

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 26

**An Act to establish the James Bay
Regional Zone Council**

First reading

Second reading

Third reading

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Ministre délégué à l'énergie



L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

In application of the Agreement concerning James Bay and Northern Québec, this bill establishes, under the name of “James Bay Regional Zone Council”, a public corporation that is, in respect of the Category II lands included in the James Bay Territory, substituted for the board of directors of the James Bay Corporation which, in turn, constitutes the municipal council of the James Bay Municipality.

The Regional Council will be composed of six members, of whom three will be appointed by and will represent the James Bay Municipality and three will be appointed by and will represent the Cree Regional Authority. The president and vice-president of the Council will be appointed alternately by the Cree Regional Authority and the James Bay Municipality.

The Regional Council will exercise its powers by order. Each order adopted by the Regional Council must be ratified by the James Bay Municipality and approved by the Government. The James Bay Municipality may adopt an order affecting that part of the territory within the jurisdiction of the Regional Council, where the Municipality submits a draft order to the Council and the latter fails to adopt it within ninety days. Such an order, also, must be approved by the Government.

Bill 26

An Act to establish the James Bay Regional Zone Council

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

DIVISION I

DEFINITIONS

1. In this act, unless the context indicates otherwise,

(a) “Cree Regional Authority” means the public corporation created by the Act respecting the Cree Regional Authority (1978, chapter *insert here the chapter number of Bill 25*);

(b) “Regional Council” means the council created by section 2;

(c) “Agreement” means the agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Quebec (1976, chapter 46);

(d) “James Bay Municipality” means the municipality constituted by section 34 of the James Bay Region Development Act (1971, chapter 34);

(e) “Category II lands” means the lands designated as such under the Act respecting land management in the James Bay and New Québec territories (1978, chapter *insert here the chapter number of Bill 29*) or, until that act comes into force, under the Act respecting Cree and Inuit Native persons (1978, chapter *insert here the chapter number of Bill 34*);

(f) “territory” means the territory described in the schedule to the James Bay Region Development Act (1971, chapter 34).

DIVISION II

ESTABLISHMENT AND MANDATE OF THE REGIONAL COUNCIL

2. A public corporation is created under the name of “Conseil régional de zone de la Baie James”.

This corporation may also be designated by the name of “James Bay Regional Zone Council” in English.

This corporation has the powers conferred on it by this act.

3. The corporate seat of the Regional Council is at Radisson; the Council may, however, choose another location and transfer the corporate seat thereto.

4. Any change in the corporate seat of the Regional Council comes into force upon publication of a notice to that effect in the *Gazette officielle du Québec*.

5. The Regional Council holds its sittings at its corporate seat or at any other place in the territory that it may fix by order from time to time.

6. In respect of the Category II lands in the territory and subject to the other provisions of this act, the Regional Council is substituted for the board of directors of the James Bay Corporation, so far as that board is itself substituted, under section 36 of the James Bay Development Act (1971, chapter 34), for the municipal council of the James Bay Municipality.

DIVISION III

COMPOSITION OF THE REGIONAL COUNCIL

7. The Regional Council is composed of six members, of whom three are appointed by and represent the James Bay Municipality, and three are appointed by and represent the Cree Regional Authority.

8. The Cree Regional Authority and the James Bay Municipality appoint the president and vice-president of the Regional Council from among the members of the Regional Council in accordance with the following terms and conditions:

(a) for the first year of operation of the Regional Council, the president is appointed by the James Bay Municipality and the vice-president by the Cree Regional Authority;

(b) for the second year of operation of the Regional Council, the president is appointed by the Cree Regional Authority and the vice-president by the James Bay Municipality;

(c) in following years, the president and vice-president of the Regional Council are appointed successively in the order set out in paragraphs *a* and *b*.

9. Each member is appointed for a period of two years, unless he is replaced before the end of his term by the authority that appointed him.

His term is renewable.

10. If a member of the Regional Council resigns, his resignation becomes effective on the date the secretary of the Regional Council receives a written notice to that effect, signed by the person resigning.

11. Any vacancy must be filled within thirty days of the date it occurs by the authority that appointed the member whose position has become vacant. The Regional Council cannot validly sit until the vacancy is filled or the thirty day period has elapsed.

DIVISION IV

SITTINGS OF THE REGIONAL COUNCIL

12. The Regional Council shall have at least four regular sittings a year, on the dates and at the times it may determine by order.

13. The agenda of each regular sitting of the Regional Council must be prepared by the secretary after consultation with the president and the vice-president; it must be distributed to the members of the Regional Council at least seventy-two hours before the time fixed for the beginning of the sitting.

14. A special sitting of the Regional Council is convened by the secretary on the request of the Regional Council or on the written request of at least one of its members; the notice of convocation stands in lieu of the agenda.

No matter not specified in the notice of convocation may be considered at a special sitting of the Regional Council or at any resumption of such sitting unless the members are all present and consent thereto.

