



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 69

An Act to amend the Act respecting Northern villages and the Kativik Regional Government

Introduction

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

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EXPLANATORY NOTES

The object of this bill is to amend various provisions of the Act respecting Northern villages and the Kativik Regional Government so as to give more flexibility to certain rules applicable to municipal government in Northern Québec.

The bill provides that the regional councillor representing each northern village on the council of the Kativik Regional Government is to be designated by and from among the members of the village council rather than elected regional councillor by the electors of the village.

It further provides that the members of the executive committee of the Kativik Regional Government may be replaced at anytime by way of a decision of the council.

In addition, the bill introduces the scheduling of a public question period at every sitting of the council of a northern village and at every meeting of the council of the Kativik Regional Government.

Finally, the bill allows the council of the Kativik Regional Government to delegate to the secretary the power to award and sign contracts for the carrying out of projects ordered by the council.

Bill 69

An Act to amend the Act respecting Northern villages and the Kativik Regional Government

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Act respecting Northern villages and the Kativik Regional Government. (R.S.Q., chapter V-6.1) is amended

(1) by striking out the words “or employee” in the second line of paragraph *c*;

(2) by striking out the words “or employees” in the third line of paragraph *d*;

(3) by replacing paragraphs *f* and *g* by the following paragraphs:

“(f) “regional councillor” means the member of the council of a municipal corporation designated to represent the corporation on the council of the Regional Government;

“(g) “ratepayer” means a person who is subject to the payment of a tax to the municipal corporation;”;

(4) by replacing paragraphs *j* and *k* by the following paragraphs:

“(j) “officer of the Regional Government” means any employee of the Regional Government;

“(k) “officer of the municipal corporation” means any employee of the municipal corporation;”;

(5) by striking out paragraph *t*;

(6) by inserting, after paragraph *u*, the following paragraph:

“(u.1) “tax” means any tax imposed or compensation required by the municipal corporation;”.

2. Section 20 of the said Act, amended by section 341 of chapter 95 of the statutes of 1986, is again amended

(1) by striking out the words “or employee” in the third line of the first paragraph;

(2) by striking out the words “or employee” in the first line of paragraph *c* of subparagraph 8 of the first paragraph;

(3) by striking out the words “or employee” in the first line of the second paragraph.

3. Section 31 of the said Act is amended by replacing subparagraphs 4, 5 and 6 of the first paragraph by the following subparagraphs:

“(4) One member of the council, designated as provided in section 251, has the title of “regional councillor” and he shall represent the municipal corporation on the council of the Regional Government.

“(5) At an election, the ballot paper shall identify two classes of offices: that of mayor and that of councillor. The elector shall cast one vote for a candidate for the office of mayor and as many votes for candidates for the office of councillor as there are seats to be filled.

“(6) The candidate for the office of mayor who receives the greatest number of votes shall be declared elected. Candidates for the office of councillor receiving the greatest number of votes shall be declared elected until all the seats to be filled are filled.”

4. Section 36 of the said Act is amended by striking out the words “or employee” in the second and fifth lines of the second paragraph.

5. Section 41 of the said Act is amended by striking out the words “or employees” in the third line of the second paragraph.

6. Section 45 of the said Act is amended by inserting the words “other than an employee within the meaning of the Labour Code (R.S.Q., chapter C-27)” after the word “officer” in the first line.

7. Section 51 of the said Act is amended by replacing the word “employee” in the second line by the word “officer”.

8. Section 80 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Where several persons are nominated for the office of mayor, the presiding officer shall announce that a poll will be held for the election of a mayor. Where the number of candidates for the office of councillor exceeds the number of seats to be filled, the presiding officer shall announce that a poll will be held for the election of councillors.”

9. Section 81 of the said Act is amended by replacing the last four lines by the following: “remains but one candidate for the office of mayor, the presiding officer shall declare him elected; and if after the withdrawal there remains a number of candidates for the office of councillor equal to the number of seats to be filled, the presiding officer shall declare them elected.”

10. Section 83 of the said Act is amended by adding, at the end, the following subsection:

“(4) Where election proceedings are recommenced, the electoral list prepared and revised for the original election is used, the resolutions transmitted pursuant to section 64 are valid, the notice of election is published within two days after the occurrence of the event making it necessary to recommence the election proceedings, the nomination of candidates is held one week after publication of the notice of election and the poll is held, if a poll is required, one week after the nomination of candidates.”

