

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 257
(PRIVATE)

**An Act to incorporate the Régie d'exploitation de la centrale
de traitement d'eau Chambly-Marieville-Richelieu**

First reading
Second reading
Third reading

M. JACQUES BEAUSÉJOUR

L'ÉDITEUR OFFICIEL DU QUÉBEC

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(PRIVATE)

An Act to incorporate the Régie d'exploitation de la centrale de traitement d'eau Chambly-Marieville-Richelieu

WHEREAS the city of Chambly and the towns of Marieville and Richelieu have by their petition represented that it is expedient and in the public interest to incorporate the Régie d'exploitation de la centrale de traitement d'eau Chambly-Marieville-Richelieu;

Whereas the petitioners have prayed for the passing of an act for such purpose and it is expedient to grant their prayer;

Therefore, Her Majesty, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

TITLE I

INCORPORATION OF THE RÉGIE

1. A public corporation hereinafter called the "Régie" is hereby incorporated under the name of "Régie d'exploitation de la centrale de traitement d'eau Chambly-Marieville-Richelieu".

2. The Régie is a corporation within the meaning of the Civil Code and has the general powers of such a corporation and the special powers conferred on it by this act.

3. The head office of the Régie shall be in the town of Carignan, at 3192 Ste-Thérèse street; however, the Régie may, by by-law, transfer it to another locality with the approval of the corporations of the city of Chambly and the towns of Marieville and Richelieu; such a change comes into force upon publication of a notice to that effect in the *Gazette officielle du Québec*.

4. All the revenues of the Régie shall serve to meet its obligations and operate, maintain, improve, upkeep and manage its water treatment plant and its drinking-water supply system.

The Régie has jurisdiction in the territory of the city of Chambly and the towns of Richelieu and Marieville.

5. The Régie consists of the municipalities of the city of Chambly and the towns of Marieville and Richelieu.

Each of them is represented by two members, one of whom is the mayor and a councillor it designates from time to time.

When the mayor is absent or refuses or is unable to act, the acting mayor shall replace him.

6. The Régie shall appoint a president from among the mayors sitting thereon.

7. The term of office of the president is one (1) year.

8. The president of the Régie shall preside at the meetings and conduct the proceedings. He shall maintain order and decorum.

9. A majority of the members of the Régie, including the president, are a quorum for dispatching business.

10. A majority of the members who are present at the meetings of the Régie shall decide the questions and matters submitted to it.

11. Each member has one vote and is bound to vote. The president may vote but is not bound to do so. In case of a tie, the decision is deemed to be in the negative.

12. However, no member shall vote on any matter in which he has, by himself or his associate, any interest. In case of a dispute, the Régie shall decide whether the member has a personal interest in the matter and such member shall not vote in determining whether he has such an interest.

13. The Régie shall appoint a secretary and a treasurer.

It shall also appoint, during the month of December each year, an auditor to audit its books and accounts for the ensuing year.

14. The Régie shall meet at the written or verbal request of the president or at the request of two of its members sent to the secretary.

The latter shall draw up a notice of convocation indicating briefly the matters to be submitted at the meeting. A copy of the notice shall be mailed to the address of each member at least two (2) clear days before the meeting.

15. At a meeting, only the matters specified in the notice of convocation shall be considered, unless all the members of the Régie are then present and agree to derogate therefrom.

16. Every member of the Régie present at a meeting may waive the notice of convocation.

17. The Régie may make by-laws for its internal management and the conduct of its affairs.

18. The minutes of sittings approved by the Régie and certified by the secretary make proof of their content.

19. The secretary of the Régie shall send to the clerk or the secretary-treasurer of the city of Chambly and the towns of Marieville and Richelieu a certified copy of the minutes of each meeting within fifteen (15) days after their approval.

20. The members of the Régie shall receive no salary but may be reimbursed for the authorized expenses effectively incurred in the discharge of their duties.

TITLE II

OBJECTS AND POWERS

21. The objects of the Régie are the operation, upkeep, maintenance and management of a water treatment plant and a drinking water supply system for the municipalities of the city of Chambly and the towns of Marieville and Richelieu, erected on the territory of the town of Carignan.