15. The notice of convocation to any special sitting must be sent by the secretary and delivered, by an officer or a peace officer

of the James Bay Municipality, to every member of the Regional Council at least seventy-two hours before the time fixed for the beginning of the sitting; in the case of the members who represent the Cree Regional Authority, the notice of convocation may be sent to the corporate seat of the Authority by mail or by any other method fixed by order of the Regional Council.

16. Whenever, at a special or regular sitting, the business submitted cannot be entirely disposed of on the first day, the Regional Council shall adjourn to a later date, which must not be later than the thirtieth day following the date of such sitting.

Where the Regional Council does not adjourn to a later date, the sitting is automatically adjourned to the next juridical day, unless the members present unanimously agree on another date. For the purposes of this section, Saturday is considered a non-juridical day.

17. The sittings of the Regional Council are open to the public.

18. A quorum at sittings of the Regional Council is two members, one from among those appointed by the James Bay Municipality and the other from among those appointed by the Cree Regional Authority.

19. Subject to section 20, every member of the Regional Council present at a sitting must vote.

Orders of the Regional Council are adopted by a majority of the members present; in the case of a tie-vote, the order in question is not adopted.

20. No member of the Regional Council may take part in the discussion of a matter in which he has a personal interest.

Where a member's personal interest in a matter is in dispute, the Regional Council shall decide the question; the member involved does not have a vote on the question of whether or not he has a personal interest.

This section does not apply to the formation of committees.

21. The minutes of the proceedings of the Regional Council are kept and entered in a book kept for that purpose by the secretary; they are signed by the member who has presided at the sitting and by the secretary; they are open to inspection by any interested person who wishes to examine them.

DIVISION V

ORDERS

22. The Regional Council exercises its powers by order in accordance with this act.

23. The Regional Council is governed by the Cities and Towns Act and exercises all the powers of a town municipality, subject to the James Bay Region Development Act (1971, chapter 34) and this act.

All orders and other measures, respecting the territory and affecting Category II lands, adopted by the James Bay Municipality before the coming into force of this act, continue to be in force until they are amended, repealed or replaced by the Regional Council.

24. A copy of every draft order must be included with the agenda or notice of convocation, as the case may be, for the sitting at which that order is to be considered.

25. To be authentic, the original of an order must be signed by the president and by the secretary of the Regional Council.

26. Orders adopted by the Regional Council are not effective until they have been ratified by the James Bay Municipality and approved by the Government; they must be published immediately in the *Gazette officielle du Québec*.

27. Where the James Bay Municipality refuses to ratify an order of the Regional Council or any part of such an order, the Municipality must, within ninety days of the date of its reception of the order, inform the Regional Council thereof in writing, giving its reasons for refusing and specifying which part of the order it refuses to ratify, where that is the case.

Where the James Bay Municipality refuses to ratify an order of the Regional Council, or any part of such an order, the Council may submit to the Municipality for ratification either an amendment to the order previously submitted or a new order, in which case the time limit given above again begins to run for ninety days.

28. Every order not refused by the James Bay Municipality in accordance with section 27 is considered to have been ratified by that Municipality and must be submitted to the Government for approval within thirty days.

29. The James Bay Municipality may adopt an order concerning that part of the territory within the jurisdiction of the Regional Council, where the Municipality submits a draft order to the Council and the latter fails to adopt it within ninety days.

Such an order, to be valid, must be approved by the Government, which may amend it as it sees fit, but not without first consulting the Cree Regional Authority on the matter.

An order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date prescribed therein.

30. This act gives neither the Regional Council nor the James Bay Municipality any authority over hunting and fishing rights or over the Hunting, Fishing and Trapping Regime established by the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter *insert here the chapter number of Bill 28*).

31. Every order of the Regional Council or the James Bay Municipality shall be registered by the secretary of the Regional Council in a special book entitled "Book of the orders of the James Bay Regional Zone Council". The secretary must also enter in this book, after each order, a copy of that order as published in the *Gazette officielle du Québec*.

DIVISION VI

ADMINISTRATIVE AND FINANCIAL PROVISIONS

32. The James Bay Municipality shall put such personnel, including the secretary, at the disposal of the Regional Council as the latter may require.

Before doing so, however, the Municipality must consult the Cree Regional Authority.

33. The financial year of the Regional Council begins on 1 January and ends on 31 December of each year.

34. The Regional Council must prepare a budget each year and submit it to the council of the James Bay Municipality before 31 December of each year.

Where the Regional Council fails to prepare and submit a budget, the budget is prepared by the James Bay Municipality.

35. The annual budget of the Regional Council must be approved by the James Bay Municipality and by the Government; subject to the budget appropriations, the funds required for the

administration of the Regional Council are provided by the Municipality.

36. The Government shall designate the minister entrusted with the application of this act.

37. This act will come into force on the date to be fixed by proclamation of the Government, with the exception of those provisions excluded by that proclamation, which will come into force on any subsequent date that may be fixed by proclamation of the Government.