

SECTION 11B

James Bay Regional Zone Council

(Chapter 11B of the JBNQA was replaced by section 1 of Complementary Agreement no. 24.)

11B.0.1 Definitions: For the purpose of this Section, the following words and phrases shall mean:

1.1 “James Bay Municipality” means the municipality constituted in virtue of the James Bay Region Development Act, L.Q., 1971, c. 34.

1.2 “Category II” means all of Category II lands of the Territory described in Section 4 and included within the territorial limits of the James Bay Municipality.

1.3 “Cree Regional Authority” means the Regional Authority constituted pursuant to Section 11A.

1.4 “James Bay Regional Zone Council” means the moral person created by special provincial legislation for the purpose of municipal administration over Category II lands located within the James Bay Municipality.

JBNQA, par. 11B.0.1
A. corr.

11B.0.2 There shall be established by special provincial legislation the James Bay Regional Zone Council which shall exercise the powers of the James Bay Municipality over Category II lands in accordance with the following provisions.

11B.0.3 The affairs of the James Bay Regional Zone Council shall be administered by a council of six persons, three of whom shall be appointed by and shall represent the Cree Regional Authority and three of whom shall be appointed by and represent the James Bay Municipality.

11B.0.4 The James Bay Regional Zone Council shall exercise its municipal powers in accordance with the provisions of the James Bay Region Development Act and, except as hereinafter provided, shall be deemed to have been delegated all the municipal powers of the James Bay Municipality in respect to Category II lands within the meaning of Section 36 of the James Bay Region Development Act.

11B.0.5 Each member of the James Bay Regional Zone Council shall be appointed for a term of office of two years, unless such member is replaced prior thereto by the body that appointed the replaced member.

11B.0.6 The proceedings of the James Bay Regional Zone Council shall be similar to those authorized for municipal councils under the Cities and Towns Act, subject to the special provisions set forth below.

11B.0.7 For the exercising of municipal powers, administrative officers may be appointed under the control and authority of the James Bay Municipality subject to budget appropriation and such administrative officers may be nominated by the Cree Regional Authority or by the James Bay Municipality. Such officers shall in any event be employees of the James Bay Municipality.

11B.0.8 The James Bay Regional Zone Council shall have the right to enact by-laws concerning all matters contemplated by the Cities and Towns Act subject to appropriate action by the James Bay Municipality and to the provisions of the James Bay Region Development Act.

11B.0.9 The by-laws enacted by the James Bay Regional Zone Council shall not come into force until they are ratified by the James Bay Municipality and approved by the Lieutenant-Governor in Council.

11B.0.10 In the event that the James Bay Municipality refuses to ratify a by-law enacted by the James Bay Regional Zone Council, the James Bay Municipality shall be obliged to notify the James Bay Regional Zone Council in writing giving the reasons for the refusal to ratify.

11B.0.11 In the event that the James Bay Municipality should refuse to ratify only part of a by-law enacted by the James Bay Regional Zone Council, the James Bay Municipality shall be obliged to notify the James Bay Regional Zone Council in writing specifying which part of the said by-law has not been ratified and the reasons for such refusal to ratify.

11B.0.12 In the event that the James Bay Municipality shall refuse to ratify the whole or any part of a by-law, the James Bay Regional Zone Council may, by a majority vote, enact another by-law on the same subject.

11B.0.13 In the event that the James Bay Municipality does not submit to the James Bay Regional Zone Council written notice of its decision not to ratify, within a delay of ninety days from the date of receipt by the James Bay Municipality of the said by-law of the James Bay Regional Zone Council, then it shall be deemed that the said by-law has been ratified by the James Bay Municipality and it shall be then submitted within thirty days by the James Bay Municipality to the Lieutenant-Governor in Council for decision.

11B.0.14 Subject to the provisions of this Section, the James Bay Municipality shall not be entitled to enact any by-law relating to Category II lands unless the James Bay Regional Zone Council has first been requested to enact a by-law on the subject which the James Bay Municipality wishes to regulate. Within ninety days of being requested to do so, the James Bay Regional Zone Council shall enact the by-law on the subject requested by the James Bay Municipality. Should the James Bay Regional Zone Council be unable to agree upon the enactment of the requested by-law, or if it enacts such a by-law which has subsequently not been ratified by the James Bay Municipality, then the James Bay Municipality may enact a by-law on such matter and the Cree Regional Authority shall be given the opportunity to submit its comments on the by-law thus enacted by the James Bay Municipality prior to a decision on same by the Lieutenant-Governor in Council.

11B.0.15 Every by-law enacted by the James Bay Municipality pursuant to the provisions of the preceding paragraph shall not come into effect until such by-law has been approved by the Lieutenant-Governor in Council.

11B.0.16 Notwithstanding anything herein, nothing in this Section shall be construed as giving either the James Bay Regional Zone Council or the James Bay Municipality a jurisdiction or authority with respect to hunting, fishing and trapping or with respect to the Hunting, Fishing and Trapping Regime established in accordance with Section 24 of the Agreement.

11B.0.17 The budget of the James Bay Regional Zone Council shall be subject to the approval of the James Bay Municipality and the Lieutenant-Governor in Council on an annual basis and the funding for the administration of the James Bay Regional Zone Council shall be provided by the James Bay Municipality subject to budget appropriations.

11B.0.18 The provisions of this Section can only be amended with the consent of Québec and the interested Native party.

Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec.