

SECTION 13

**Regional Government North of the 55th Parallel**

**13.0.1** Québec undertakes to submit to the National Assembly, upon the coming into force of the Agreement, bills incorporating the provisions of Schedules 1 and 2 of this Section.

**13.0.2** Nothing in this Section shall be interpreted as dispensing the Regional Government from having to obtain any permits, licences or authorizations required by law.

**13.0.3** 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.

**13.0.4** Schedules 1 and 2 of this Section shall not form part of the legislation to be submitted to Parliament and to the National Assembly for the purpose of giving effect to the Agreement.

**Annex 1**

1. A Regional Government shall be established by Québec with respect to the municipalities and areas not erected into municipalities within the limit of the Province of Québec north of the 55<sup>th</sup> parallel of latitude, except Category IA Lands and IB Lands of the Crees of Great Whale River.

JBNQA, Sch. 1  
A. corr.

**Annex 2****Act respecting certain Municipalities and the Regional Government of Northern Québec**

1. This act may be cited as the Kativik Act (Part II)

*Preliminary Title*

Declaratory and interpretative provisions

2. In this act, unless the context indicates or declares otherwise, the following expressions, terms and words shall have the following meaning :

(1) the word “by-law” means an enactment of the council of a municipal corporation or of the Regional Government acting as a municipal corporation under article 14 of this Schedule;

(2) The word “council” means the council of the Regional Government;

(3) The expression “executive committee” means the executive committee of the Regional Government;

(4) the word “meeting” or “sitting”, used alone, means regular meeting or sitting, or a general meeting or sitting, or a special meeting or sitting of the executive committee or council of the Regional Government, as the case may be;

(5) the word “Minister” means the Minister of Municipal Affairs;

(6) the expression “municipal services” means water, sewage, fire protection, recreation, cultural activities, roads, garbage removal and disposal, lighting, heating, power and snow removal services supplied by a municipal corporation;

(7) the word “municipality” means a territory erected for the purpose of municipal administration;

(8) the expression “officer or employee of the Regional Government” means any officer or employee of the Regional Government, with the exception of the regional councillor;

(9) the word “ordinance” means an enactment of the Regional Government which shall apply within the municipalities, save where expressly provided otherwise;

(10) the expression “regional councillor” means the councillor elected to represent the municipal corporation in the Regional Government;

(11) the word “territory” means the entire area within the limits of the Province of Québec north of the 55<sup>th</sup> parallel of latitude except Category IA Lands and IB Lands of the Crees of Great Whale.

3. For the purposes of this act, the population of the territory shall be that shown in the last census recognized as valid for such purposes by an order of the Lieutenant-Governor in Council published in the *Québec Official Gazette*.

The Lieutenant-Governor in Council may authorize the Regional Government to undertake the required census.

4. Error or insufficiency in the designation of the Regional Government in any document executed by the council, the executive committee, their officers or any other person, or in the declaration of the quality of such officer or person, provided no surprise or injustice result therefrom, shall not render such act null.

5. No suit, defence or exception, founded upon the omission of any formality, even imperative, in any act of the council, the executive committee or of an officer of the Regional Government, shall prevail, unless the omission has caused actual prejudice or it be of a formality whose omission, according to the provisions of the law, would render null the proceeding from which it was omitted.

6. When an oath is required, it is taken before any person authorized by law to administer it.

7. Whenever any deposition or information is required to be given under oath, on behalf of the Regional Government, such deposition or information may be given by any regional councillor or officer of the Regional Government authorized for such purposes.

8. The language of communication of the Regional Government shall be in accordance with the laws of general application in Québec; in addition, every person may address the Regional Government in Inuttituut and the Regional Government shall ensure that such person can obtain available services from and can communicate with it in Inuttituut; and in the sittings of the council, whoever has a right to be heard may use Inuttituut at his option.

The council shall have the right to make copies of the books, records, notices and proceedings of the Regional Government in Inuttituut.

*Title I – Constitution and Jurisdiction of the Regional Government*

9. The inhabitants of the municipalities in the territory and their successors, and the municipalities themselves, whether erected under this act or any general law or special act, shall be a public corporation under the name of “Kativik Regional Government”.

10. The Regional Government shall be a corporation within the meaning of the Civil Code; it shall have the general powers of such a corporation and such special powers as are assigned to it by this act.

11. The corporate seat of the Regional Government shall be within the territory, at such place as it shall determine by ordinance, a notice of which shall be published in the *Québec Official Gazette*; it may also in the same manner transfer such corporate seat to any other place within the territory.

12. The powers of the Regional Government shall be exercised by the council, except as regards those matters which are declared to be within the jurisdiction of the executive committee.

13. The Regional Government shall have jurisdiction over the whole of the Territory and its orders shall be obligatory for all persons subject to its jurisdiction.

14. (1) Any territory not erected into a municipality is, until erected into a municipality or annexed to an adjoining municipality, administered and governed by the Regional Government and its officers, with the same privileges, rights and obligations as if the Regional Government and its officers were the municipal corporation and officers of such Territory within the meaning of Schedule 2 of Section 12 of the Agreement.

(2) The inhabitants and ratepayers of such territory so governed by the Regional Government and its officers are alone subject to all obligations arising either from the law or from the municipal enactments in force therein, in the same manner as if such territory was organized into a municipal corporation.

(3) Unless already subject to the approval of the Québec Municipal Commission, any by-law passed by the Regional Government under this article shall come into force upon approval by the Minister of Municipal Affairs. The Minister shall communicate his decision to the Regional Government as soon as is reasonably possible.

*Title II – Administration of the Regional Government*

15. Subject to the provisions of article 14 of Schedule 2 of Section 12 of the Agreement, the following persons shall not be nominated for, elected or appointed to the council of the Regional Government :

(1) Any person who has, directly or indirectly, by himself or his partners, any contract with the Regional Government unless the description of all such contract has been publicly posted in the offices of the Regional Government and of all municipal corporations at the time of his nomination, election or appointment and remains so posted, with all additions or deletions, if any, at all times during his tenure of office. Acceptance of or application for services available to ratepayers according to a fixed tariff shall not be deemed to be a contract with the Regional Government.

