

NATIONAL ASSEMBLY

THIRD SESSION

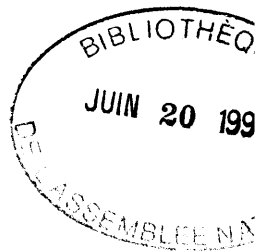
THIRTY-FOURTH LEGISLATURE

Bill 296
(Private)

An Act respecting Ville de Laval

Introduction

Introduced by
Mr Jean A. Joly
Member for Fabre



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Bill 296

(Private)

An Act respecting Ville de Laval

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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.

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.

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

2. The by-laws of the company, as well as any shareholders' agreement, must be approved by the Minister of Municipal Affairs.

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.

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

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.

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.

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.

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*.

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).

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.

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).

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

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

and paragraph of article 2847 of the Civil Code of Québec and the presumption established by the first paragraph.

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

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

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

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

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 covered by this Act.

14. This Act comes into force on *(insert here the date of the coming into force of this Act)*.