



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 204
(Private)

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

Introduction

Introduced by
Mr Charles Messier
Member for Saint-Hyacinthe

Québec Official Publisher
1993

Bill 204

(Private)

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

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:

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.

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.

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

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

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.

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.

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.

5. The committee may sit *in camera*, unless the board of directors considers it advisable to require a public sitting.

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

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

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

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

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.

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.

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.

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.

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.

Similarly, the Régie may enter into any contract whose object is the management of all or part of its installations.

13. The turn-key contract must state the objectives contemplated by the Régie and, as the case may be, the cost limits and other general conditions with which the facility must comply as well as those applicable to the management of the facility. The contract entrusts the contracting partner with the responsibility of designing, managing and building a facility that meets such objectives and complies with such limits and conditions. The contract may also make the contracting partner responsible for ensuring the long-term financing of the facility and for operating it for a period fixed in the contract.

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

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.

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.

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.

18. The Régie may, in respect of a member municipality, determine by by-law which waste and sludge must be removed by the municipality or on its behalf, which waste and sludge the Régie intends to accept, prescribe the terms and conditions for the removal, transportation and delivery of waste and sludge, define the terms and conditions of acceptance of the waste and sludge, and designate any installation for its delivery.

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.

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

21. This Act comes into force on (*insert here the date of assent to this Act*).