Nevertheless, a shareholder in any incorporated company which has any contract or agreement with the Regional Government or which receives any grant or subsidy therefrom shall not be disqualified from holding office; but he shall be deemed to be interested if any discussion should arise before the council or the executive committee with reference to any measure relating to such company, save when such company is the Inuit Development Corporation or the local Inuit Community Corporations to be formed or one of their subsidiaries in which case he shall only be deemed to be interested if he is an officer or director of such corporations;

(2) Whenever the office of regional councillor is in question,

(a) any persons who are responsible for moneys belonging to the Regional Government, or

(b) who are sureties for any employee of the Regional Government or

(c) who receive any pecuniary allowance or other consideration from the Regional Government for their services, otherwise than under a legislative provision, save, in the case of (c), when a description of the pecuniary allowance or other consideration has been publicly posted in the office of the Regional Government and of all municipal corporations at the time of his nomination, election or appointment and remains so posted, with all additions and deletions, if any, at all times during his tenure of office.

16. No person may act as a regional councillor nor hold any office in the Regional Government unless he is eligible and possesses at all times the qualifications required by law. Disqualification as regional councillor shall carry disqualification as councillor of the municipal corporation.

Chapter 1 : Council of the Regional Government

Division 1 : General Provisions

17. Subject to those matters which are declared to be within the jurisdiction of its executive committee, the Regional Government shall be represented and its affairs administered by its council. Such council shall be known and styled by the name of : “The council of the Kativik Regional Government”.

18. The council must directly exercise the powers conferred upon it by this act; it cannot delegate them.

Nevertheless, the council may appoint committees composed of as many of its members as it deems advisable, with power to examine and study any question. In such case the committees must render account by report but no report of a committee has any effect until it has been adopted by the council at a regular sitting.

19. Ordinances, by-laws, resolutions and other enactments of the Regional Government must be passed by the council in session.

20. No vote given by a person illegally holding office in the Regional Government and no act in which in such capacity he has participated can be set aside, with respect to persons who have acted in good faith, solely by reason of the illegal exercise of such office.

Division 2 : Composition

21. Each municipality shall be represented by one regional councillor to the Regional Government.
22. Any regional councillor may resign his seat in the council by transmitting his resignation signed by himself to the secretary; the term of office of the regional councillor shall expire upon the delivery of such resignation in writing to the secretary who shall transmit it to the council at the next sitting. Resignation as regional councillor shall carry resignation as councillor of the municipal corporation.
23. The regional councillors who are appointed members of the executive committee shall retain their seats on the council and shall be entitled to vote on any motion, matter or report submitted to the council.
24. Within the first fifteen days of his term of office, the regional councillor shall inform the secretary in writing of the address at which all official communications of the Regional Government are to be sent to him. He may in the same manner change such address.
25. A speaker and deputy-speaker of the council shall be appointed from among the regional councillors by resolution of the council. They shall hold office for the duration of their term as regional councillors, but if they cease to be members of the council before the expiry of such term, their tenure of office as speaker or deputy-speaker shall end on the date when they cease to be members of the council.
26. If the speaker or deputy-speaker of the council resigns, the resignation shall take effect upon the date on which the secretary of the Regional Government receives a written notice to that effect, signed by the person resigning.

Any vacancy must be filled within thirty days of the date when it occurs.

27. the Lieutenant-Governor in Council shall fix the remuneration of members of the council.
28. (1) The council may authorize the payment of the expenses actually incurred by one of its members on behalf of the Regional Government provided that such expenses have been approved by such council.  
(2) Such amount as is fixed by ordinance of the Regional Government shall be deducted from the salary of any member of the council for each day on which the council sits, if such member of the council does not attend such sitting, unless his absence is due to it being impossible in fact for such member to attend such sitting.  
(3) At the request of one of its members who has absented himself from a sitting, it shall be the duty of the council to decide finally whether it was in fact impossible for such member to attend such sitting. Such request must be made at the next sitting which such member of the council attends, whether such sitting is regular or special and whether or not such item appears on the agenda paper for such sitting.
29. The speaker and the deputy-speaker of the council shall be entitled to the additional remuneration fixed by the Lieutenant-Governor in Council and paid by the Regional Government.

#### Division 3 : Meetings of the Council

30. The council sits at the office of the Regional Government unless it has fixed by resolution upon some other place within the limits of the territory. The sittings of the council shall be public.

The first general sitting of the council shall be held on the fourth Wednesday following the election of the regional councillors at the hour of nine o'clock in the forenoon at the usual place for community meetings in Quartaq (Koartac).

31. The speaker of the council shall preside over the meetings of the council. He shall maintain order and decorum during the sittings of the council; he may cause to be expelled from a sitting of the council any person who disturbs order there.

The deputy-speaker of the council shall exercise all the powers of the speaker of the council, if such speaker is absent or refuses or is unable to act.

32. The majority of the regional councillors shall constitute a quorum for the transaction of business. If there be no quorum, two councillors, half an hour after it being established that there is no quorum, may adjourn a meeting to a later date.

Notice of such adjournment must be given by the secretary to all regional councillors who were not present at such adjournment.

33. Regular meetings of the council shall be held at least once every three months. The date of each of such meetings shall be fixed by the council and the notice of convocation shall mention that it is for a regular meeting.

At all the regular meetings of the council, the heads of departments and the executive committee shall report to the council on the matters within their respective competence.

34. The agenda paper for each regular meeting of the council must be prepared by the secretary.

35. The special meetings of the council shall be called by the secretary upon the request of the chairperson of the executive committee or of the executive committee itself, or upon the written application of not less than four members of the council; the notice of convocation shall be in lieu of the agenda.

At a special meeting of the council, and at any adjournment of such meeting, only the business specified in the notice of convocation shall be considered.

36. Notice of convocation and of the agenda for every regular meeting must be given by the secretary to each member of the council, at least fifteen days before the meeting.

37. Whenever, at a special or regular meeting, the business submitted could not be entirely disposed of on the first day, the council must adjourn to a subsequent date.

38. The decisions of the council shall be taken by majority vote.

Each member of the council shall have one vote and one additional vote if he represents more than 500 inhabitants according to the last official census.

The speaker must vote as a member of the council, but he shall not have a casting-vote. In the case of a tie in the vote, the question shall be resolved in the negative.

