

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 268

(PRIVATE)

An Act respecting the town of Fermont

First reading

Second reading

Third reading



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QUÉBEC OFFICIAL PUBLISHER

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(PRIVATE)

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WHEREAS it is in the interest of the town of Fermont that its powers be increased to allow it to preserve, guarantee and further the socioeconomic interests of the population of this northern town, considering its special geopolitical context;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The town of Fermont, hereinafter called “the town”, is authorized to acquire or construct immoveables for the establishment and operation of a commercial and community centre; for such purposes it may contract loans, of up to five million dollars, requiring only the approval of the Commission municipale du Québec and the Minister of Municipal Affairs.

2. The town is authorized to entrust a corporation created under this act with the administration of that centre.

Any agreement therefor shall not exceed a term of ninety-nine years. Such an agreement, if it entails deficit sharing for the town, must limit the annual amounts of such sharing to the annual amount of the real estate taxes imposed on such immovable; in that case, the agreement must also provide that, if there is any profit, the sharing for the town must not be less than fifty per cent, less the deficits of previous years, if such is the case.

For the purposes of such agreement, the administrative expenses shall not include the reimbursement in principal and interest of loans contracted for the construction, acquisition and improvement of the commercial and community centre.

3. The town, once all the sums required for the acquisition, construction or improvement of the commercial and community

centre have been repaid in full, both in principal and in interest, may cede and transfer ownership of the commercial and community centre to the corporation created under this act for such consideration as may be approved by the Commission municipale du Québec and the Minister of Municipal Affairs.

4. A corporation, hereinafter called “the corporation” is created under the name of “Place Fermont”.

5. Place Fermont is a corporation within the meaning of the Civil Code and has the general powers of such a corporation and the special powers conferred upon it by this act.

6. The object of the corporation is to administer and operate the commercial and community centre acquired by the town.

Furthermore, the corporation may provide services pertaining to the knowledge and experience it has acquired in fields connected with its activities.

7. The corporation may do anything useful for the achievement of its aims and may in particular,

(a) acquire, lease, own, improve, maintain and administer immoveables and alienate them;

(b) make loans by notes, bonds or other obligations, at such rates of interest and on such other conditions as are determined by the Commission municipale du Québec and the Minister of Municipal Affairs;

(c) make by-laws respecting the exercise of its powers, its internal management and the powers and duties of its personnel;

(d) establish by by-law, committees to examine such questions as it may determine and, if necessary, confer on them the exercise of certain powers.

8. The property administered by the corporation, until transferred, ceded or conveyed to the latter, shall form part of the public domain, but the performance of the obligations of the corporation may be levied against its property.

The corporation binds none but itself when it acts in its own name.

9. The corporation shall have its corporate seat in the town of Fermont. The board of directors shall not hold its sittings elsewhere unless the members of the board of directors agree thereto unanimously.

10. The board of directors of the corporation shall be composed of five members appointed by the municipal council, including the mayor and the manager, who are members *ex officio*, and at least two residents of the municipality.

11. The members of the board of directors of the corporation shall receive no salary as such; they may be indemnified, in conformity with the by-laws made by the corporation, for the expenses incurred by them to attend the meetings.

12. The mayor of the town shall act as chairman of the corporation and the manager, as secretary.

The day to day administration of the corporation comes under the secretary who shall also act as general manager.

13. The term of office of the members of the board of directors of the corporation is two years from the date on which they are appointed, except the chairman and the secretary who shall act as such during their respective terms of office as mayor and manager.

14. No member of the board of directors of the corporation shall, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting his personal interest in conflict with that of the corporation.

However, such forfeiture shall not be incurred if such interest devolves to him by succession or gift provided that he renounces or disposes of it with all possible dispatch.

15. If the chairman is absent, ill or unable to act, he shall be replaced by the vice-chairman or, if the latter is absent, ill or unable to act, by the secretary of the corporation.

16. If a member of the board of directors of the corporation is absent, ill or unable to act, the municipal council may appoint a new member.

17. Three members are a quorum at the meetings of the board of directors of the corporation, and the chairman or, if he is absent, the vice-chairman must be present. In the case of a tie-vote, the chairman or the vice-chairman has a casting vote.

18. This Act comes into force on the day of its sanction.