

SECTION 10

Cree Local Government (Category IB)

10.0.1 The members of each of the Cree communities of Great Whale River, Fort George, Rupert House, Paint Hills, Nemaska, Eastmain, Waswanipi and Mistassini shall be respectively incorporated as, and shall be, public corporations under the names of “The Corporation of Great Whale River”, “The Corporation of Fort George”, “The Corporation of Rupert House”, “The Corporation of Paint Hills”, “The Corporation of Nemaska”, “The Corporation of Eastmain”, “The Corporation of Waswanipi”, and “The Corporation of Mistassini” and shall have jurisdiction in the respective territories allocated for each of the said communities as Category IB lands and, where applicable, Category IB special lands. The territory of the Cree Corporation of Great Whale River shall not be included within the boundaries of the municipality of Great Whale River to be erected under Section 12 of the Agreement.

JBNQA, par. 10.0.1

A. corr.

10.0.2 Notwithstanding the provisions of any other act, the respective territories of such public corporations shall be excluded from the territory of the municipality presently designated as the James Bay municipality.

10.0.3 Each public corporation shall be represented and its affairs administered by its council.

10.0.4 For each Cree community, the members of the council of the public corporation having jurisdiction over Category IB area for that community shall be the same as the members of the council in office of the community corporation having jurisdiction over the Category IA area of that same community.

10.0.5 Each such public corporation 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 in this Section.

10.0.6 The corporate seat of each such public corporation, and the place of the meetings of its council, shall be located within the Category I area of the members of the community comprising such public corporation as shall be determined by resolution of the council thereof.

10.0.7 The following provisions of the Cities and Towns Act, R.S.Q. 1964 c. 193 as modified, shall apply to the said public corporations:

4(7), 4(8), 4(14), 4b, 5, 6, 7, 8, 9 (as modified herein), 10, 11, 17 (as modified herein), 19, 26 (as modified herein), 28 (as modified herein), 46, 51, 52, 53, 54, 54a, 54b, 61 (as modified herein), 62 (as modified herein), 64 (as modified herein), 65, 66, 67, 68 (as modified herein), 69 (as modified herein), 70 to 89, 90 (as modified herein), 91 to 94, 95 (as modified herein), 96 to 103, 104 (as modified herein), 105 (as modified herein), 108, 109, 115, 346 (as modified herein), 347 to 365, 366 to 368 (as modified herein), 369, 370, 371, 372 (as modified herein), 375 (as modified herein), 376 (as modified herein), 377, 378, 379, 380 (as modified herein), 381 to 398, 399 to 410 (as modified herein), 411 (as modified herein), 413 to 420, 422, 423 (as modified herein), 424, 425, 426 (as modified herein), 427, 428, 429 (as modified herein), 429a, 431 to 433, 434 (as modified herein), 435 to 438, 439 (as modified herein), 442 (as modified herein), 443, 445 to 448, 450, 451, 452 (as modified herein), 453 to 457, 458 (as modified herein), 459 (as modified herein), 461 to 464, 464a (as modified herein), 465 to 472, 473 (as modified herein), 473a to 478, 479 (as modified herein), 480 (as modified herein), 481 to 483, 516 (as modified herein), 517 (as modified herein), 518, 518a (as modified herein), 519, 525 to 529 (as modified herein), 580 (as modified herein), 605 to 607 (as modified herein), 610 to 621 (as modified herein), 622 to 628, 629 to 640, 641 (as modified herein) and 642 to 697 (as modified herein).

For the purpose of application of the above-mentioned provisions of the Cities and Towns Act in this Section, the said public corporations shall be deemed to be municipalities within the meaning of the said Act.

JBNQA, par. 10.0.7
A. corr.

10.0.8 Where the provisions of the Cities and Towns Act have been indicated in the preceding paragraph as modified for the purposes of application in this Section, such provisions shall be deemed to be modified in the manner set out in Schedule 1 of this Section.

10.0.9 For the purposes of interpreting these provisions of the Cities and Towns Act which apply to the said public corporations, the definitions listed in Schedule 2 of this Section shall apply.