39. Every member present at a meeting of the council is bound to vote, unless he is exempted or disbarred therefrom by reason of personal interest.

40. Every vote must be given orally and, upon demand, the votes are entered in the minute book of the council.

No member of the council shall vote on any matter in which he has a direct pecuniary interest either through himself or through a partner; the acceptance of or requisition for services made available to the public according to an established tariff shall not be deemed a direct pecuniary interest.

In case of dispute, the council shall decide whether the member has a personal interest in the matter, and such member shall not vote on the matter of his interest.

Should an interested member of the council give his vote without objection, such vote does not nullify the proceedings of the council with respect to third parties in good faith.

41. If the majority of the members of the council have a personal interest in any question submitted to their decisions, such question must be referred to the Lieutenant-Governor in Council, which, in respect of the

consideration and decision of such question, possesses all the rights and privileges, and is subject to all the obligations of the Regional Government.

42. The minutes of the proceedings of the council shall be kept and entered in a book kept for such purpose by the secretary; they shall be signed by the member who presided over the meeting and by the secretary; they shall be open to the inspection of all interested persons who wish to examine them.

## Chapter 2 : Executive Committee of the Regional Government

### Division 1 : Composition

43. The executive committee shall consist of five members appointed by resolution of the council from among the regional councillors, including a chairperson and a vice-chairperson designated as such by the council.

44. The offices of speaker and deputy-speaker of the council shall be incompatible with those of chairperson and vice-chairperson of the executive committee.

45. The members of the executive committee shall hold office for the duration of their term as regional councillors, but if they cease to be members of the council before the expiry of such term, their tenure of office as members of the executive committee shall end on the date when they cease to be members of the council.

In the case of the resignation of a member of the executive committee, the resignation shall take effect upon the date of receipt by the secretary of a written notice to such effect, signed by the person resigning.

46. Any vacancy on the executive committee shall be filled by resolution of the council within thirty days of the date on which it occurs.

47. The chairperson must devote all his time to the service of the Regional Government and shall not have any other remunerative employment or occupation or hold any other public office, except as member of the local council of the municipal corporation which he represents.

48. The chairperson and the vice-chairperson of the executive committee and the other members of such committee shall be entitled to the remuneration and pension fixed by the Lieutenant-Governor in Council. However, such remuneration and pension shall be paid by the Regional Government.

The executive committee may authorize the payment of the expenses actually incurred by one of its members on behalf of the executive committee provided they have been authorized by such committee.

The provisions of article 28 shall apply, *mutatis mutandis*, to the members of the executive committee.

### Division 2 : Functions

49. The executive committee shall be responsible for the management of the affairs of the Regional Government. It shall see that the law, the ordinances, the by-laws, the resolutions and decisions of the council and contracts are complied with and carried out.

For such purposes, it may of its own motion take all such steps as it deems expedient and give appropriate instructions to the officers of the Regional Government; the executive committee may require directly of any officer of the Regional Government any information that it needs.

50. The executive committee, with the approval of the council, may make a resolution respecting its government and its internal management, subject to the provisions of this act.

51. The executive committee shall prepare and submit to the council for its approval :

(a) every demand for the appropriation of the proceeds of loans, subsidies and grants or for any other credit required;

(b) every demand for a transfer of funds or credits already voted;

- (c) every report recommending the granting of franchises and privileges; and
- (d) every plan of classification of functions and of the salaries attached thereto.

52. The executive committee may in its own right, and must at the request of four members of the council, make a report to the council on any matter within the competence of the executive committee or any other question submitted by the council.

The executive committee shall furnish the council with any information which is requested of it in writing by a member of the council.

53. The executive committee must submit to the council every draft contract involving an expenditure of more than \$5,000 or an expenditure not provided for in the budget.

The executive committee may, if so authorized by ordinance of the council, grant to the lowest bidder contracts involving an expenditure of not more than \$10,000; subject to the provisions of article 124 it may also, after calling for tenders and without the council's authorization, award any contract the price whereof does not exceed the amount placed at its disposal for the purpose.

54. Except where otherwise provided, the appropriations voted by the council, either by the budget or out of the proceeds of loans, subsidies or grants or otherwise, shall remain at the disposal of the executive committee which shall see that they are used for the purposes for which they were voted, without further approval by the council.

55. The executive committee shall authorize the payment of all sums due by the Regional Government, observing the formalities, restrictions and conditions prescribed by this act.

56. The chairperson of the executive committee shall direct the affairs and activities of the Regional Government and its officers and employees over whom he shall have a right of supervision and control. He shall see that the ordinances of the Regional Government and the decisions taken by it are faithfully and impartially observed and carried out.

He shall be a member ex officio of every commission constituted by the Regional Government.

57. The vice-chairperson of the executive committee shall exercise all the powers of the chairperson if the latter is absent or unable to act.

#### Division 3 : Meetings of the Executive Committee

58. The meetings of the executive committee shall be presided over by the chairperson of such committee; in the case of absence or inability to act of the chairperson or of a vacancy in his office, they shall be presided over by the vice-chairperson; in the case of absence or inability to act of both, or of a vacancy in the office of both, the members present shall appoint one of their members to replace the vice-chairperson temporarily.

59. The sittings of the executive committee shall be held at the place and time and on the day fixed by the resolution passed under article 50 of this act.

60. Three (3) members shall constitute a quorum of the executive committee.

61. Each member of the executive committee shall have one vote.

62. Every report and resolution of the executive committee shall be signed by the person who presided over the meeting at which they were adopted, and by the secretary.

#### Chapter 3 : Administrative Departments and Officers

##### Division 1 : General Provisions



63. The council may establish by ordinance the various departments of the Regional Government, establish the scope of their activities and define their duties. The heads of such departments shall be appointed by the executive committee subject to ratification by the council.

64. (1) The council shall appoint a secretary, a manager and a treasurer. Any vacancy in the offices of secretary, manager and treasurer must be filled by the council within a delay of thirty days.

(2) the council, by ordinance, may define such of their duties as are not defined by this act. The council, if it deems it expedient, may appoint a single person to fill the offices of secretary and treasurer. In such case the officer filling such offices shall then be known as the secretary-treasurer, and he shall have the same rights, powers and privileges, and shall be liable to the same obligations and penalties as those determined and prescribed for such offices.

