

chapter V-6.1

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

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DECLARATORY AND INTERPRETATIVE PROVISIONS

1. This Act shall apply to any municipality erected by letters patent hereunder and to the Regional Government established under section 239.

1978, c. 87, s. 1.

2. In this Act, unless the context indicates otherwise,

(a) “Regional Government” means the regional government established under section 239;

(b) “meeting”, used alone, means an ordinary, general or special meeting of the executive committee or of the council of the Regional Government, as the case may be;

(c) “municipal office” means the office or functions of a member of a municipal council, or of an officer of a municipality;

(d) “regional office” means the office or functions of a member of the council or executive committee of the Regional Government, or of the officers of the Regional Government;

(e) “executive committee” means the executive committee of the Regional Government contemplated in section 276;

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

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

(h) “Agreement” means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67);

(i) “elector” means a person having the right to vote at a municipal election;

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

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

(l) “tenant” means any person who is bound to pay rent in money or to give part of the fruits or revenues of the immovable which he occupies, and who is resident householder, saving the case of the lessee of a store, shop or business establishment;

(m) “Minister” means the Minister of Municipal Affairs, Regions and Land Occupancy;

(n) *(paragraph repealed)*;

(o) “occupant” means any person who occupies an immovable in his own name, except for the owner, lessee, any person living in the immovable without making it his usual place of residence and any person who is the dependant of another person with whom he occupies the immovable;

(p) “ordinance” means an enactment of the Regional Government which applies within the municipalities under its jurisdiction or to the inhabitants of their territory, except where the enactment itself expressly provides otherwise;

(q) “property-owner” means any person who possesses immovable property in his own name as owner, as usufructuary, or as institute in cases of substitution, or as possessor of lands in the domain of the State with a promise of sale;

(r) “by-law” means an enactment of the council of a municipality or of the Regional Government acting as a municipality;

(s) “sitting”, used alone, means an ordinary, general or special sitting of the council of a municipality;

(t) (*paragraph repealed*);

(u) “municipal services” means water, sewer, fire protection, recreation, cultural activities, roads, garbage removal and disposal, lighting, heating, power, and snow removal services supplied by a municipality;

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

(v) “Territory” means all the territory of Québec located north of the fifty-fifth parallel, excluding the Category IA and IB lands intended for the Cree community of Great Whale River and designated as such under the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1) or, meantime, under the Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1).

1978, c. 87, s. 2; 1987, c. 23, s. 76; 1987, c. 91, s. 1; 1989, c. 70, s. 1; 1996, c. 2, s. 1020; 1999, c. 40, s. 331; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

3. The population of a municipality shall be such number of inhabitants in its territory as is established by order of the Government based on the estimate of the Institut de la statistique du Québec.

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

1978, c. 87, s. 3; 1996, c. 2, s. 1021; 1998, c. 44, s. 54.

4. (*Replaced*).

1978, c. 87, s. 4; 1996, c. 2, s. 1021.

5. Whosoever is, by the provisions of this Act, of a by-law of a municipality or an ordinance of the Regional Government bound to sign his name to any document and cannot do so, shall affix his mark to such document, in the presence of a witness who shall likewise sign it.

1978, c. 87, s. 5; 1996, c. 2, s. 1105.

6. Unnecessary allegations or expressions used in any resolution, by-law, order, contract or other document do not affect the validity thereof in any manner if the whole provision in its ordinary sense is sufficiently intelligible.

1978, c. 87, s. 6.

7. Error or insufficiency in the designation of any municipality or the Regional Government in any act of the council of any municipality or of the Regional Government, of the executive committee, of the officers of a municipality or of the Regional Government, or of any other person, and error or insufficiency in the declaration of the quality of such officer or person, provided no surprise or injustice results therefrom, shall not render such act null.

1978, c. 87, s. 7; 1996, c. 2, s. 1022.

8. No suit, defence or exception, founded upon the omission of any formality, even imperative, in any act of the council of a municipality or of the Regional Government, of the executive committee or of an officer of a municipality or the Regional Government, shall prevail, unless the omission has caused actual prejudice or it is of a formality whose omission, according to the provisions of the law, would render null the proceeding from which it was omitted.

1978, c. 87, s. 8; 1996, c. 2, s. 1105.