10.0.10.1 The provisions of the Cities and Towns Act respecting the valuation roll, the imposition and collection of real estate taxes, including procedures relating thereto, and the provisions of the Real Estate Assessment Act shall come into force in the Territory of the corporation upon receipt by the Minister of Municipal Affairs of a resolution of the council of the corporation to proceed to the imposition of such real estate taxes.

10.0.10.2 The modifications numbered 10, 16, 17, 20, 21, 22, 23, 25, 28, 29, 30, 31, 32, 37, 39 in Schedule 1 hereof and the definitions numbered 4, 5, 7 in Schedule 2 hereof are null and void and do not apply when a corporation avails itself of the provisions of the preceding paragraph. The sections of the Cities and Towns Act thus affected shall then apply, *mutatis mutandis*, to the said corporation.

10.0.11 The public corporation shall have the power to make by-laws:

- 1) for environmental and social protection by more stringent requirements than those provided by laws and regulations;
- 2) for the protection and use of natural resources (excluding wildlife) consistent with applicable laws and regulations and taking into account that Québec will own the minerals and subsurface rights;
- 3) for the protection of the quality of the environment including the water, atmosphere and soil by measures compatible with the general objectives of legislations respecting the quality of the environment.

Such by-laws shall in no way restrict development and activities carried out or to be carried out outside land Category I, in accordance with laws including those laws and regulations incorporating the environmental and social protection regime applicable to land Category II and III.

Such by-laws take effect after approval by the Lieutenant-Governor in Council.

10.0.12 The language of communication of the public corporation shall be in accordance with the laws of general application in Québec. In addition, every person may address the public corporation in Cree and the public corporation shall ensure that such person can obtain available services from and can communicate with it in Cree.

10.0.13 In the sittings of the council of the said public corporation, whoever has a right to be heard may use Cree at his option.

10.0.14 The council of the public corporation shall have the right to make copies of the books, records, notices and proceedings or extracts thereof of the said public corporation in Cree.

10.0.15 Any of the said public corporations may, with the prior authorization of the Lieutenant-Governor in Council, make with the Government of Canada or any body thereof, or any band or council, and may, with the authorization of the Minister of Municipal Affairs, 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 fulfill the obligations arising therefrom.

10.0.16 The first fiscal year of the public corporation shall commence on the date of incorporation of the said corporation and shall terminate on December 31st of the same year unless otherwise provided in the Agreement.

10.0.17 The said public corporations shall be deemed to be municipalities 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 municipal corporations within the meaning of the Labour Code, and the said acts shall apply *mutatis mutandis* to the public corporations.

10.0.18 Subject to the provisions of this Section, the laws of general application exclusive of the Municipal Code shall apply to the public corporations contemplated in this Section.

10.0.19 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.

Annex 1

The modifications to the Cities and Towns Act, as indicated in paragraph 10.0.7 shall be the following:

1) Section 9: The following paragraph is added:

“The oath may also be taken in accordance with the provisions of Section 299 of the Code of Civil Procedure of the Province of Québec”.

2) Section 17: The following paragraph is added:

“In the absence of a council, the Minister of Municipal Affairs shall name a temporary administrator.”

3) Section 26(1) 4°: The words “Subject to the provisions of this Act” are replaced to read as follows:

“Subject to the provisions of the Cities and Towns Act”.

4) Section 28 is modified to read as follows:

“The corporation shall have jurisdiction for municipal purposes and for the exercise of all the powers conferred upon it over the whole of its territory and also beyond its territory in special cases where more ample authority is conferred upon it; it shall also have jurisdiction for police purposes in accordance with the terms of the Agreement on Police (Crees) and Administration of Justice (Crees).”

5) Section 61 is replaced by the following:

“In the case of incapacity or refusal of the majority of the council to act, the Minister of Municipal Affairs shall appoint a temporary administrator.”

6) Section 62: the following paragraph shall be added:

“The oath may also be taken in accordance with the provisions of Section 299 of the Code of Civil Procedure of the Province of Québec.”

7) Section 64: This section is replaced by the following:

“The chief councillor and the members of the council shall be entitled to such remuneration as may be fixed from time to time by by-law of the corporation subject to the approval of such by-law by the Lieutenant-Governor in Council. The council may authorize by resolution the payment of the expenses actually incurred by a member of the council on behalf of the corporation. The council may by by-law, subject to the approval of the Minister of Municipal Affairs, establish a pension plan and fund of a contributory nature for the chief councillor and councillors.”