11. Section 96 of the said Act is amended

(1) by replacing the words “for the office of mayor or regional councillor” in the second and third lines of subsection 1 by the words “to the office of mayor”;

(2) by replacing the words “for the other” in the first line of subsection 2 by the words “to the”.

12. Section 110 of the said Act is amended by replacing the words “the office of mayor or of ordinary councillor becomes vacant” in the first and second lines by the words “a vacancy occurs in the office of mayor or of councillor”.

13. Section 111 of the said Act is amended

(1) by adding the word “or” at the end of paragraph *b* and striking out paragraph *c*;

(2) by replacing the last sentence by the following sentence:
 “Subsection 4 of section 83, adapted as required, applies to the election. However, if the event making the new election necessary occurs more than 12 months after the end of the last revision of the electoral list in force, the list shall be revised within 15 days after publication of the notice of election and the nomination of candidates shall be held one week after the end of the revision period.”

14. The said Act is amended by inserting, after section 124, the following section:

“124.1 Every sitting of the council shall include a period during which the persons present may address questions verbally to the members of the council.

The council may, by by-law, prescribe the length of the question period, the stage of the sitting at which it is to be held and the procedure for asking questions.”

15. Section 165 of the said Act is amended by striking out the words “or employees” in the third line.

16. Section 173 of the said Act is amended by striking out the words “and persons” in the second line of subparagraph 9 of the first paragraph.

17. Section 203 of the said Act is amended by replacing the word “employees” in the third line by the word “officers”.

18. Section 204 of the said Act, amended by section 816 of chapter 57 of the statutes of 1987, is again amended by striking out the words “or employee” in the second line of the second paragraph of subsection 11.

19. The said Act is amended by inserting, after section 209, the following section:

“209.1 The secretary-treasurer shall send a copy of the adopted budget or a summary thereof to each dwelling in the municipality.”

20. The said Act is amended by inserting, after section 211, the following section:

“211.1 In no case may the council adopt a by-law or resolution authorizing an expenditure unless the secretary-treasurer issues a certificate attesting the availability of sufficient funds to make the expenditure.

Any contravention of the first paragraph entails nullity of the by-law or resolution.”

21. Section 220 of the said Act is repealed.

22. Section 245 of the said Act is amended

(1) by striking out the words “or employee” in the second line;

(2) by striking out the words “or employee” in the first line of subparagraph *b* of the first paragraph of paragraph 2.

23. Sections 251 to 253 of the said Act are replaced by the following sections:

“**251.** Each municipal corporation in the territory shall be represented on the council of the Regional Government by a regional councillor designated by and from among the members of the council of the corporation.

However, the mayor of the corporation of the Naskapi Village of Schefferville is *ex officio* the regional councillor representing that corporation on the council of the Regional Government.

Until constituted as a municipal corporation under section 16, the inhabitants of each part of the territory contemplated in Section 12 of the Agreement shall be represented on the council of the Regional Government by a delegate appointed by the Minister, after consultation with the interested persons. The delegate may be replaced at any time in the same manner. His term of office shall be one year and may be renewed; it shall expire when the inhabitants he represents are constituted as a municipal corporation and the regional councillor thereof is designated. For the purposes of this Part, the delegate shall be considered to be a regional councillor.

“**252.** The term of office of a regional councillor shall extend until his successor is designated or, in the case of the regional councillor for the Naskapi Village of Schefferville, until his successor as mayor of the corporation takes office.

Notwithstanding the foregoing, the term of office of a regional councillor shall end upon the expiry of his term of office as a member of the council of the corporation he represents.

“**253.** A vacancy in the office of regional councillor shall be filled within 30 days by the council of the municipal corporation concerned.

If the council fails to act, the Minister may designate a regional councillor in its stead.”

24. Section 254 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The resignation of the regional councillor of the Naskapi Village of Schefferville shall entail his resignation as mayor of the corporation.”

25. The English version of section 265.1 of the said Act is amended by replacing the words “chairman and” in the second line of subparagraph 1 of the second paragraph by the words “chairman or”.