9. Any oath required by this Act may be taken before a mayor, the chairman of the executive committee, a secretary-treasurer, the secretary of the Regional Government, a justice of the peace, a commissioner for oaths, a notary or any other person authorized by law to administer it.

1978, c. 87, s. 9.

10. Any person before whom an oath may be taken may and shall, whenever he is called upon to do so, administer the oath and deliver a certificate thereof without fee to the party taking the same.

1978, c. 87, s. 10.

11. Whenever any deposition or information is required to be given under oath, on behalf of any municipality or of the Regional Government, such deposition or information may be given by any member of the council or officer of the municipality or of the Regional Government, as the case may be, authorized for such purpose by a resolution of the council.

1978, c. 87, s. 11; 1996, c. 2, s. 1105.

PART I

MUNICIPALITIES OF NORTHERN QUÉBEC

TITLE PRELIMINARY

DEFINITION

12. In this part, unless the context indicates otherwise, the word “council” , used alone, means the council of a municipality constituted under section 13.

1978, c. 87, s. 12; 1996, c. 2, s. 1023.

TITLE I

ORGANIZATION OF MUNICIPALITIES

CHAPTER I

CONSTITUTION OF MUNICIPALITIES BY LETTERS PATENT

1996, c. 2, s. 1024.

13. The Government may, by letters patent, constitute a municipality whose status is that of northern village and whose territory forms part of the Territory, on the recommendation of the Minister.

Before submitting a recommendation, the Minister shall hold consultations with the inhabitants of the part concerned of the Territory and with the Regional Government, and shall hold any other consultations he deems expedient.

1978, c. 87, s. 13 (*part*); 1996, c. 2, s. 1025.

14. (1) The letters patent state:

(a) the name of the municipality;

(b) the territory of the municipality;

(b.1) the date of the first general election and the calendar year in which the second general election is to be held;

(c) the place of the first general sitting of the council;

(d) that the municipality is governed by this Act;

(e) where appropriate, the enumeration of the provisions of the Cities and Towns Act (chapter C-19), as they exist at the date of such letters patent, that are applicable to the municipality, subject to this Act.

(2) The Minister shall give notice of the granting of the letters patent by publishing them in the *Gazette officielle du Québec*. From the date of such publication, the municipality is erected under, and governed by, this Act.

1978, c. 87, s. 14; 1996, c. 2, s. 1026; 2009, c. 26, s. 88.

15. At any time after the erection of the municipality, the Government may, at the request of any interested party, issue supplementary letters patent

(a) annexing to the territory of the municipality a contiguous part of the Territory not forming part of the territory of another municipality, subtracting a part of the territory of the municipality or correcting a mistake in the description thereof;

(b) changing the place of the first general sitting of the council or

(c) making, revising or removing the enumeration of provisions contemplated in paragraph *e* of subsection 1 of section 14.

The second paragraph of section 13 and subsection 2 of section 14 shall apply with the necessary modifications to the case contemplated in this section.

In any part of the Territory newly comprised within the territory of a municipality following an annexation under subparagraph *a* of the first paragraph, the by-laws of the Regional Government that governed that part of the Territory prior to the annexation shall continue to apply until repealed or amended by the council of the municipality; the by-laws, resolutions, ordinances and other municipal enactments that governed the territory of the municipality prior to the annexation shall apply to the part of the Territory newly comprised only after having been declared applicable to it.

1978, c. 87, s. 15; 1996, c. 2, s. 1027.

16. Every municipality constituted under section 13 is a legal person established in the public interest formed by the inhabitants and ratepayers in its territory.

Its name shall contain the words “Village nordique” and a toponym.

The municipality may also be designated under an Inuit name and an English name. Other than the toponym, the Inuit name shall contain the words “Tarqrami Nunalik” and in the English name, the words “Northern Village”.

A municipality may also be designated in French under a name containing the words “Municipalité du village nordique” and the toponym forming part of its name. An equivalent name in Inuktitut or in English is also authorized.

1978, c. 87, s. 16; 1983, c. 57, s. 138; 1996, c. 2, s. 1029.

17. The council of a municipality, for reasons it considers advantageous, may pass a resolution requesting the Government to issue supplementary letters patent changing the name of the municipality.

After adoption of such resolution, public notice must be given by the secretary-treasurer that, within 30 days of the said notice, the municipality will transmit its application to the Government, and that those who

have reasons to invoke against such application must, before the expiration of the said 30 days, communicate these reasons to the Minister.

On receiving the request and after a period of at least 30 days, the Government may issue supplementary letters patent changing the name of the municipality.

Such change of name does not affect the rights or responsibilities of the municipality or of any other person, and comes into force after publication of a notice signed by the mayor and the secretary-treasurer, reciting the letters patent ordering the change of name.

1978, c. 87, s. 17; 1996, c. 2, s. 1030; 1999, c. 40, s. 331.

CHAPTER II

GENERAL POWERS OF THE MUNICIPALITY

1996, c. 2, s. 1031.

18. (1) Every municipality, under its corporate name, has perpetual succession, and may

(a) acquire all movable and immovable property required for municipal purposes, by purchase, donation, legacy or otherwise; erect and maintain on the said immovable property a public hall and all other buildings which it may require for municipal purposes; alienate for valuable consideration any movable or immovable property; the secretary-treasurer shall publish each month a notice indicating all property of a value exceeding \$10,000 that has been alienated by the municipality otherwise than by auction or by public tenders; the notice shall describe each property and indicate, in respect of each, the alienation price and the identity of the purchaser;

(a.1) lease its property, although such power does not enable the municipality to acquire or build property principally for leasing purposes;

(b) purchase for cash or otherwise acquire, for the use of the municipality, lands situated outside the territory of the municipality; such lands shall not, however, form part of the territory of the municipality acquiring them but shall remain, where applicable, part of the municipal territory in which they are situated;

(c) enter into contracts, bind and oblige itself, and bind and oblige others to itself, and transact within the limits of its powers;

(d) sue and be sued in any cause, before any court;

(e) exercise all the powers in general vested in it, or which are necessary for the accomplishment of the duties imposed upon it;

(f) have a seal, the use of which, however, is not obligatory.

(2) Such municipality may also

(a) assist in the undertaking and furtherance, in the territory of the municipality and elsewhere, of works of charity, education, scientific, artistic or literary culture, youth training, and generally of any social welfare enterprise of the population;

(b) assist in the organization of recreational guidance centres and public places for sports and recreation;

(c) found and maintain bodies for industrial, commercial or tourist promotion or assist in their foundation and maintenance;

(d) grant subsidies to institutions, partnerships or legal persons devoted to the pursuit of the aforesaid purposes;

(e) entrust to non-profit institutions, partnerships or legal persons, the organization and management, for the account of the municipality, of activities or bodies mentioned in subparagraphs *b* and *c* of this subsection and, for such purpose, make contracts with them and grant them the necessary funds.

The total amount which the municipality may appropriate each year for the purposes of this subsection shall not exceed the budgetary percentage previously approved by the Minister. The approval is valid as long as it is not revoked or modified.

1978, c. 87, s. 18; 1984, c. 38, s. 172; 1996, c. 2, s. 1032; 1997, c. 93, s. 153; 1999, c. 40, s. 331.

18.1. Every convention by which a municipality makes a financial commitment for a period exceeding three years must, to be binding on it, be previously authorized by the Minister of Municipal Affairs, Regions and Land Occupancy, except in the case of a convention requiring it to pay fees for professional services or a work contract.

1984, c. 38, s. 173; 1996, c. 2, s. 1105; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2008, c. 18, s. 114; 2009, c. 26, s. 109.

TITLE II

MUNICIPAL COUNCILS AND OFFICERS

CHAPTER I

QUALIFICATION FOR MUNICIPAL OFFICE

19. (1) Every natural person of full age and Canadian citizenship who is not legally disqualified may be nominated, elected or appointed a member of the Council of the municipality if he has been domiciled or ordinarily resident in the territory of such municipality for at least 36 months.

(2) For the 36 months following the date of constitution of a municipality, the Minister may modify the requirements concerning the residence or domicile of a person.

1978, c. 87, s. 19; 1996, c. 2, s. 1033.

20. The following persons shall not be nominated or elected members of the council, or be appointed to or hold a position as officer of the municipality:

(1) the Minister of Municipal Affairs, Regions and Land Occupancy, the Minister of Sustainable Development, Environment and Parks, the members of the Commission municipale du Québec and those of the Société d'habitation du Québec;

(2) the members of the Privy Council;

(3) the judges or magistrates receiving emoluments from the federal or provincial government;

(4) any person who, directly or indirectly, by himself or his partner, is a party to a contract with the municipality, unless a document from the secretary-treasurer indicating the nature of the contract and the amounts of money involved is publicly posted in the office of the municipality at the time of his nomination, election or appointment and remains so posted at all times during his tenure of office, with all relevant additions or deletions. Acceptance of, or application for, municipal services available to ratepayers according to a fixed tariff is not considered to be a contract with the municipality.

Nevertheless, a shareholder of any legally constituted business corporation which has any contract or agreement with the municipality or which receives any grant or subsidy therefrom is not disqualified from acting as a member of the council; but he is deemed to be interested if any discussion arises before the council or a committee with reference to any measure relating to the business corporation, except where the business corporation is the Makivik Corporation incorporated by section 2 of the Act respecting the Makivik

Corporation (chapter S-18.1) or one of the local Inuit landholding corporations contemplated in the Act respecting the land regime in the James Bay and New Québec Territories (chapter R-13.1), or one of their subsidiaries, in which case he is only deemed to be interested if he is an officer or director of the business corporation;

This subsection applies, with the necessary modifications, where a person, after being elected or appointed, becomes a party to a contract directly or indirectly, by himself or through his partner;

(5) whosoever has not paid all his municipal dues, with the exception of such amounts as remain to be paid owing to involuntary error or omission; nevertheless, the holder or occupant of a municipal office, whichever it be, shall not become disqualified to occupy it on account of not having, during his term of office, paid all his municipal dues within the time fixed by section 219 or 225, as the case may be, provided he pays them within 30 days of the expiry of such time;

(6) where a position as officer is in question, any person convicted of an act punishable under a law of the Parliament of Canada or of the National Assembly by imprisonment for one year or more. Such disqualification shall continue for three years after the term of imprisonment fixed by the sentence and, if only a fine was imposed or the sentence is suspended, for three years from the date of such condemnation, unless the person has obtained a pardon;

(7) where a position as officer is in question, any person convicted of an indictable offence punishable by imprisonment for five years or more after having previously been convicted of two indictable offences so punishable; such disqualification shall continue for 10 years after the term of imprisonment fixed by the sentence and, if only a fine is imposed or the sentence is suspended, for 10 years from the date of the conviction, unless the person has obtained a pardon for either of such indictable offences;

(8) where the office of member of the council is in question,

(a) the officers of the Regional Government and of the municipalities in the territory;

(b) persons who are responsible for moneys belonging to the municipality,

(c) persons who are sureties for any officer of the municipality,

(d) persons who receive any pecuniary allowance or other consideration from the municipality for their services, otherwise than under a legislative provision, except where a document of the secretary-treasurer indicating the origin and the amount of the payment is publicly posted in the office of the municipality at the time of their nomination, election or appointment and remains so posted, with all additions or deletions, if any, at all times during their tenure of office, or

(e) any person found guilty of an act punishable under a law of Canada or Québec by imprisonment for two years or more and sentenced to a term of 30 days or more, whether or not the sentence has been served; the disqualification lasts for a period equal to twice the term of imprisonment, and starts on the day the judgment convicting the person becomes final or the day the final sentence is pronounced, whichever is later.

This subsection applies, with the necessary modifications, where a person, after being elected or appointed, begins to receive a pecuniary allowance or other consideration.

Disqualification from holding office as an officer of the corporation under subparagraph 6 or 7 of the first paragraph shall be incurred only if the offence is in connection with such an office.

1978, c. 87, s. 20; 1979, c. 49, s. 33; 1982, c. 62, s. 143; 1986, c. 95, s. 341; 1987, c. 91, s. 2; 1988, c. 49, s. 53; 1989, c. 70, s. 2; 1994, c. 17, s. 75; 1996, c. 2, s. 1105; 1999, c. 40, s. 331; 1999, c. 43, s. 13; 1999, c. 36, s. 158; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2006, c. 3, s. 35; 2009, c. 26, s. 109; 2009, c. 52, s. 710; 2013, c. 30, s. 8.

21. No person shall be nominated, elected or appointed to more than one office as councillor or to the offices of both mayor and councillor.

1978, c. 87, s. 21.