8) Section 68 is modified by deleting paragraph 3.

9) Section 69 is modified by deleting the second and subsequent paragraphs.

10) Section 90 is modified by deleting paragraphs 2, 3 and 5.

11) Section 95 is modified by adding after the words “subject to all other legal provisions” the following:

“or in any other manner approved by the Minister of Municipal Affairs.”

12) Section 104 is modified by adding the following paragraph:

“On request of the corporation, the Minister of Municipal Affairs may exempt the corporation from the requirements of this Section.”

13) Section 105 is replaced by the following:

“The Minister of Municipal Affairs may, if he has reason to believe that it is justified, order a special audit of the accounts of the corporation for one or more of the five (5) years preceding such order.”

14) Section 346 is replaced by the following:

“The Council shall meet at least every three (3) months.”

15) Section 366: The words “Every property-owner or taxpayer domiciled outside the limits of a municipality” are replaced by:

“Any person having the right to receive such notice and who is not within the territorial limits of the corporation...”

16) Section 367 is modified by replacing the words “an absent property-owner or taxpayer” by “such person”.

17) Section 368 is modified by replacing the words “property-owner” by “person”.

18) Section 372 is modified to read as follows:

“The publication of a public notice for municipal purposes shall be made by posting it in the office of the corporation.”

19) Section 375 is modified to read as follows:

“Except in cases otherwise provided for, the delay which is to elapse after a public notice shall begin to run from the day on which such notice is published. In all cases the day on which the notice was published shall not count. Saving provision to the contrary, public notices shall be published at least seven (7) clear days before the day fixed for the proceeding concerned.”

20) Section 376 is modified to read as follows:

“Public notices shall be applicable to and binding upon persons concerned even if domiciled outside of the territorial limits of the corporation.”

21) Section 380 is modified to read as follows:

“The council, of its own motion, may submit to the members and/or residents concerned any question that may be the subject of a decision of the council.

The question shall be defined by resolution of the council and the vote shall be taken in number only.

The council may also exercise such power at the request of twenty (20) persons contemplated in the first paragraph and then require, if it wishes, that the applicants pay such sum as it deems fair to meet the cost of taking the vote.”

22) Sections 399 to 410 are replaced by the following:

“When a by-law requires approval of members and/or residents the vote shall be taken by polling in the following manner:

- a) the council shall decide the date, time and place of polling;
- b) the vote shall be taken by secret ballot and shall be presided over by the Secretary of the corporation or the person appointed by the council for such purpose;
- c) the vote shall be taken by number only;
- d) the ballots used for the poll shall be prepared in the following manner:

Are you in favour of by-law no.	yes	
	no	

e) the expenses occasioned by the holding of the poll shall be payable by the corporation.”

23) Section 411 is replaced by the following:

“Any member or resident may, by petition presented in his name, apply and obtain on the ground of illegality, the quashing of any by-law or part of by-law of the council. Such petition shall be presented within three (3) months after the coming into force of such by-law to the Court having jurisdiction in the territory.”

24) Section 423 is modified by adding the following paragraph:

“Nothing in the preceding shall be interpreted so as to interfere with or limit the rights granted to the Cree people by the Agreement.”

25) Section 426(1) c) par. 4 is modified by replacing “sections 399 to 410” by “section 399 as amended.”

26) Section 429(1) is modified by replacing the words “Public Street Act (chap. 179)” by “section 468 of the Municipal Code”.

27) Section 434 is modified to read as follows:

“The municipality may construct or acquire and maintain in its boundaries, and with the approval of the Lieutenant-Governor in Council, beyond its boundaries for a distance of thirty miles, waterworks, together with all appurtenances and accessories, the construction or acquisition whereof is determined under section 433; it may improve the waterworks and change the site thereof; and construct and maintain all buildings, engines, reservoirs, basins and other works necessary to convey water.”

28) Section 439 is modified to read as follows:

“The council may by by-law to meet the costs of the construction and maintenance of waterworks and the costs of the distribution of water impose in the manner prescribed an annual tax on all occupants of the sector thus serviced.”

