

1988, chapter 55

**AN ACT RESPECTING THE MUNICIPAL REORGANIZATION
OF THE TERRITORY OF THE MUNICIPALITY OF THE
NORTH SHORE OF THE GULF OF ST. LAWRENCE**

Bill 14

Introduced by Mr André Bourbeau, Minister of Municipal Affairs

Introduced 14 June 1988

Passage in principle 25 October 1988

Passage 22 December 1988

Assented to 23 December 1988

Coming into force: 23 December 1988

Acts amended:

Act respecting municipal territorial organization (1988, chapter 19)

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





CHAPTER 55

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

[Assented to 23 December 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Constitution
of a municipi-
pality

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.

Provisions
applicable

2. The provisions of Chapter III of Title II and sections 211 to 213 of the Act respecting municipal territorial organization (1988, chapter 19), 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.

Negotiation
of an agree-
ment

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 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.

Electoral
districts

3. The territory of a 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.

Electoral
district

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

Order

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.

Municipal
council

5. The council of a municipality referred to in section 3 shall be composed of the mayor and of an equal number of councillors, fixed by the Government in the constitution order, 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.

Population

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.

Publication
of notice

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

Census

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.

Participation
by telephone

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.

Conditions	<p>A member of the council may avail himself of that right only if</p> <ol style="list-style-type: none">(1) the secretary-treasurer of the 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.
Minutes	<p>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.</p>
Presumption	<p>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.</p>
Manager	<p>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 a municipality until a majority of the council members elected at the first election take office.</p>
Applicability	<p>The first paragraph applies subject to the jurisdiction of the secretary-treasurer of the municipality.</p>
Detached territory	<p>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.</p>
1988, c. 19, s. 1, am.	<p>10. Section 1 of the Act respecting municipal territorial organization (1988, chapter 19) is amended by replacing the second paragraph by the following paragraph:</p>
Territories concerned	<p>“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 Baie James, the territories of the towns enclosed within the latter territory, the territory of the municipality of the North Shore of the Gulf of St. Lawrence and the territories of the municipalities constituted under the Act respecting the municipal reorganization of the territory of the municipality of the North Shore of the Gulf of St. Lawrence (1988, chapter 55).”</p>

1963,
1st session,
c. 97, s. 9,
replaced

11. Section 9 of the Act respecting the municipality of the North Shore of the Gulf of St. Lawrence (1963, 1st session, chapter 97) is replaced by the following section:

Unorganized
territory

“9. The Government may, by letters patent issued in accordance with Division I of Chapter I of Title II of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), terminate the existence of the municipality constituted under this Act and attach its territory to the territory of a regional county municipality as an unorganized territory subject to Chapter II of Title I of the Act respecting municipal territorial organization (1988, chapter 19).”

Coming into
force

12. This Act comes into force on 23 December 1988.