22. No person may act as mayor or councillor nor hold any other municipal office unless he is eligible and possesses at all times the qualification required by law.

Whoever shall become incapacitated while occupying a municipal office other than that of mayor or councillor, shall be disqualified as of right and his office shall become vacant.

1978, c. 87, s. 22.

22.1. Disqualification of a member of the council may be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2).

1987, c. 57, s. 815.

CHAPTER II

COUNCILS, MAYORS, COUNCILLORS AND COMMITTEES OF THE COUNCIL

DIVISION I

GENERAL PROVISIONS

23. The municipality shall be represented and its affairs administered by its council.

1978, c. 87, s. 23; 1996, c. 2, s. 1034.

24. The council has jurisdiction in the territory of the municipality, subject to any legislative provision conferring jurisdiction on it outside the territory.

Its orders, within the scope of its powers, are obligatory for persons subject to its jurisdiction.

1978, c. 87, s. 24; 1996, c. 2, s. 1035.

25. Whenever the territory of a municipality is bounded on any side by navigable or other waters or by the bank or beaches of such waters, the jurisdiction of the municipality for police purposes shall extend in front of the territory of the municipality to the middle of such waters and to the islands and shoals therein found, if such territory does not already form part of the territory of a municipality erected hereunder or under any other general law or special Act.

If, however, the waters fronting the territory of the municipality be wider than 3 kilometers, such jurisdiction shall not be exercised on more than 1.5 kilometers from the bank or shore.

1978, c. 87, s. 25; 1996, c. 2, s. 1036.

26. The council itself shall exercise the powers conferred upon it by this Act; it shall not delegate them, except in the cases provided for in this Act.

Nevertheless, it may appoint committees composed of as many of its members as it deems advisable, with power to examine and study any question. In such case, the committees must render account by report, but no report of a committee has any effect until it has been adopted by the council at a regular sitting.

1978, c. 87, s. 26; 1985, c. 27, s. 111.

27. *(Repealed).*

1978, c. 87, s. 27; 1982, c. 2, s. 45; 1985, c. 27, s. 112.

28. By-laws, resolutions and other municipal enactments must be passed by the council in sitting.

1978, c. 87, s. 28.

29. The office of the secretary-treasurer shall be established in the place where the sittings of the council are held, or in any other place fixed by resolution of the council.

Such office shall be the office of the municipality.

1978, c. 87, s. 29; 1996, c. 2, s. 1105.

30. No vote given by a person illegally holding office as member of the council and no act in which in such capacity he has participated can be set aside, with respect to persons who have acted in good faith, solely by reason of the illegal exercise of such office.

1978, c. 87, s. 30.

DIVISION II

COMPOSITION OF THE COUNCIL

31. (1) The council is composed of a mayor and councillors. The mayor is head of the council and chief executive of the municipal administration.

(2) The mayor and councillors are elected by the electors every three years, or appointed, as provided in this Act.

(3) The number of councillors, between two and six, is fixed from time to time by by-law of the council. This by-law comes into force only after approval by the majority of the electors having voted on it.

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

The first council of a newly erected municipality consists of the mayor and such number of councillors, between two and six, as are determined by the vote, held under the authority of the Minister in the manner determined by him, of the persons of majority inhabiting the part concerned of the Territory.

1978, c. 87, s. 31; 1987, c. 91, s. 3; 1996, c. 2, s. 1037; 2009, c. 26, s. 89.

32. No person can discharge the duties of mayor or councillor until he has taken the oath of office, according to the form contained in this section.

An entry of the taking of the oath is made in the minute book of the municipality.

FORM

Oath of office

I, (*name*), (*office*) of the Northern Village (*remainder of name of the municipality*), that I shall honestly and faithfully discharge the duties of my office to the best of my judgment and capacity.

A. B.

Sworn to before me, at, this day of, 20....

C. D.

1978, c. 87, s. 32; 1996, c. 2, s. 1038; 1999, c. 40, s. 331.

33. Failure by the mayor or a councillor to take his oath of office within fifteen days of the publication of the public notice contemplated in section 96 or of the date on which he was appointed or elected in accordance with section 80, 81, 84, 110 or 113, shall render the office vacant by the mere lapse of time.

The secretary-treasurer shall notify the council accordingly at the first sitting following such lapse.