(3) However, the executive committee shall fix their salaries and their other conditions of employment.

(4) The executive committee may, to secure the execution of the ordinances of the Regional Government and of the requirements of the law, appoint all other officers, dismiss and replace them, including an assistant secretary, an assistant treasurer and an assistant manager to replace the person whose assistants they are, whenever such persons are absent or unable to act.

65. Before entering upon his duties, every officer is bound to take an oath of office. On his failure to do so, he shall be considered to have refused to discharge the duties of the office to which he has been appointed.

66. No act, duty, writing or proceedings executed in his official capacity by an officer of the Regional Government who holds office illegally can be set aside solely on the ground of his so holding such office illegally.

67. The Regional Government is responsible for the acts of its officers in the performance of the duties for which they are employed as well as for damages resulting from their refusal to discharge or their negligence in discharging their duties, saving its recourse against such officers, the whole without prejudice to a recourse in damages against the officers by those who have suffered damages.

68. The executive committee shall fix the salaries and other conditions of employment of the officers of the Regional Government. It may establish and maintain or assist in the establishment or maintenance of relief or retirement funds or pension plans for its officers and employees, or for their relatives and dependant persons, and pay premiums for them, the whole subject to the Supplemental Pension Plans Act.

#### Division 2 : The Manager

69. Subject to the provisions of this act, the manager shall have the following functions and duties :

(a) under the authority of the executive committee, to manage the affairs of the Regional Government;

(b) as mandatary of the executive committee, to exercise authority over the heads of departments and officers of the Regional Government with the exception of the secretary;

(c) to ensure coordination between the executive committee and the heads of departments;

(d) to transmit to the executive committee any correspondence sent to him by the departments of the Regional Government;

(e) to attend the meetings of the executive committee;

(f) to have access to all the Regional Government's records;

(g) to compel any officer or employee of the Regional Government to furnish him with all information and documents which he requires;

(h) under the authority of the executive committee, to ensure the carrying out of the plans and programmes of the Regional Government;

(i) to obtain, examine and present to the executive committee projects prepared by heads of departments on matters requiring the approval of the executive committee or of the council;

(j) to coordinate the budgetary estimates of the various departments and present them to the executive committee;

(k) to satisfy himself that the money of the Regional Government is used in accordance with the appropriations comprised in the budget, ordinances and resolutions;

(l) to submit forthwith to the executive committee the list of accounts payable; and

(m) to give an annual report in writing to the council upon all matters connected with its duties;

All communications between the executive committee and the officers of the Regional Government shall be made through the manager.

#### Division 3 : The Secretary

70. The secretary is the custodian of all the books, records, registers, plans, maps, archives and other documents and papers which are either the property of the Regional Government or are deposited, filed and preserved in the office of the Regional Government.

71. The secretary must attend every sitting of the executive committee and of the council and draw up minutes of all the acts and proceedings thereof in registers kept for those purposes and called "Minute Book of the Executive Committee" and "Minute Book of the Council", respectively.

Whenever an ordinance or a resolution is amended or repealed, mention must be made thereof in the margin of the minute book opposite such ordinance or resolution together with the date of its amendment or repeal.

72. The minutes of the sittings of the executive committee, approved and signed by the chairperson of such committee and by the secretary, and the minutes of the sittings of the council, approved and signed by the speaker of the council and by the secretary, shall be taken as evidence of their contents; the same shall apply to documents or copies emanating from the Regional Government and forming part of its records, when certified by the secretary. The secretary shall sign all the contracts of the Regional Government.

73. The secretary shall issue to any person applying therefor, upon payment of the fees determined by the council, copies of or extracts from any book, roll, register and other documents which form parts of the archives.

#### Division 4 : The Treasurer

74. The treasurer shall direct the treasury department.

75. The Regional Government may require of any person employed by it as treasurer such security as it may deem necessary.

Such security shall be a guarantee of the faithful performance of the duties of the treasurer, of his accounting for and paying over all public and other moneys entrusted to him or under his control to the persons authorized or entitled to receive the same; of his faithful performance of the obligations imposed upon him; and of the payment of the damages occasioned to any person through his negligence, misconduct or malversation.

76. The treasurer shall collect all moneys payable to the Regional Government and, subject to all other legal provisions, shall deposit in any legally constituted bank, savings and credit union or trust company which may be designated by the council, all moneys belonging to the Regional Government and shall allow them to remain

there until they are employed for the purposes for which they were levied or received or until disposed of by the council.

77. All cheques issued and promissory notes executed by the Regional Government must be signed jointly by the chairperson of the executive committee and the treasurer of the Regional Government.

78. The treasurer pays out of the funds of the Regional Government all sums of money due by it whenever by resolution he is authorized so to do by the council or the executive committee.

79. (1) The treasurer is bound to keep books of account in which he enters by order of date, the receipts and expenditures mentioning the persons who have paid moneys into his hands or to whom he has made a payment.

(2) He must obtain and keep vouchers for all payments he has made for the Regional Government, produce them for audit and inspection and file them among the archives of the Regional Government.

(3) Such books shall be kept in the form prescribed or approved by the Minister of Municipal Affairs, or in accordance with the system established by the Lieutenant-Governor in Council.

80. Within thirty (30) days from the end of any fiscal year of the Regional Government or upon the request of the Minister of Municipal Affairs, the treasurer shall transmit to the Minister of Municipal Affairs a return showing :

(1) the name of the Regional Government;

(2) a summary and description of the total area of land within the territory;

(3) the value of the property of the Regional Government;

(4) the number of persons resident in the territory;

(5) the amount of subsidies and grants received within the year and their source;

(6) the amount raised by loan within the year and the amount of interests due upon such loans;

(7) all debts of the Regional Government;

(8) the expenditures for salaries and other expenses of the Regional Government and all other expenditures;

(9) the amount deposited at interest or invested by the Regional Government; and

(10) any other statement which the Minister of Municipal Affairs may require.

### *Title III – Notices*

81. Every notice is either special or public. Every special notice may be given verbally or in writing; public notices must be in writing.

