



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 207

(Private)

An Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal

Introduction

**Introduced by
Mr Claude Dauphin
Member for Marquette**

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(Private)

An Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal

WHEREAS it is expedient to grant certain powers to the Régie intermunicipale de gestion des déchets sur l'Île de Montréal, established by order of the Minister of Municipal Affairs, published in the *Gazette officielle du Québec* on 25 May 1985;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 468.10 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended, for the Régie intermunicipale de gestion des déchets sur l'Île de Montréal, by replacing paragraph 2 by the following paragraph:

“(2) the place of its head office, which may be situated elsewhere than in the territory of one of the municipalities that are parties to the agreement;”.

2. The said Act is amended for the management board by inserting, after section 468.16.1, the following sections:

“468.16.1 The board of directors of the management board may, by by-law adopted by a majority of two-thirds of the votes cast, constitute an executive committee composed of seven members. In that case, the powers of the management board are exercised by the board of directors, except in respect of the matters within the competence of the executive committee.

“468.16.2 The chairman of the management board is *ex officio* chairman of the committee. The other members of the committee are

appointed by resolution of the board of directors from among its members, for a renewable term of one year.

“468.16.3 The quorum of the committee is four members.

“468.16.4 The secretary of the management board is *ex officio* secretary of the committee.

“468.16.5 The powers of the committee are as follows:

(1) to accept, for the purposes of the management board, any transfer of movable or immovable property made by gratuitous title;

(2) to cancel any balance of credits placed at its disposal when the purposes for which such credits were voted are achieved;

(3) to make resolutions concerning all litigious matters and give the attorneys of the management board the requisite instructions concerning such matters;

(4) with the prior approval of the Minister, to prescribe uniform accounting methods and procedures applicable to the member municipalities of the management board in all matters under the jurisdiction of the management board;

(5) to authorize the making of a contract with a view to enabling the management board to own, acquire or use, during the execution of works within its jurisdiction, a servitude or any other right necessary or useful for such execution;

(6) to strike out from the books of account of the management board any claim that, according to a report of the treasurer, is *de facto* or *de jure* a bad debt;

(7) to appoint all the officers of the management board and fix their salaries and other conditions of employment;

(8) to authorize the payment of all sums due by the management board, while observing the formalities, restrictions and conditions prescribed by this Act.

“468.16.6 The credits voted by the board of directors of the management board by way of the budget, out of the authorized loans or otherwise, remain at the disposal of the executive committee, which shall see that they are used for the purposes for which they were voted, without further approval by the board of directors.

“468.16.7 The executive committee may, with the approval of the board of directors, make a by-law respecting its government and its internal management.

“468.16.8 The executive committee may award any contract for professional services regardless of the amount, and any other contract involving an expenditure of less than \$50 000.

However, where it involves an expenditure of more than \$5 000 but less than \$50 000, no insurance contract or contract for the performance of work or the supply of equipment or materials or the providing of services other than professional services may be awarded except after a call for tenders by way of written invitation to at least two contractors, suppliers or insurers, as the case may be.

For the purposes of the second paragraph, a contract for the supply of equipment includes a contract for the lease of equipment with an option to purchase.

The executive committee may, after a call for public tenders by advertisement in a newspaper having general circulation in the territory of the management board, award a contract under the second and third paragraphs involving an expenditure of \$50 000 or more, in accordance with the provisions of this Act.”

3. Section 468.26 of the said Act is amended for the management board by adding, at the end, the following paragraph:

“Notwithstanding the first paragraph, the management board may, by by-law, establish a remuneration payable in the form of an attendance allowance to the members of the board of directors and the executive committee.”

4. Section 468.32 of the said Act is amended for the management board by replacing paragraph 2 by the following paragraph:

“(2) acquire immovables by agreement or expropriation, within a radius of 200 kilometres outside the territory over which it has jurisdiction;”.

5. Section 468.34 of the said Act is amended for the management board by replacing the word “by-law” in the first line of the third paragraph by the word “resolution”.

6. Where the management board makes a call for tenders or bids, a sum of money established by resolution may be remitted to

the tenderers or bidders to be applied to the preparation of their respective tenders or bids.

7. The management board, in exercising its powers, is authorized to make any agreement with public or private enterprise, according to certain terms and conditions and for a period of not more than 20 years.

8. The management board is authorized to indemnify every municipality in which a waste disposal site is situated to compensate for certain inconveniences owing to such waste disposal site.

9. The management board is authorized to make agreements with the Minister of the Environment concerning the disposal of toxic substances and to establish recycling programs or any other program concerning new recycling technologies.

10. All waste of the member municipalities of the management board belongs to the management board, except substances recognized as recyclable, which remain the property of the municipality.

11. The management board may enter into a convention with the Minister of Municipal Affairs and the Minister of the Environment under which it is authorized by them to negotiate a contract of the kind known as a "turn-key contract", in exercising its competence in matters of waste management and disposal.

The management board and the Ministers may agree upon conditions in respect of the contract, the contracting partner or the manner of selecting the contracting partner.

12. The turn-key contract shall state the objectives contemplated by the management board and, where such is the case, the cost limits and other general conditions with which the project must conform.

The contract confers on the contracting partner the responsibility of designing a project that meets the objectives and conforms with the limits and conditions, of building the project and of operating it for a period fixed in the contract, which may in no case be less than five years.

The contract may also confer on the contracting partner the responsibility of ensuring long-term financing of the facilities.

13. After entering into a convention with the Ministers, the management board may negotiate a turn-key contract without being required to make a call for tenders, notwithstanding sections 573 and 573.1 of the Cities and Towns Act.

14. The management board shall submit to the Ministers the draft turn-key contract it has negotiated following the convention.

If the Ministers give their approval, the management board may make the contract, which requires no other approval.

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

16. Sections 12, 13, 14, 15 and 16 have effect from 1 September 1988.

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