



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 205
(Private)

**An Act respecting the special board of
delegates of the regional county
municipalities of Vaudreuil-Soulanges,
Beauharnois-Salaberry and
Haut-Saint-Laurent**

Introduction

Introduced by
Mr Serge Marcil
Member for Salaberry-Soulanges

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Bill 205

(Private)

An Act respecting the special board of delegates of the regional county municipalities of Vaudreuil-Soulanges, Beauharnois-Salaberry and Haut-Saint-Laurent

WHEREAS the regional county municipalities of Vaudreuil-Soulanges, Beauharnois-Salaberry and Haut-Saint-Laurent have established a special board of delegates to operate a common waste management system;

Whereas it is expedient that certain powers be granted to that board;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The special board of delegates established by the agreement signed on 16 March 1989 by the regional county municipalities of Vaudreuil-Soulanges, Beauharnois-Salaberry and Haut-Saint-Laurent forms a legal person of public right, called “Bureau des délégués spécial Vaudreuil-Soulanges — Beauharnois-Salaberry — Haut-Saint-Laurent”, which is hereinafter referred to as the “Board”.

2. The Board is a corporation within the meaning of the Civil Code. It is vested with the general powers of such a corporation and the special powers conferred by this Act.

3. The head office of the Board is located in the town of Beauharnois.

4. The affairs of the Board are administered by a board of directors composed of delegates from the regional county municipalities in whose territory it has jurisdiction.

The number of delegates from each regional county municipality is as fixed in the agreement.

5. The Board may, by by-law approved by the regional county municipalities in whose territory it has jurisdiction,

(1) appoint one or more delegates who are not members of the council of a regional county municipality provided that such delegates do not form the majority of the members of the board of directors;

(2) decide that the aliquot shares of the regional county municipalities relative to the expenses of the Board constitute an investment refundable on the conditions and in accordance with the terms prescribed in the by-law;

(3) change its name and the place of its head office.

The delegates appointed under subparagraph 1 of the first paragraph are not entitled to vote and are not considered members of the Board for the purpose of the establishment of the quorum.

If a by-law under subparagraph 2 of the first paragraph is in force, a regional county municipality may, by by-law, declare that it applies, adapted as required, to the aliquot shares of the local municipalities relative to the expenses of the Board.

Notice of a by-law under subparagraph 3 of the first paragraph must be published in the *Gazette officielle du Québec*.

6. The Board may also, by by-law approved by the regional county municipalities in whose territory it has jurisdiction,

(1) establish an executive committee and determine its composition and operating rules;

(2) fix the remuneration of the delegates which replaces, where applicable, that fixed by the regional county municipalities under section 204 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) and fix the additional remuneration of the members of the executive committee;

(3) provide for the reimbursement of the expenses of its members and the members of the executive committee in accordance with

sections 25 to 30 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), adapted as required, and reimburse them for expenses incurred to attend meetings.

The executive committee established under subparagraph 1 of the first paragraph is governed, subject to the said subparagraph 1, by articles 123 to 127 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), adapted as required. Notwithstanding the foregoing, the Board may delegate to the executive committee the awarding of any contract, including contracts the amount of which exceeds \$10 000.

7. The Board and any local municipality may, by by-law, authorize the conclusion of an agreement relating to a waste management system. The agreement must be approved by the Commission municipale du Québec and by the regional county municipalities in whose territory the Board has jurisdiction.

8. Notwithstanding articles 935 and 936 of the Municipal Code of Québec, the Board is authorized to conclude, with the prior authorization of the Minister of Municipal Affairs and the Minister of the Environment, a contract of the kind known as a “turn-key contract”, in exercising its jurisdiction in matters of waste management and disposal, without being required to make a call for tenders.

9. The turn-key contract shall state the objectives contemplated by the Board and, where such is the case, the cost limits and other general conditions with which the waste disposal facility must conform and other general conditions applicable to the operation of the facility. The contract shall confer on the contracting partner the responsibility of designing a waste disposal facility that meets the stated objectives and conforms with the stated limits and conditions, of building the facility 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 facility.

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

11. The Board is a municipality within the meaning of the Environment Quality Act (R.S.Q., chapter Q-2).

12. Notwithstanding section 205 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the compensation imposed under

that section on the immovables of the Board may exceed \$0.50 per \$100 of assessment.

13. Articles 14.1, 176, the first paragraph of section 176.1, article 549 except the third paragraph of subsection 7, articles 582 to 584, 586 and 587, 590 to 594, 596 to 601, 602 except the second sentence of the second paragraph, 603 to 606, 609 to 613, the first paragraph of article 614, articles 615 to 619, 622 and 623, 704, 706 to 711, 935 to 938, 961, 961.1, 966 to 966.4, 1076, 1093 and 1094 of the Municipal Code of Québec, sections 22 and 23 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), sections 1, 2, 4 to 8, 12 to 44 and 50 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7), section 21 of the Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1) and sections 204.4 and 204.5 of the Act respecting land use planning and development apply to the Board, adapted as required.

14. Notwithstanding section 13, the Minister of Municipal Affairs may, on the conditions he determines, exempt the Board from calling for tenders for the awarding of certain contracts or classes of contracts.

15. Subject to this Act, the agreement referred to in section 1 may be amended in accordance with the Municipal Code of Québec.

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