82. Every special notice given in writing must be either delivered by the person who gives it or posted in the office of the Regional Government and in the offices of each municipal corporation. Every public notice is given by posting a copy of such notice in the office of the Regional Government and in the offices of each municipal corporation.

83. Every notice in writing must be attested by the person who gives it and must contain :

(1) the name of the Regional Government, when such notice is given by a regional councillor or an officer of the Regional Government;

(2) the name, official capacity and signature of the person who gives it;

(3) a sufficient description of those to whom it is addressed;

(4) the place where and the time when it is made;

(5) the object for which it is given; and

(6) the place, day and hour at which those summoned to answer such notice must do so.

84. The original of every notice in writing must be accompanied by a certificate of delivery or of posting.

The original of such notice and the certificate which accompanies it must be filed by the person who has given it in the office of the Regional Government to form part of the archives thereof.

85. The certificate must set forth :

(1) the name, residence, official capacity and signature of the person who has given it;

(2) a summary statement of the manner in which the notice was delivered or posted;

(3) the place, day and hour of delivery or posting.

Such certificate is written either on the original notice or on a paper annexed thereto.

86. In the case of a special notice given verbally, the affirmation of the person who gave such notice takes the place of the certificate of delivery or posting; such affirmation is only required in case of contestation and must contain the object of the notice.

Any document, order or proceeding of the Regional Government must be posted in the same manner as public notices.

#### *Title IV – Resolutions*

87. The Regional Government shall decide and exercise by resolution all acts of administration concerning it which are not incompatible with the provisions of this act. All powers not required to be decided and exercised by ordinance shall be exercised and decided by resolution.

#### *Title V – Ordinances of the Regional Government*

##### Chapter 1 : Formalities respecting ordinances

##### Division 1 : Passing, Publication and Coming into Force of Ordinances

88. A copy of every ordinance which the executive committee proposes to the council shall be sent with the notice of convocation of the meeting at which it is to be considered.

89. The original of an ordinance, to be authentic, shall be signed by the speaker of the council and by the secretary.

If it was necessary to submit an ordinance for the approval of the Lieutenant-Governor in Council, the Minister of Municipal Affairs or the Québec Municipal Commission before it could come into force, a certificate under the signature of the speaker of the council and of the secretary certifying the date and the fact of each of these approvals must accompany and form part of the original of such ordinance.

90. The original of every ordinance shall be entered at length in a special book entitled “Register of the Ordinances of the Kativik Regional Government”.

The secretary must further indicate at the end of every ordinance the date of the posting-up of the notice of publication of such ordinance.

91. Except where otherwise provided by law or by the ordinance, every ordinance of the Regional Government shall come into effect and have force of law on the day of the publication thereof.

92. Every ordinance is published within thirty (30) days of the passing thereof or of its final approval, if it has been submitted for approval, by public notice mentioning the object of the ordinance, the date of the passing

thereof and the place where communication thereof may be had. Such notice is given under the hand of the secretary and posted in the ordinary manner.

If the ordinance has received one or more approvals, the notice of publication must mention the date and the fact of each of these approvals.

When an ordinance has not been published within the delays provided by this section, the Minister of Municipal Affairs may authorize its publication within such additional delays as it may determine.

93. Every ordinance which comes into force only at some stated period must be published again by posting at least fifteen days before its coming into force.

94. Every ordinance remains in force and is executory until it has been amended, repealed or annulled by competent authority or until the expiration of the period for which it was made.

95. No ordinance can be repealed or amended except by another ordinance. No ordinance which, before coming into force and effect, was submitted to one or more approvals can be amended or repealed except by another ordinance approved in the same manner.

#### Division 2 : Penalties Enacted by Ordinances and Recovery of Fines

96. (1) The Regional Government may impose, by any ordinance within its powers, for every infraction of an ordinance a fine not exceeding five hundred dollars.

(2) Whenever, instead of a fixed penalty, an ordinance provides either a maximum and minimum penalty, or a maximum penalty only, the court may, at its discretion, impose, in the first instance, such penalty as it may see fit within the limits of such maximum and such minimum and, in the second instance, such penalty as it may see fit up to the extent of such maximum.

(3) The court convicting an accused for the breach of an ordinance may, in addition to any punishment it may impose, order that person to refrain from committing any further such offence or to cease to carry on any activity specified in the order, the carrying on of which will or is likely to result in the committing of any further such offence. Breach of such an order shall constitute an offence punishable by contempt of court.

97. No penalty can be imposed for the violation of any ordinance unless it is fully described and set forth therein.

If the infraction of an ordinance continues, such continuation shall constitute a separate offence, day by day, save in the case of good faith.

98. Fines imposed by the ordinances of the Regional Government shall be recoverable on summary proceeding in accordance with Part I of the Summary Convictions Act.

99. All fines incurred by the same person may be included in the same suit.

100. Every prosecution for the recovery of such fines shall be begun within six months from the date when they were incurred, and cannot be brought thereafter.

Such prosecution may be brought by any person of age, regardless of whether he has suffered any special damage, in his own name, or by the Regional Government.

101. Fines recovered in virtue of the ordinances of the Regional Government or of the provisions of this act shall belong, unless it be otherwise provided, one-half to the prosecutor and the other half to the Regional Government.

If the prosecution has been brought by the Regional Government, the fine shall belong wholly to it. If the fine be due by the Regional Government, it shall belong wholly to the prosecutor.

102. Where any ordinance of the Regional Government is contravened, in addition to any other remedy and to any penalty imposed by the ordinance, such contravention may be restrained either by action at the instance of an inhabitant or municipal corporation in the territory against the infringer or by mandamus at the instance of such inhabitant or municipal corporation against the Regional Government to compel it to take proceedings necessary for preventing its violation.

#### Division 3 : Approval and Disallowance of Ordinances

103. Unless otherwise provided, approval of the ordinances by the council shall be sufficient.

104. Whenever it is required that an ordinance must, before having force or effect, receive the approval of the Lieutenant-Governor in Council, the Minister of Municipal Affairs, or the Québec Municipal Commission, the secretary must forward it to the authority whose approval is required with certified copies of all documents tending to inform of the fulfillment of the provisions of the law and of the advisability of the passing of such ordinance.

