

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 200
(Private)

An Act respecting Municipalité régionale de comté du Bas-Richelieu

Introduction

Introduced by
Mr Serge Deslières
Member for Salaberry-Soulanges

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Bill 200

(Private)

AN ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE COMTÉ DU BAS-RICHELIEU

WHEREAS Municipalité régionale de comté du Bas-Richelieu adopted a resolution on 9 May 1990 affirming its jurisdiction in respect of the municipalities in its territory with respect to the providing of a regional solid waste management service;

Whereas the regional county municipality adopted Resolution No. 90-286 on 12 November 1990 awarding a contract to Conporec inc. for the collection, transportation, reclamation and disposal of household waste over a period of 20 years beginning on the date on which the contract was signed;

Whereas the Municipal Code of Québec (R.S.Q., chapter C-27.1) provides that local municipalities may cease to be subject to a jurisdiction exercised by a regional county municipality;

Whereas difficulties have been raised by Ville de Tracy regarding the exercise of such a right of withdrawal in relation to the affirmation and exercise of jurisdiction as regards the management of waste by Municipalité régionale de comté du Bas-Richelieu;

Whereas doubts have been raised by that city about the validity of the resolutions adopted by the regional county municipality and the contract entered into with Conporec inc.;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Municipalité régionale de comté du Bas-Richelieu, Ville de Tracy and Conporec inc. shall negotiate and enter into an agreement setting out the financial conditions that apply to the service to be provided by Conporec inc. to the local municipalities bound by the jurisdiction of the regional county municipality, the conditions that apply to the exercise of the right of withdrawal by the local municipalities, the conditions under which Conporec inc. is to serve other municipalities, the environmental conditions under which Conporec inc. is to operate its plant, and any other matter relating to waste management and to the contract entered into with Conporec inc.

For that purpose, within 10 days after this Act comes into force, the Minister of Municipal Affairs shall send a notice in writing to the parties to the negotiation provided for in the first paragraph indicating the name of the conciliator appointed by the Minister to negotiate the agreement.

2. If the parties to the negotiation have not entered into an agreement at the expiry of two months after the date on which the Minister sends the notice appointing a conciliator, the conciliator shall, within the following 10 days, send a status report to the Minister.

If the parties enter into an agreement within those two months, the conciliator shall send a conciliation report and a copy of the agreement within 10 days after the date of the agreement.

3. The Minister, at the request of a party or the conciliator, may grant an extension of the time for entering into an agreement.

4. If the parties fail to enter into an agreement within the time provided by section 2 or within the extension provided for in section 3, the Minister shall, within 10 days after the sending of the conciliation report, designate an arbitrator who shall render a decision considered by the arbitrator to be fair, after hearing the interested parties and examining the conciliation report given to the arbitrator by the Minister. The arbitrator may be the Commission municipale du Québec.

5. The arbitrator shall render a decision within 30 days after being designated.

6. The decision rendered by the arbitrator is final and is binding on the parties as well as on the local municipalities that had not exercised their right of withdrawal on 12 November 1990.

7. The provisions of the Code of Civil Procedure (R.S.Q., chapter C-25) respecting the homologation of arbitration awards apply, with the necessary modifications, to the decision of the arbitrator.

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