22. In addition, the Régie may construct, own, improve and use, on its own immoveables or those of which it has enjoyment or possession, buildings, dams, conduits or any other work designed to improve its water treatment and distribution system or contribute to the construction or improvement of such works.

23. The Régie may acquire by agreement or expropriation, subject to the Expropriation Act (1973, chapter 38), any immovable, part of an immovable or real right which it needs to achieve its objects within the limits of the territory of the city of Chambly and the towns of Marieville and Richelieu, subject to section 41 of

the Environment Quality Act (1972, chapter 49), within a radius of forty-five kilometres outside that territory.

24. The Régie is deemed to be the mandatary of each municipal corporation contemplated in section 5 for the purposes of paragraph 3 of the first paragraph of section 18 of the Real Estate Assessment Act (1971, chapter 50).

25. The Régie shall administer and manage the immoveables and works described in the schedule and those necessary for the achievement of its objects which it may from time to time be entrusted with by the municipalities of the city of Chambly and the towns of Marieville and Richelieu.

26. The Régie has also the custody, use and enjoyment of a rock-fill dam erected in the Richelieu river above the city of Chambly, of the moveable property, the machinery, engines and equipment used in the operation of the Chambly-Marieville-Richelieu water treatment plant.

This dam is described in detail in the plans registered in the registry office of Rouville, at Marieville, under number 131294.

27. The Régie may dispose of any moveable property the value of which does not exceed \$500 according to the treasurer's report; it may also dispose, by onerous title, auction, public tender or in any other manner approved by the Commission municipale du Québec, of any moveable or immoveable property if it is no longer needed.

28. The Régie shall supply water to the municipalities contemplated in section 5.

The Régie may supply water to any municipal corporation or person applying therefor to it, at such rates and on such conditions as are fixed by agreement.

29. (1) Unless it involves an expenditure of less than \$25,000 no insurance contract or contract for the performance of work or the supply of equipment or materials or the furnishing of services other than professional services may be awarded except after a call for public tenders by advertisement in a newspaper.

(2) The delay for the receipt of tenders shall not be less than eight days.

(3) Tenders shall not be called for nor shall the contracts resulting therefrom be awarded except on one or the other of the following bases:

- (a) for a fixed price;
- (b) at unit prices.

(4) All tenders must be opened publicly in the presence of at least two witnesses, on the day and at the time and place mentioned in the call for tenders.

(5) All those who have tendered may be present at the opening of the tenders.

(6) The names of the tenderers and their respective prices must be mentioned aloud at the opening of the tenders.

(7) The Régie shall not, without the prior authorization of the Ministre des affaires municipales, award the contract to any person other than the person who submitted the lowest tender within the prescribed delay.

(8) If, however, to comply with the conditions for the making of a government grant, it is necessary that the contract be awarded to any person except the one who made the lowest tender within the prescribed delay, the Régie may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the persons fulfilling those conditions, if that tender was made within the prescribed delay.

30. In case of irresistible force of such a nature as to imperil the life or health of the population or seriously damage the equipment of the Régie or of its mandators, the president may order any expenditure deemed necessary and award any contract necessary to remedy the situation. In such case, the president must make a report of such action and the reasons therefor to the Régie at its next sitting.

TITLE III

FINANCIAL PROVISIONS

31. The fiscal period of the Régie begins on 1 January and ends on 31 December each year.

The Régie shall prepare its budget each year for the ensuing fiscal period and send it for adoption before 1 August to the city of Chambly and the towns of Marieville and Richelieu.

If the budget of the Régie has not been adopted on 1 October by the city of Chambly and the towns of Marieville and Richelieu, it comes automatically into force on that date.

32. However, if the budget comes automatically into force under the preceding section without having been adopted by the

council of the city of Chambly and of the towns of Marieville and Richelieu, any of them may apply to the Commission municipale du Québec by way of a petition served on the Régie and filed at the Commission not later than on the following 1 November to have that budget amended in whole or in part.

The Commission municipale, after notice has been given, shall hear the Régie and the municipalities contemplated in section 5 which have applied therefor and render its decision before the ensuing 1 December.