105. Neither the Lieutenant-Governor in Council nor the Minister of Municipal Affairs nor the Québec Municipal Commission is obliged to approve an ordinance unless it has satisfied itself of the fulfillment of the formalities required for the passing of such ordinance.

For such purpose, they may exact from the Regional Government all the documents and information as they deem necessary for assuring themselves of the usefulness of the ordinance or the provisions of such ordinance submitted to their approval.

106. The approval by the Lieutenant-Governor in Council, the Minister of Municipal Affairs or the Québec Municipal Commission of an ordinance or other proceedings adopted by the Regional Government, in the cases where such approval is prescribed by a provision of this act, has no other effect than that of rendering such ordinance or proceeding executory according to the law, and this may be done with the same effect in the form of an authorization.

Such approval may be of a part only or qualified.

107. A copy of every ordinance passed by the Regional Government must be transmitted without delay to the Minister of Municipal Affairs and to each municipal corporation.

The Lieutenant-Governor in Council may, within the three months following the receipt of such copy by the Minister, disallow the ordinance in whole or in part, unless he or the Minister has previously approved it.

Notice of such disallowance shall be published in the *Québec Official Gazette* and, from the day of such publication, the ordinance shall be null and void.

#### Division 4 : Contestation and Quashing of Ordinances

108. Any person and any municipal corporation in the territory may, by motion, apply for and obtain, on the ground of illegality, the quashing of any ordinance or part of any ordinance of the Regional Government.

Such motion shall be presented to the Superior Court having jurisdiction in the territory which shall have exclusive jurisdiction in such matters. Such recourse shall not exclude nor affect that permitted by article 33 of the Code of Civil Procedure.

109. The motion shall set forth, in a clear and precise manner, the reasons alleged in support of the application, and shall be accompanied by a certified copy of the ordinance impugned, if such copy could be obtained.

If such copy could not be obtained, the court or the judge of the Superior Court, upon application, shall order the production thereof by the secretary of the Regional Government.

110. The motion shall be served upon the secretary of the Regional Government one month at least before it is presented to the court.

111. Before service of the motion, the applicant shall give security for costs in the usual manner; otherwise such motion shall not be received by the court.

112. There shall be no appeal from interlocutory judgments rendered in an action to quash an ordinance; they may be revised at the same time as the final judgment if an appeal is brought from the latter.

113. (1) The court may quash such ordinance in whole or in part and order the service of such judgment upon the secretary of the Regional Government and order the same to be published by public notice.

(2) Every ordinance or part of an ordinance so quashed shall cease to be in force from the date of the judgment.

114. The Regional Government shall alone be responsible for the damages and suits which may arise from the putting into force of any ordinance or part of an ordinance the quashing of which has been so obtained.

115. The right to apply for the quashing of an ordinance shall be prescribed by three months from the coming into force of such ordinance.

## Chapter 2 : Competence of the Regional Government

### Division 1 : General provisions

116. The Regional Government shall have in its territory such competence as is provided in this act in the following matters :

- a) local administration;
- b) transport and communications;
- c) justice;
- d) health and social services;
- e) education;
- f) economic development; and
- g) environment, resources and land use management.

117. The power to regulate shall include, when necessary the power to prohibit, revoke and suspend.

118. The power to make ordinances shall involve, in the case of articles 129 and 133, that of licensing and requiring permits and certificates and of exacting fees for licenses, permits and certificates and of establishing a tariff of fees therefor.

Such power shall also involve that of appointing officers and inspectors as the Regional Government may deem fit for the proper application of such ordinances and of defining their duties.

119. The Regional Government may, with the authorization of the Minister, make with any public body, including a municipality, a community, an association and a school board, agreements respecting the exercise of its competence; it may then carry out such agreements and exercise the rights and privileges and fulfil the obligations arising therefrom, even outside its territory.

If an agreement is contemplated with the Government of Canada, any body thereof or any public body mentioned in the preceding paragraph and situated outside of the Province of Québec, prior authorization of the Lieutenant-Governor in Council shall be necessary.

120. The Regional Government may make ordinances to take a census of the inhabitants of the territory, for the purpose of ascertaining their number, and of obtaining statistics regarding their social and economic condition.

121. The Regional Government may acquire by expropriation any immovable, part of an immovable or any real right, within the limits of its territory, which it may require for the establishment of regional or intermunicipal utilities or facilities.

However, in the case of an immovable, part of an immovable or any real right set apart for a public use or not susceptible of expropriation according to some general law or special act, the prior authorization of the Lieutenant-Governor in Council shall be required.

The foregoing provisions of this article shall not be regarded as restricting the rights which the Regional Government may otherwise have to acquire, by mutual agreement, immovables for the same purposes.

122. The Regional Government shall not in any way alienate moveable property the value of which exceeds \$500 according to the manager's report, or otherwise alienate immovable property, except by auction, by public tenders or in any other manner approved by the Québec Municipal Commission.

Subject to the preceding paragraph, the executive committee may sell any moveable or immovable property the value of which does not exceed \$10,000 according to the manager's report.

123. All public works of the Regional Government are performed at its expense and ordered by contract awarded and passed according to the rules set forth in articles 124 to 126.

124. (1) Unless it involves an expenditure of less than \$10,000 no contract for the execution of works or the supply of equipment or materials shall be awarded except after a call for public tenders specifying the work to be performed;

(2) The delay for the receipt of tenders shall not be less than fifteen (15) 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 hour 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 Regional Government shall not be obliged to accept either the lowest or any other tender;

(8) The Regional Government shall not, without the previous authorization of the Minister of Municipal Affairs, award the contract to any person except the one who made the lowest tender within the prescribed delay;

(9) The contract shall be awarded by resolution and made in the name of the Regional Government.

125. Subject to the provisions of article 53, no contract is valid or binding upon the Regional Government unless the ordinance authorizing the work has provided for the appropriation of the moneys required for paying the costs of same.



126. The person to whom such work is awarded must give security to the satisfaction of the council for the due performance thereof and for the payment of all damages, interests and costs.

127. In addition to the other powers which it has under this act, the Regional Government may :

- (a) make ordinances for its internal management and the conduct of its affairs;
- (b) establish courses and training programmes for its officers and employees;
- (c) undertake public information and education programmes; and
- (d) carry out such studies as it deems necessary for the exercise of its competence whether such studies deal with the territory or with any other territory.