1978, c. 87, s. 33.

34. The term of office of the mayor shall expire when the new mayor is sworn in; that of a councillor, at the opening of the first general or special meeting of the council held after the general election.

1978, c. 87, s. 34.

35. The council may, at any time, appoint one of the councillors as acting mayor, who, in the absence of the mayor or when the office is vacant, discharges the duties of the mayoralty, with all the privileges and rights, and subject to all the obligations thereunto attached.

1978, c. 87, s. 35.

36. The mayor shall exercise the right of superintendence, investigation and control over all the departments and officers of the municipality, and especially shall see that the revenue of the municipality is collected and expended according to law and that the provisions of the law and all by-laws of the council are faithfully and impartially enforced. He shall lay before the council such proposals as he may deem necessary or advisable and shall communicate to the council all information and suggestions relating to the improvement of the finances, police, health, security, cleanliness, comfort and progress of the municipality.

In the exercise of his functions, the mayor shall have the right, at any time, to suspend any officer of the municipality, but he shall report to the council at the first sitting following such suspension, and state in writing the reasons therefor; the suspended officer shall receive no salary for the time during which he is suspended, unless the council decides otherwise respecting such suspension, and the suspension shall only be valid until such sitting.

1978, c. 87, s. 36; 1987, c. 91, s. 4; 1996, c. 2, s. 1105.

37. The mayor signs, seals and executes, in the name of the municipality, all by-laws, resolutions, obligations, contracts, agreements or deeds made and passed or ordered by the municipality which are presented to him for his signature after adoption by the council. If the mayor refuses to approve and sign the same, the secretary-treasurer submits them again for the consideration of the council at the next sitting. If a majority of the members of the council again approve such by-laws, resolutions, obligations, contracts, agreements or deeds, they are legal and valid as though they had been approved and signed by the mayor, notwithstanding his refusal.

1978, c. 87, s. 37; 1996, c. 2, s. 1105.

38. The mayor or, at his request, the secretary-treasurer shall read to the council all circulars or communications addressed to the mayor or to the council by the Minister, and, if he is so required by the council or by the Minister, shall publish them in the territory of the municipality in the manner required for public notices.

1978, c. 87, s. 38; 1996, c. 2, s. 1039.

39. He shall furnish to the Government or to the Minister, on demand, all information concerning the execution of the municipal law, and all other information which he may be able to give with the concurrence of the council.

1978, c. 87, s. 39.

40. (1) The municipality shall pay to the mayor, as remuneration for all his services in every capacity to the municipality, a minimum annual sum computed according to the population of the municipality at the rate of \$0.40 per inhabitant. Nevertheless, the mayor shall in no case so receive an annual sum of less than \$400.

(2) The municipality shall pay for the same purposes to each councillor a minimum annual sum computed according to the population of the municipality at the rate of \$0.20 per inhabitant. Nevertheless, a councillor shall in no case so receive an annual sum of less than \$200.

(2.1) Every member of the council shall receive, in addition to the remuneration provided for in subsection 1 or 2 or in a by-law passed under subsection 5, an indemnity equal to one-half of the amount of that remuneration, up to the maximum amount prescribed in section 19 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001).

The indemnity shall be paid to defray the part of the expenses incident to the discharge of the member's duties and that are not reimbursed to the member pursuant to subsection 4.

(3) The council shall determine by resolution the terms of payment of such sums.

(4) The council may also authorize the payment of the expenses actually incurred by a member of the council on behalf of the municipality, provided that they have been authorized by resolution of the council.

(5) No other remuneration, allowance or benefit shall be paid to a mayor or councillor. However, remuneration in an amount greater than that provided for in subsection 1 and 2 may be provided for in a by-law passed by the vote of 2/3 of the members of the council and submitted for approval to the electors. Approval by the Government, the Minister or the Commission municipale du Québec shall not be required. The by-law may be retroactive to 1 January of the year in which it comes into force. The by-law may provide for additional remuneration for the office of acting mayor and specify the conditions the office holder must satisfy to be entitled to the remuneration ; the amount of the remuneration paid to the office holder shall not exceed the remuneration paid to the office holder as a councillor for the same period.

1978, c. 87, s. 40; 1996, c. 2, s. 1105; 1996, c. 77, s. 62; 1999, c. 59, s. 43; 2017, c. 13, s. 228.

