

NATIONAL ASSEMBLY

SECOND SESSION

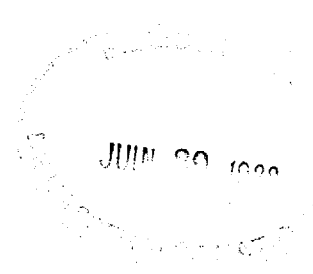
THIRTY-THIRD LEGISLATURE

Bill 14

**An Act respecting the municipal
reorganization of the territory of the
municipality of the North Shore of
the Gulf of St. Lawrence**

Introduction

**Introduced by
Mr André Bourbeau
Minister of Municipal Affairs**



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EXPLANATORY NOTES

The object of this bill is to permit the municipal reorganization of the territory of the municipality of the North Shore of the Gulf of St. Lawrence. The bill provides that the Government may constitute a new municipality having jurisdiction over part of that territory.

The bill also provides that the application for constitution is governed by the rules established in the Bill respecting municipal territorial organization subject to certain adaptations. For example, for the purposes of the process of constitution, the municipality of the North Shore of the Gulf of St. Lawrence will be regarded as a regional county municipality and the territory that is to be detached will be regarded as an unorganized territory.

The bill contains certain transitional rules as regards elections in a local municipality so constituted. For the purposes of the first two general elections and any by-election held before the third general election, a special mode of representation will be allowed for localities established under the Act respecting the municipality of the North Shore of the Gulf of St. Lawrence. During that period, each locality will constitute an electoral district and will be represented by two councillors on the council of the local municipality.

Finally, the bill provides that a member of the council of a municipality so constituted will be authorized, if the circumstances so justify and subject to certain conditions, to take part in, deliberate and vote at a meeting of the council by telephone or by another means of communication.

ACTS AMENDED BY THIS BILL:

(1) Act respecting municipal territorial organization (1988, chapter insert here the chapter number of this Act);

(2) Act respecting the municipality of the North Shore of the Gulf of St. Lawrence (1963, 1st session, chapter 97).

Bill 14

An Act respecting the municipal reorganization of the territory of the municipality of the North Shore of the Gulf of St. Lawrence

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may, by order, constitute the inhabitants and ratepayers of the territory described in section 1 of the Act respecting the municipality of the North Shore of the Gulf of St. Lawrence (1963, 1st session, chapter 97), or part of that territory, into a local municipality.

2. The provisions of Chapter III of Title II and sections 208 to 210 of the Act respecting municipal territorial organization (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*), except sections 32, 36 and 37, paragraph 7 of the second paragraph of section 38, section 44, paragraph 4 of section 45, sections 54 and 55, paragraph 7 of section 67 and section 79, apply to the constitution of a municipality under this Act, adapted as follows:

(1) the municipality of the North Shore of the Gulf of St. Lawrence shall be regarded as a regional county municipality and its manager shall be regarded as the council and secretary-treasurer of a regional county municipality;

(2) the territory affected by the application for constitution shall be regarded as an unorganized territory;

(3) any reference in section 75 to the by-laws, resolutions or other acts adopted by the regional county municipality shall be a reference to the orders made by the manager.

Notwithstanding section 6 of the Act respecting the municipality of the North Shore of the Gulf of St. Lawrence, the manager is not required to make an order to propose the negotiation of an agreement, to apply for an extension for reaching an agreement, to reach an agreement or to give his opinion on an amendment proposal to the agreement. A writing signed by the manager shall then stand *in lieu* of an order in force.

3. The territory of a local municipality comprising at least two localities established under section 7 of the Act respecting the municipality of the North Shore of the Gulf of St. Lawrence shall be divided into electoral districts for the purposes of the first two general elections and any by-election or co-optation prior to the third general election.

The territory of each locality shall constitute a distinct electoral district.

4. Where the territory of a municipality referred to in section 3 also comprises part of the territory referred to in section 1 of the Act respecting the municipality of the North Shore of the Gulf of St. Lawrence which does not constitute a locality, the order made under section 1 must indicate the electoral district which comprises such part of the territory or apportion it among several districts.

5. The council of a local municipality referred to in section 3 shall be composed of the mayor and of two councillors for each electoral district for the purposes of the first two general elections and any by-election or co-optation prior to the third general election.

6. The population of a municipality constituted under this Act and, where applicable, of the remainder of the territory referred to in section 1 shall be ascertained by the Minister of Municipal Affairs. The Minister shall inform the newly constituted municipality and, where applicable, the manager of the municipality of the North Shore of the Gulf of St. Lawrence of the population he has ascertained.

The Minister shall publish in the *Gazette officielle du Québec* a notice indicating the population ascertained in accordance with this section.

The population ascertained under this section remains valid until it is replaced by the population ascertained under section 29 of the Act

respecting municipal territorial organization on the basis of a census which allows for the constitution of the municipality.

7. A member of the council may, if the circumstances so justify, take part in, deliberate and vote at a meeting of the council by telephone or by any other means of communication.

A member of the council may avail himself of that right only if

(1) the secretary-treasurer of the local municipality is present on the premises of the meeting;

(2) the person presiding at the meeting is present thereat;

(3) the telephone or the other means of communication used allows all persons taking part in or attending the meeting to hear one another.

The minutes of the meeting must mention that a member of the council availed himself of that right. They must be ratified by the council at the following regular meeting.

A member of the council who takes part in, deliberates and votes at a meeting by telephone or by another means of communication in accordance with this section is deemed to be present at the meeting.

8. The manager shall administer, in accordance with section 6 of the Act respecting the municipality of the North Shore of the Gulf of St. Lawrence, the affairs of the municipality until a majority of the council members elected at the first election take office.

The first paragraph applies subject to the jurisdiction of the secretary-treasurer of the municipality.

9. The territory of a municipality constituted under this Act ceases to be comprised in the territory of the municipality of the North Shore of the Gulf of St. Lawrence on the date of the coming into force of an order made under section 1.

10. Section 1 of the Act respecting municipal territorial organization is amended by replacing the second paragraph by the following paragraph:

“It also comprises territories not subject to the jurisdiction of the regional bodies mentioned in the first paragraph, namely the territories of Cree village municipalities, the territory of the municipality of the North Shore of the Gulf of St. Lawrence, the territory of the municipality

of Baie James and the territories of the towns enclosed within the two latter territories.”

11. Section 9 of the Act respecting the municipality of the North Shore of the Gulf of St. Lawrence is repealed.

12. This Act comes into force on (*insert here the date of assent to this Act*).