Division 2 : Local administration

128. The Regional Government must make ordinances :

- (1) to review the municipal annual returns prepared under article 44 of Schedule 2 of Section 12 of the Agreement;
- (2) to make recommendations to fill vacancies in local councils according to article 83 of Schedule 2 of Section 12 of the Agreement;
- (3) to decide upon municipal matters whenever the majority of the members of a municipal corporation has a personal interest distinct from the general interest of the other ratepayers;
- (4) to provide for the filing of municipal by-laws and other municipal documents transmitted to the Regional Government; and
- (5) to establish conciliation services in the event of contested municipal elections, contestation of municipal by-laws and failure or refusal by any municipal corporation to enforce its own by-laws according to articles 76 to 79, 116 and 126 to 128 of Schedule 2 of Section 12 of the Agreement.

129. The Regional Government may, by ordinance, prepare minimum standards :

- (1) for the construction of houses and buildings in its territory; such standards may vary in different parts of the territory according to the geography and nature of the regions;
- (2) to ensure the sanitary condition of public and private property;
- (3) to prevent the pollution of the waters within or adjacent to the municipalities and to provide for the cleansing and purification of municipal waters; and
- (4) to regulate the sewerage of the municipalities.

The municipal corporations shall retain their competence in these matters until the Regional Government exercises its competence respecting such matters and to the extent that the Regional Government has refrained from doing so.

Any by-law of any municipal corporation contrary to or inconsistent with any provisions of an ordinance of the Regional Government respecting these matters shall cease forthwith to have effect.

No by-law of a municipal corporation respecting such matters shall validly impose standards which are inferior to those mentioned in the ordinance of the Regional Government.

130. From the coming into force of an ordinance of the Regional Government made under article 129, every by-law of a municipal corporation making, amending or repealing a by-law of such municipal corporation must be submitted to the Regional Government.

The Regional Government shall assure that the by-law so submitted confirms to article 129.

131. The Regional Government may, by ordinance, enter into an agreement with any municipal corporation, with the approbation of the Minister of Municipal Affairs, for the delegation to the Regional Government by the municipal corporation of the exercise and administration of those municipal services that the council of the municipal corporation so determines.

The period of time covered by such ordinance shall be two (2) years and is renewable.

132. The Regional Government may make ordinances to order that it shall have competence in the construction of low-rental dwellings and, from the coming into force of such ordinances, the Regional Government shall be a municipality for the purposes of the Québec Housing Corporation Act.

#### Division 3 : Transport and Communications

133. The Regional Government may make ordinances to establish and administer :

- (1) regional and intermunicipal community radio and television aerials for the needs of those wishing to make use thereof and regulate the installation, maintenance, number and height of television and radio aerials; and
- (2) regional and intermunicipal public transportation services and facilities.

134. The Regional Government may make ordinances :

- (1) to prescribe a uniform type of highway and passageway signals to be used by all municipalities; and
- (2) to determine minimum standards for road and street construction and maintenance.

The municipal corporations shall retain their competence in these matters until the Regional Government exercises its competence respecting such matters and to the extent that the Regional Government has refrained from doing so.

Any by-law of any municipal corporation contrary to or inconsistent with any provisions of an ordinance of the Regional Government respecting these matters shall cease forthwith to have effect.

No by-law of a municipal corporation respecting such matters shall validly impose standards which are inferior to those mentioned in the ordinance of the Regional Government.

#### Division 4 : Justice

135. The rights, powers, privileges and obligations of the Regional Government respecting justice and police are contained in Sections 20 and 21 of the Agreement respectively.

#### Division 5 : Health and Social Services

136. The rights, powers, privileges and obligations of the Regional Government respecting health and social services are contained in Section 15 of the Agreement.

#### Division 6 : Education

137. The rights, powers, privileges and obligations of the Regional Government respecting education are contained in Section 17 of the Agreement.

#### Division 7 : Economic Development

138. The rights, powers, privileges and obligations of the Regional Government respecting economic development are contained in Section 29 of the Agreement.

#### Division 8 : Environment, Resources and Land Use Management

139. The rights, powers, privileges and obligations of the Regional Government respecting environment, resources and land use management are contained in Section 23 of the Agreement.

*Title VI – Financial Provisions*

## Chapter I : General Provisions

140. The fiscal year of the Regional Government shall begin on the first of January and end on the thirty-first of December of each year and the taxes and yearly assessments shall be payable at the dates determined by the council.

141. The Regional Government shall prepare and adopt its budget each year and maintain a balance between the revenues and expenditures provided for therein.

142. The executive committee shall draw up the budget of the Regional Government for the ensuing fiscal year; it shall deposit such budget with the secretary who, not later than the first of July, shall send to each member of the council a copy of such budget, and all the recommendations of the executive committee.

143. Such budget shall be submitted to the council not later than the fifteenth of July at a special meeting called for such purpose. Such meeting shall be adjourned as often as necessary and shall not be closed unless the budget is adopted.

Such budget shall be transmitted to the Minister of Municipal Affairs in the month of August of the year in which it was prepared.

Upon sufficient proof that the council has in fact been unable to adopt or transmit such budget within the prescribed delay, the Minister of Municipal Affairs may grant any additional delay that he may determine for such purpose.

144. During a fiscal year, the Regional Government may adopt any supplementary budget which it deems necessary.

145. Upon adopting its budget or a supplementary budget, the Regional Government may, by ordinance, for the purpose of paying its expenses or part of its expenses require an aliquot share of such expenses or of part of such expenses to be paid by each municipality in its territory in a manner prescribed by the Minister.

146. The head of each department shall be responsible for the management of the budget of his department, according to the provisions of this act, under the supervision of the executive committee.

147. The executive committee may transfer from one department to another the appropriations attributed to any of them in the budget, upon the recommendation of the heads of such departments and the approval of the council.

148. No ordinance or resolution of the council or report or resolution of the executive committee authorizing or recommending the expenditure of moneys shall have effect without a certificate by the treasurer attesting that there are available funds.

149. The funds appropriated by a budget during a fiscal year for specified works shall remain available during the ensuing fiscal year for the carrying out of such work, whether it has commenced or not.