29) Section 442 (4) is modified by deleting the words “special” and “and 441”.

30) Section 452 is modified by deleting the words “special” and “and the compensation for the use of the water”.

31) Section 458 is modified to read as follows:

“The council may, by by-law, in order to meet the interest on the sums expended in introducing a system of lighting, impose on all the owners or occupants of houses, shops or other buildings an annual tax.”

32) Section 459(1)a is modified by deleting the word “special”.

33) Section 464a is modified by adding after the words “sections 455 to 463” the words “as amended”.

34) Section 473(6) is modified by deleting the words “If the period exceeds twenty-five (25) years, the by-law shall be approved in accordance with section 593.”

35) Section 479 is modified by replacing the “15th of November” and the “30th of December” by the “1st of July” and the “31st of July” in the first paragraph. In the second paragraph by replacing the word “January” by the word “August”.

36) Section 480(2) is modified by adding after the word “grant” the words “or subsidy”.

37) Section 516 is modified by deleting the words “on taxable property in the municipality”.

38) Section 517 is modified by deleting the following words in the second paragraph “subject to section 579”.

39) Section 518a is modified to read as follows:

“The costs of demolition, repairs, alterations and construction incurred by a municipality in exercising the powers contemplated in paragraphs 1b, 4a and 27 of section 426 shall constitute a charge recoverable in the manner determined by the council.”

40) Sections 525 to 529 are replaced by the following:

“The council may impose and levy annually:

(1) on the stock in trade or articles of commerce of all descriptions kept by merchants and dealers and exposed for sale in shops, or kept in vaults, warehouses or store-houses; on all yards or depots for rough, sawn or manufactured wood or lumber; and on all yards or depots for coal or other articles of commerce kept for sale, a tax of not more than one per cent (1%) of the estimated average value of such stock in trade or other articles of commerce;

(2) a tax on all occupants, possessors, or tenants within the territorial limits of the corporation, said tax to be applied on a uniform basis;

(3) a service tax which shall, if levied, be applied on an equal basis to all beneficiaries within the territorial limits of the public corporation to the extent of the cost of services furnished by such corporation. These service taxes shall be the same for all required to pay them whether they are members of the corporation or not. Wherever the corporation shall provide services, it shall provide them to all residents and organizations whether members of the corporation or not”.

41) Section 580 shall be replaced by the following:

“Subject to the approval of the Québec Municipal Commission and on such terms and conditions that the Commission may determine, the council of the public corporation may enact by-laws governing the borrowing of funds required by the corporation. Subject to the same approval, the corporation may provide housing loans to its members from the monies thus borrowed”.

42) Sections 605 to 607 are replaced by the following:

“Lands of Category IB shall not be subject to expropriation by the public corporation.

In the case of acquired rights, expropriation of lands, buildings and structures located within the territorial limits of the corporation as of the date of the signing of the Agreement shall be subject to the prior approval of the Lieutenant-Governor in Council.”

43) Section 610 shall be modified by adding the following paragraph:

“The council shall not be obliged to accept the lowest or any other tender.”

44) Sections 611 to 621 are replaced by the following:

“Fines imposed by the by-laws of the council shall be recoverable on summary proceedings in accordance with Part I of the Summary Convictions Act.”

45) Section 641 is modified by adding the following paragraph:

“Nevertheless for the purposes of sections 628 to 641 of the Cities and Towns Act, the lands of Category IB as granted by the Agreement are exempt from seizure.”

46) Sections 642 to 697 shall apply subject to the provisions of the Sections on Police (Crees) and Administration of Justice (Crees) contained in the Agreement.

Annex 2

Definitions

- 1) The word “Council” means the council of each public corporation.
- 2) The word “municipality” shall mean a public corporation as established herein.
- 3) The words “territory of the municipality” shall mean the territory under the jurisdiction of a public corporation.
- 4) The word “ratepayer” shall mean the members of the corporation and the residents.
- 5) The words “person entered on the valuation roll” shall mean the members of the corporation and the residents.
- 6) The words “person entered on the electoral list” or “electors” shall mean the members of the corporation and the residents.
- 7) The words “property owner, occupant, tenant” shall mean the members of the corporation and the residents.
- 8) The word “Minister” shall mean the Minister of Municipal Affairs.