



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 209

(Private)

An Act respecting the Agence de développement de Saint-Donat

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Passage in principle 14 December 2006

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Assented to 14 December 2006

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(Private)

AN ACT RESPECTING THE AGENCE DE DÉVELOPPEMENT DE SAINT-DONAT

AS it is in the interest of Municipalité de Saint-Donat that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

CREATION OF THE AGENCY

1. For the purposes of this Act,

(1) “Guepar” means the limited partnership known as Guepar S.E.C.;

(2) “Agreement” means the agreement made on 30 November 2006 between Municipalité de Saint-Donat and Guepar, and referred to in resolution 06-11-661, passed by the municipality on 13 November 2006.

2. A development agency to be known as the Agence de développement de Saint-Donat is established.

3. The development agency is a legal person.

4. The development agency has its head office in the territory of Municipalité de Saint-Donat.

Notice of the location or of any change of location of the head office is published in the *Gazette officielle du Québec*.

5. The affairs of the development agency are administered by a board of directors consisting of five members appointed for a term of not more than three years. Two members are appointed by Municipalité de Saint-Donat, two by Guepar, and one jointly by the municipality and Guepar. If the municipality and Guepar fail to agree on the joint appointment, the provisions of the Agreement apply.

6. The board of directors designates a chair from among its members.

7. Board members receive no remuneration. They are, however, entitled to the reimbursement of expenses incurred in the performance of their functions on the conditions and to the extent determined by the development agency.

8. The resignation of a board member takes effect on notification to the development agency.

9. The quorum at board meetings is three members.

10. The chair calls a board meeting at least once every quarter, presides over the meeting and sees to the proper conduct of business.

Two board members may requisition the chair to call a special meeting. The special meeting must be held within five days after the requisition is received.

11. Each board member present at a board meeting has one vote and is required to vote unless prevented from voting on account of a personal interest.

12. If all the board members consent, a board member may participate in a board meeting by means of telephone or other communications facilities that permit all persons participating in the meeting to communicate orally with each other. A person participating in a board meeting by such means is deemed to be present at the meeting.

13. The development agency may hire employees, including a director general, and determine their functions. It may make by-laws determining remuneration standards and scales, employment benefits and other terms of employment for its employees.

14. The development agency may adopt internal management by-laws for the conduct of its business.

15. A board member who has a direct or indirect interest in an enterprise causing the board member's personal interests to conflict with the interests of the development agency must, on pain of forfeiture of office, disclose that interest in writing to the other board members and abstain from participating in any discussion or decision involving the enterprise or in any part of a board meeting during which that interest is discussed.

Neither the director general nor any employee of the development agency may, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing that person's personal interests to conflict with the interests of the development agency.

Forfeiture under the first or second paragraph is not incurred if the interest devolves to a person by succession or gift, provided the person renounces it or disposes of it with dispatch.

16. Section 15 does not apply if

(1) the person's interest resides in the fact that the person is an employee or executive officer of Guepar; or

(2) the person's interest resides in the fact that the person is a member of the council of Municipalité de Saint-Donat or an officer or employee of the municipality.

17. The minutes of board meetings, approved by the board and signed by the chair or the secretary, are authentic. The same applies to any document or copy of a document emanating from the development agency or forming part of its records if certified true by the director general or a person authorized by the board.

CHAPTER II

OBJECT AND POWERS OF THE DEVELOPMENT AGENCY

18. The object of the development agency is to finance, in accordance with the Agreement, the construction of the municipal infrastructures and community equipment described in Schedule D to the Agreement, in the territory referred to in Schedule C to the Agreement.

19. The development agency may, in particular,

(1) enter into contracts with any person for the furtherance of its object; and

(2) solicit and receive gifts, legacies, subsidies or other contributions, provided that any condition attached to them is compatible with the furtherance of its object.

20. The infrastructures and equipment whose construction is financed by the development agency under this Act become the property of Municipalité de Saint-Donat on completion of the work and on fulfillment of the transfer conditions set out in the Agreement.

CHAPTER III

MISCELLANEOUS PROVISIONS

21. The development agency may borrow a maximum amount of \$15,000,000 for the purposes specified in the Agreement, in accordance with the terms of the Agreement. That amount may be increased in accordance with the terms of the Agreement.

22. Municipalité de Saint-Donat is authorized to carry out the Agreement and exercise the rights and fulfill the obligations arising from the Agreement. The municipality has the power to make the payments determined in accordance with the Agreement to the development agency, out of the proceeds of the general property tax it levies or the transfer duties it collects.

23. Municipalité de Saint-Donat and Guepar may amend the Agreement with the authorization of the Minister of Municipal Affairs and Regions.

24. Article 14.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) does not apply to the Agreement.

25. The development agency is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

26. This Act and the Agreement apply despite the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

27. The fiscal year of the development agency ends on 31 December.

28. Once the development agency has fulfilled all its obligations, it must file an application for dissolution with the Minister of Municipal Affairs and Regions. An application for dissolution may also be made in accordance with the terms of the Agreement.

Notice of the application must be published in the *Gazette officielle du Québec* at least 30 days before being filed with the Minister.

The development agency is dissolved by order of the Minister.

Any remaining assets of the development agency devolve to Municipalité de Saint-Donat.

Notice of the dissolution of the development agency must be published by the secretary-treasurer of the municipality in the *Gazette officielle du Québec*. The dissolution of the development agency terminates the Agreement.

29. This Act comes into force on 14 December 2006.