150. (1) All sums of money not especially appropriated shall form part of the general fund of the Regional Government;

(2) Any subsidy or grant made to the Regional Government and not specially appropriated by the ordinance ordering the works or the expenditures may be paid in whole or in part to the general fund of the Regional Government;

(3) Whenever the Regional Government has collected a sum exceeding the sum required for the purposes for which such sum was raised, the surplus shall belong to the Regional Government and fall into the general fund thereof;

(4) All sums of money forming part of the general fund of the Regional Government may be employed for any purpose within the jurisdiction of the Regional Government.

151. The payment of the expenses of the Regional Government, including payment of interest on and amortization of its loans, shall be guaranteed by its general fund.

152. All fees, licences, fines, revenues, taxes, subsidies and grants accruing or belonging to or received by the Regional Government shall be paid to and received by the treasurer alone or by the officer designated by him for that purpose; and no other officer shall, under any pretext, receive them unless specially authorized by the council so to do.

153. The Regional Government may make such ordinances as it may deem expedient for the management and administration of its finances, and determine by whom and subject to what formalities payments out of the funds of the Regional Government shall be made.

154. The Regional Government may deposit at interest in a Canadian chartered bank, or invest in the public funds of Canada or Québec, or loan on first hypothec, any moneys belonging to it.

155. The treasurer shall be personally responsible for all moneys which he pays and which, to his knowledge, exceed the amount appropriated for such purpose.

156. The Regional Government shall not be subject to any tax for municipal purposes, but shall pay a compensation for the municipal services and local improvement works from which it benefits directly. Failing agreement on the amount of such compensation, such compensation shall be determined by the Québec Municipal Commission.

#### Chapter 2 : Loans

157. The Québec Municipal Commission may authorize the Regional Government upon application made to it by a mere resolution of the council, to contract one or more loans upon the conditions and for the period which the Commission determines.

The conditions so determined by the Commission shall govern such loans notwithstanding any contrary or incompatible provisions of a general or special act limiting the amount of loans and determining the period for their reimbursement.

The provisions of this article shall apply to every loan contracted by the Regional Government.

#### Chapter 3 : Audit of the finances of the Regional Government

158. (1) The council, at its last general sitting in any year shall appoint for the fiscal year ending on the ensuing thirty-first of December, one or more auditors for the auditing of the accounts of the Regional Government.

(2) Such auditors may be individuals or members of a partnership and may entrust the work to their employees, but then the responsibility of the auditors shall be the same as if such work had been entirely performed by such latter.

(3) They shall make a report of their examination to the council within sixty (60) days after the expiration of the fiscal year.

(4) A copy of such report, certified by the treasurer, must be sent forthwith by the treasurer to the Minister of Municipal Affairs.

(5) The council may order any other examination it may deem necessary and call for a report.

159. Any surplus or deficit for a fiscal year shall be entered in the revenues or expenses of the budget for the ensuing fiscal year according to the report of the auditors.

160. (1) At any time of the year, if so required in writing by at least five (5) electors of the municipal corporation, the council shall also order a special audit of the audit of the accounts of the Regional Government for one or more of the last five (5) years, provided that no such audit has already been made for the same years under this article.

(2) The costs of such audit shall be payable by the responsible officer of the Regional Government, if he has been guilty of embezzlement or if, having been found short in his accounts, he fails to repay the balance within the delay fixed by the last paragraph; otherwise the costs shall be payable by the persons who demanded the audit, unless the audit is of advantage to the Regional Government.

(3) The demand for an audit under this article must be accompanied by a deposit of one hundred dollars (\$100.00), which shall be returned to the petitioners if the costs of the audit are not charged to them.

(4) Any auditor appointed for such purposes may be an individual or a partnership, and may entrust the work to his or its employees, but then the responsibility of such auditor shall be the same as if such work had been entirely performed by the auditor himself.

(5) Within thirty (30) after the service upon him of a copy of the report of the audit, the defaulting officer of the Regional Government must pay the amount of the balance which he has been found to owe, as well as the costs of the audit.

161. All actions or claims against the treasurer resulting from his administration are prescribed by five (5) years from the date on which the shortage of his account is reported by the auditor to the council.

162. The provisions of this chapter shall nowise affect the recourse of the Regional Government under the security given by the treasurer.

#### *Title VII – Proceedings Against the Regional Government*

163. When any suit or action is commenced against the Regional Government, service therein shall be made upon the secretary or any other designated officer of the Regional Government at his office or domicile.

164. Any provisions of law to the contrary notwithstanding, no judgment rendered against the Regional Government for a pecuniary condemnation only shall be executory before the expiration of thirty (30) days of the date thereof.

165. Whenever a copy of a judgment condemning the Regional Government to pay a sum of money has been served at the office of the Regional Government, the treasurer shall forthwith, upon being authorized by the executive committee pay the amount thereof out of the funds at his disposal.

166. The court which rendered the judgment may, on motion, grant to the Regional Government any delay which it deems necessary to levy the moneys required.

#### *Title VIII – General provisions*

167. The amounts or percentages mentioned in articles 53, 96(1), 122 and 160(3) may be increased and those mentioned in article 124(1) may be reduced by proclamation of the Lieutenant-Governor in Council.

168. The Regional Government shall be a municipality within the meaning of the Municipal Affairs Department Act (Revised Statutes, 1964, chapter 169), the Municipal Commission Act (Revised Statutes, 1964, chapter 170), the Municipal Bribery and Corruption Act (Revised Statutes, 1964, chapter 173), the Municipal Aid Prohibition Act (Revised Statutes, 1964, chapter 176), the Public Health Act (Revised Statutes, 1964, chapter 161), the Water Board Act (Revised Statutes, 1964, chapter 183), the Municipal School Debt and Loan Act (Revised Statutes, 1964, chapter 171) and a municipal corporation within the meaning of the Labour Code, and the said acts shall apply *mutatis mutandis* to the Regional Government.

169. The laws of Québec shall apply to the Regional Government insofar as they are applicable and not derogated from by the provisions of this Schedule.

170. This act shall come into force on a date to be fixed by proclamation of the Lieutenant-Governor in Council.

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JBNQA, Sch. 2

A. corr.