



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 211

(Private)

An Act respecting the Commission de l'aqueduc de la Ville de La Tuque

Introduced 12 May 1999

Passage in principle 18 June 1999

Passage 18 June 1999

Assented to 19 June 1999

**Québec Official Publisher
1999**

Bill 211

(Private)

AN ACT RESPECTING THE COMMISSION DE L'AQUEDUC DE LA VILLE DE LA TUQUE

WHEREAS the Act to amend the charter of the town of La Tuque and ratify by-law No. 229 of the said town and the contract thereunder entered into by the said town and the Brown Corporation (1937, chapter 117) ratified a contract and by-law pursuant to which a permanent committee was created to manage certain works required to ensure the water supply of the town and the company ;

Whereas the contract has expired but it is expedient to maintain a committee to manage certain municipal works used in the operation of the water supply system of the town ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Notwithstanding any inconsistent provision, certain municipal works of Ville de La Tuque shall be placed under the authority of the Commission de l'aqueduc de la Ville de La Tuque, which shall exercise on behalf of the municipal council all the powers of the council in respect of those works, with the exception of the power to levy taxes or compensations and the power to adopt by-laws.

The municipal works used in the operation of the water supply system of the town to which the first paragraph applies are

- (1) the dam and water intake on Grand Lac Wayagamac ;
- (2) the water supply line between Grand Lac Wayagamac and the company's plant ; and
- (3) the Saint-Joseph pumping station.

In this Act, "company" means the owner of the cardboard manufacturing plant located at 1000, chemin de l'Usine, La Tuque.

2. The Commission de l'aqueduc de la Ville de La Tuque is a legal person directed by a board of directors composed of five members, of whom two shall be designated by the town from among the members of the town's council, two shall be designated by the company, and one shall be co-opted by

the other four members or, if no person is so co-opted, designated by the Commission municipale du Québec.

3. Each member of the board of directors shall serve for a two-year renewable term. At the expiry of their terms, the members shall remain on the board until replaced or reappointed.

Notwithstanding the above, the term of a member designated by the town shall end upon the termination of the member's term as a member of the town's council, and any member designated by the company may be replaced at any time.

4. The members of the board of directors of the Commission shall receive no remuneration; however, they may be reimbursed for the actual amount of any expense incurred in performing functions on behalf of the Commission, subject to presentation of a statement and supporting vouchers.

5. The clerk and the treasurer of the town shall act, respectively, as the secretary and treasurer of the Commission.

6. The quorum at meetings of the board of directors of the Commission shall be four members.

The decisions of the board of directors shall be made by a majority vote. The board shall determine the place, time and frequency of its meetings by way of a resolution.

7. A contract entered into by the town and the company may determine the proportions of the Commission's expenses to be borne respectively by the town and by the company; the proportions applicable in the case of operating and running costs may differ from the proportions applicable as regards capital expenditure.

8. Before 15 September each year, the Commission shall forward a budget for the following year concerning the works under its authority to the town and to the company. The budget shall state the contributions payable by the town and by the company, established in accordance with the proportions, if any, determined in a contract entered into under section 7, and the manner in which the contributions are to be paid. If no such contract is in force at the time the budget is drawn up, the proportions shall be determined by the Commission in the budget; the proportions shall be based on the records of the Commission, the water consumption of each party, and an objective of a fair and stable apportionment of the overall costs. The Commission may provide, in particular, for the use of instruments to measure the actual water consumption of the town and of the company.

The town and the company shall file their assessment of the budget with the Commission not later than the following 1 November. If no negative assessment

is filed by that date, the budget shall be considered to have been adopted as submitted by the Commission.

9. If a negative assessment is filed by the town or the company, the Commission may produce an amended budget; the town and the company shall file their assessment of the amended budget before the date mentioned in a notice to accompany the amended budget.

If no budget has been adopted by 1 January, one-twelfth of the amounts allocated in the budget for the preceding year for the operating and running costs of the Commission shall be deemed to have been adopted for the month of January. The same procedure applies at the beginning of each ensuing month until the budget is adopted.

10. The town and the company shall pay the contributions established in the budget to the Commission in the manner provided for in the budget.

11. If, on 1 January of a given year no budget has been adopted for that year, the Commission municipale du Québec may, on application by the town or the company with notice to the other party, adopt the budget of the Commission after hearing the parties. The provisions of the Code of Civil Procedure (R.S.Q., chapter C-25) relating to the homologation of arbitration awards, adapted as required, apply to the decision of the Commission municipale du Québec.

12. Notwithstanding the contract entered into by Ville de La Tuque and the Brown Corporation on 14 May 1935 and by-law No. 229 of Ville de La Tuque, ratified by chapter 117 of the statutes of 1937, the permanent committee created by that Act shall cease to exist on 19 June 1999 and shall be succeeded by the Commission established under this Act. By virtue of their office, the members of the former permanent committee on that date become members of the board of directors of the new Commission; their terms shall end on 31 December 1999.

13. This Act comes into force on 19 June 1999.