33. The Commission municipale may confirm or amend the budget. Nevertheless, it shall not amend the budget unless it is convinced that such budget entails serious prejudice to the rate-payers.

It may order the party which it designates to pay such amount as it considers equitable to meet the expenses incurred for such appeal; the order for such purpose shall be homologated upon a motion to the Provincial Court or the Superior Court according to their respective jurisdictions; the order so homologated shall be executory in the same manner as a judgment of such a court.

It may also make any interlocutory order to safeguard the rights of the interested parties during the suit.

34. During a fiscal period, the Régie may prepare any supplementary budget it deems necessary.

The secretary shall forward within 15 days, to the city of Chambly and the towns of Marieville and Richelieu, a copy of that budget for adoption.

If the budget is not adopted within sixty days after it has been forwarded, it shall automatically come into force at the end of that delay; sections 32 and 33 apply, then, *mutatis mutandis*, to the supplementary budget.

35. The Régie, by a by-law approved by the Ministre des affaires municipales and the Commission municipale du Québec, may contract loans for all purposes within its jurisdiction, by means of notes, bonds or other securities.

36. The bonds, notes and other securities issued by the Régie are authorized investments within the meaning of paragraph *a* of article 981o of the Civil Code.

37. The municipalities contemplated in section 5 are jointly and severally liable toward the holders of bonds, notes and other securities issued by the Régie for the repayment of such bonds,

notes and other securities, in principal, interest and other accessories, and for all other obligations contracted by the Régie toward such holders.

38. The bonds, notes and other securities of the Régie shall be signed by the president or the secretary or, if the secretary is absent or unable to act, by the person designated for such purpose by by-law of the Régie.

39. The facsimile of the signature of the president may be engraved, lithographed or printed on the bonds and such facsimile has the same effect as if the signature itself had been affixed thereto.

The facsimile of the signature of the president and the secretary of the Régie may be engraved, lithographed or printed on the bond coupons issued by the Régie and such facsimile has the same effect as if the signature itself had been affixed thereto.

If a person whose signature or a facsimile of whose signature is affixed to a bond, note or other security of the Régie or on a coupon, as president or secretary of the Régie, ceases to act as such before such bond, note, other security or coupon is issued and delivered, that signature is nevertheless valid and binds the Régie as if such person had continued to act in that capacity on the date of such issue and delivery and the signature or facsimile of the signature of any person acting in that capacity on the date when such signature or facsimile of the signature is affixed to a bond, note, coupon or other security of the Régie binds it although on the date of such bond, coupon, note or other security, such person was not acting in that capacity.

The president and the treasurer shall sign the cheques issued by the Régie. The facsimile of the signature of the president and the treasurer may be engraved, lithographed or printed on the cheques with the same effect as if the signature itself had been affixed thereto.

40. The funds appropriated by way of a budget for specified work during a fiscal period shall remain available during the ensuing fiscal period for the carrying out of such work whether such work is begun or not.

41. Any surplus or deficit of a fiscal period shall be entered in the revenues or expenditures of the budget of the following fiscal period, in conformity with the report of the auditors, the whole thereof subject to the adoption of a supplementary budget.

42. The expenses of the Régie, including those resulting from the payment of interest on and amortization of loans, shall be charged to the city of Chambly and the towns of Marieville and Richelieu.

42a. The Régie shall mail, at the beginning of each trimester, to each of the municipalities contemplated in section 5, a demand for payment stating the quantity of water supplied and the amount due. The latter is payable within thirty days after the mailing of the demand for payment.

43. Each year, in the month of October or, if there is appeal, not later than on 15 December, the Régie shall determine by resolution the share payable by each of the municipalities contemplated in section 5 and give them notice thereof.

That share is established on the basis of the proportion represented by the quantity of water supplied during the preceding fiscal period to each municipality contemplated in section 5 in relation to the total quantity supplied during the same period to those municipalities.

44. Each of the municipalities contemplated in section 5 shall, within sixty days from receiving that notice, pay to the Régie the amount of its share. At the end of the delay, unpaid shares bear interest at the rate provided in the budget.

