it constitutes materials that may be recycled, recovered or valorized and if it is not intended to be eliminated.

Powers

18. The Régie may, by by-law, in respect of a member municipality,

(1) determine which waste must be collected by the municipality or on its behalf;

(2) determine, from the waste mentioned in subparagraph 1, which waste it intends to accept;

(3) determine which sludge must be collected;

(4) prescribe the terms and conditions for the collection, transportation, delivery and acceptance of the waste and sludge referred to in subparagraphs 2 and 3 and designate any installation or site, as the case may be, for the delivery of such waste and sludge.

Non-applicability of provisions

Subparagraphs 1 and 2 of the first paragraph do not apply before 1 January 1998 to waste from industrial or commercial activities.

Contract for removal of sludge or waste

19. The Régie may require of any member municipality that, until the methods of collection and disposal of specified waste or sludge are approved by the Régie, no contract for its removal be awarded or renewed by the municipality.

Applicability of provision

20. Section 477 of the Cities and Towns Act, adapted as required, applies to the Régie.

Coming into force

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