26. The said Act is amended by inserting, after section 275, the following section:

“**275.1** Every meeting of the council shall include a period during which the persons present may address questions verbally to the members of the council.

The council may, by ordinance, prescribe the length of the question period, the stage of the meeting at which it shall be held and the procedure for asking questions.”

27. Section 278 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**278.** The term of office of a member of the executive committee shall extend until the appointment of his successor. Notwithstanding the foregoing, it shall end upon expiry of his term of office as regional councillor.”

28. Section 280.1 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

“Subsequently to the chairman’s resignation, the vacancy in the office of regional councillor of a northern village corporation shall be filled in accordance with section 110 regardless of when the vacancy occurs.

The term of office of the chairman who avails himself of this section shall be two years from the date of his appointment or until the date of appointment of his successor, if earlier; if his successor is appointed only after the expiry of the two-year period, the chairman shall remain in office notwithstanding the expiry of his term. He may be designated as chairman again without having to be first elected regional councillor of a municipal corporation.”

29. Section 289 of the said Act is amended by striking out the words “and employees” in the third line of the first paragraph.

30. Section 294 of the said Act is amended

(1) by striking out the words “and the majority of the members of the executive committee physically present at the meeting consent thereto” in the first, second and third lines of the first paragraph;

(2) by adding, at the end, the following paragraph:

“He may avail himself of such right only if the chairman or vice-chairman of the executive committee and the secretary are present at the same place.”

31. Section 299 of the said Act is amended by inserting the words “other than an employee within the meaning of the Labour Code” after the word “officer” in the first line.

32. Section 302 of the said Act is amended by striking out the words “and employees” in the fifth line.

33. Section 302.1 of the said Act is amended

(1) by striking out the words “or employees” in the second line of the first paragraph;

(2) by striking out the words “or employee” in the first line of subparagraph 2 of the second paragraph;

(3) by striking out the words “or employee” in the first line of the fifth paragraph.

34. The said Act is amended by inserting, after section 302.1, the following section:

“302.2 The council may, by ordinance or by-law, delegate to the secretary the power to award and make, in the name of the Regional Government, any contract for the carrying out of a project ordered by the council for which sufficient funds are available.

The rules for the awarding of contracts by the Regional Government, adapted as required, apply to any contract awarded under this section. Notwithstanding the foregoing, in any case where the Minister’s authorization is required for the awarding of a contract to any other person than the person who made the lowest tender, only the council may apply to the Minister for the authorization.

Where the secretary awards a contract under this section, he shall transmit a report thereof to the council at the first regular meeting held after the expiry of five days from the awarding of the contract.”

35. Section 303 of the said Act is amended

(1) by replacing subparagraph *g* of the first paragraph by the following subparagraph:

“(g) to compel any officer of the Regional Government to furnish him with all information and documents which he requires, except any information or document which, in the opinion of the head of the police department, would disclose the content of a record concerning a police investigation;”;

(2) by replacing the word “présentées” in the second line of subparagraph *j* of the first paragraph of the French text by the words “et les présenter”.

36. Section 350 of the said Act is amended by striking out the words “and employees” in the third line.

37. Section 357 of the said Act is amended by replacing the word “employees” in the second line by the word “officers”.

38. Section 358 of the said Act, amended by section 818 of chapter 57 of the statutes of 1987, is again amended by striking out the words “or employee” in the second line of the second paragraph of subsection 11.

39. Section 361 of the said Act is amended by striking out the words “and employees” in the second line of paragraph *b*.

40. The said Act is amended by inserting, after section 384, the following section:

“384.1 The secretary shall transmit to each municipal corporation in the territory a copy of the adopted budget or supplementary budget.”

41. Section 399 of the said Act is amended by inserting the words “and to each municipal corporation in the territory” after the word “Minister” in the second line of subsection 4.

42. The members of the council and of the executive committee of the Kativik Regional Government, including the delegates who are considered to be regional councillors, in office on *(insert here the date of the day before the coming into force of this Act)* remain in office until their terms expire as provided in the Act respecting Northern villages and the Kativik Regional Government amended by this Act.

43. Section 21 does not entail compulsory reimbursement of any additional tax paid pursuant to the provision repealed thereby.

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