45. Each of the municipalities contemplated in section 5 may impose, for the purposes of paying the share contemplated in sections 43 and 45, a special tax based on one or more of the methods provided for in section 522 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193).

TITLE IV

VARIOUS PROVISIONS

46. Sections 24, 24a and 25 of the Municipal Commission Act (Revised Statutes, 1964, chapter 170) and sections 2, 4 to 8, 12 to 43, 49 and 50 of the Municipal and School Debt and Loan Act (Revised Statutes, 1964, chapter 171) apply, *mutatis mutandis*.

47. The Environment Quality Act (1972, chapter 49) applies to the Régie.

48. The Ministre des affaires municipales is responsible of the application of this act.

TITLE V

TRANSITORY PROVISION

49. For the purposes of the budget for the fiscal year 1980, the treasurer of the city of Chambly shall determine, in a certificate, the quantity of water actually supplied to each of the municipalities contemplated in section 5 with a view to establishing the shares provided for in section 44.

50. This act comes into force on the day of its sanction.

SCHEDULE

DESCRIPTIONS

(a) Certain lots situated in the parish municipality of Saint-Joseph-de-Chambly, in the county of Chambly; known and designated under number one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-five and one thousand seven hundred and sixty-six of the official subdivision of original lot three hundred and fifteen (315-1763, 1764, 1765 and 1766) of the official cadastre of the parish of Saint-Joseph-de-Chambly, registration division of Chambly.

(b) A strip of land also situated in the said parish municipality; measuring fourteen feet (14') in width, English measure, its depth being the distance between highway No. 47 (Chambly-St-Jean) and the Richelieu river; comprising

(1) part of lot number two hundred and seven of the official subdivision of original lot three hundred and fifteen (315-Pt 207) of the same official cadastre;

(2) part of a road, abandoned at the time the provincial roads department built highway No. 47, formerly the road fronting Ste-Thérèse range, which became the property of the owner of the land from which the abandoned road had been detached, under the provisions of the Municipal Code respecting ownership of discontinued roads, which part of the abandoned road is not designated by a number on the official cadastre;

(3) an undivided part of original lot three hundred and fifteen (315 Pt) of the said cadastre, comprised between that former public road and the Richelieu river; such strip of land (315-Pt 207, part of a discontinued road and 315-Pt) bounded as follows: on the southwest by highway No. 47; on the northwest by the remainder of lot number two hundred and seven of the official

subdivision of original lot three hundred and fifteen (315-Pt 207), the remainder of that discontinued road and the remainder of the undivided part of original lot three hundred and fifteen (315 Pt), still owned by Mr and Mrs Francis Price or their representatives; on the northeast by the Richelieu river; and on the southeast by part of lot number three hundred and seventeen (317 Pt) owned by Mrs Blanche Durocher or her representatives.

(c) Part of lot number three hundred and fifteen (315 Pt) of the said cadastre, bounded as follows: on the north by another part of the said lot 315 owned by Mr Harbec, on the east by subdivisions numbers one thousand seven hundred and fifty-nine, one thousand seven hundred and sixty, one thousand seven hundred and sixty-one, one thousand seven hundred and sixty-two, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-five and one thousand seven hundred and sixty-six of the said lot three hundred and fifteen, on the south by subdivisions numbers two hundred and nine and two hundred and ten of the said lot three hundred and fifteen, and on the west by subdivision number two hundred and eleven of the said original lot number three hundred and fifteen.

(d) Subdivisions number two hundred and nine, two hundred and ten and two hundred and eleven of original lot number three hundred and fifteen of the said cadastre.

(e) Part of subdivision number two hundred and eight of original lot number three hundred and fifteen (315-Pt 208) of the said cadastre, bounded as follows: on the east by land owned by the provincial roads department, on the south by part of lot 317 of the said cadastre, on the west by subdivision number two hundred and nine of the said lot number three hundred and fifteen of the said cadastre and on the north by subdivision number one thousand seven hundred and sixty-six of original lot number three hundred and fifteen.

With every construction thereon erected and, in particular, the water treatment plant, including dependancies.

The whole as found presently with all the active and passive, apparent or unapparent, servitudes encumbering the said immoveable.