40.1. Every member of the council participating in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) is, despite section 1 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001), eligible for the severance allowance provided for in section 30.1 of that Act.

2009, c. 26, s. 90.

40.2. Despite subsection 5 of section 40, the council of the municipality may, by by-law, provide that it is to pay a transition allowance to a person who ceases to hold office as mayor after having held office during not less than 24 months immediately preceding the end of the person's term. To that end, the last four paragraphs of section 31 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) apply, with the necessary modifications. However, despite the fourth paragraph of that section, the

remuneration does not, for the purpose of setting the amount of the transition allowance, include any remuneration paid to its members by the Kativik Regional Government or one of its mandatory bodies.

2009, c. 26, s. 90.

41. The mayor, without being bound to take the oaths prescribed for justices of the peace, shall be *ex officio* a justice of the peace, in the territory of the municipality, so long as he continues in office.

It shall not be competent to him to hear and decide cases in which the municipality, the other members of the council or the officers of the municipality are interested parties.

The councillors, without being bound to take the oaths prescribed for justices of the peace, shall be *ex officio* justices of the peace for the receiving of oaths only, in the territory of the municipality, so long as they continue in office.

1978, c. 87, s. 41; 1987, c. 91, s. 5; 1996, c. 2, s. 1040.

42. If questions of fact arise in matters before the council or its committees, which the interests of the municipality require to be investigated by the examination of witnesses on oath or otherwise, or if it also becomes necessary, in the like interest, to institute inquiries into the truth of representations which may be made to the council respecting matters within its jurisdiction, any committee appointed by the council to investigate the same, or to make such inquiry, or the committee before which any such question arises, may notify a summons signed by its chairman requiring any person to appear before such committee, for the purpose of giving evidence touching such question or inquiry, and also, if deemed expedient, to produce any papers or documents in his possession or under his control, bearing upon such question or inquiry, and described in such summons.

Any person who neglects or refuses to appear, or refuses to produce documents or to be examined in accordance with the first paragraph is liable to the penalties prescribed under section 145.

The chairman of any committee of the council may administer the oath to the witness.

1978, c. 87, s. 42; 1986, c. 95, s. 342; 1990, c. 4, s. 903; 1996, c. 2, s. 1105; I.N. 2016-01-01 (NCCP).

CHAPTER III

MUNICIPAL OFFICERS

DIVISION I

GENERAL PROVISIONS

43. (1) Every municipality must have an officer entrusted with the care of its office and archives and such officer is designated by the name of “secretary-treasurer”.

(2) In the case of a newly constituted municipality, the secretary-treasurer must be appointed by the municipality within 30 days after the entry into office of the majority of the members of the new council.

(3) If the office of secretary-treasurer becomes vacant, such vacancy must be filled by the council within a period of 30 days.

1978, c. 87, s. 43; 1996, c. 2, s. 1041; 1999, c. 40, s. 331.

44. In addition to the secretary-treasurer, whom it is bound to appoint, the municipality may, to secure the execution of its by-laws and of the requirements of law, appoint all other officers, dismiss and replace them, and determine their salary.

Every appointment or dismissal of a municipal officer made by the municipality, and the determination of his salary, is decided by a resolution which shall be communicated without delay by the secretary-treasurer to the person therein referred to. The resolution dismissing the secretary-treasurer or reducing his salary shall be notified to him by handing a copy thereof to him in person.

1978, c. 87, s. 44; 1996, c. 2, s. 1105; I.N. 2016-01-01 (NCCP).

45. Before entering upon his duties, every municipal officer other than an employee within the meaning of the Labour Code (chapter C-27) is bound to take the oath of office according to the form contained in section 32. On his failure to do so within fifteen days of his appointment, he shall be deemed to have refused to discharge the duties of the office to which he has been appointed.

1978, c. 87, s. 45; 1987, c. 91, s. 6.

46. The certificate attesting that an oath of office has been taken by any municipal officer shall be filed without delay in the office of the municipality by the person who has taken such oath.

1978, c. 87, s. 46; 1996, c. 2, s. 1105.

47. Every municipal officer who has ceased to discharge the duties of his office shall, and, in the case of absence or death, his representatives or heirs shall, deliver forthwith, at the office of the municipality, all the moneys, keys, books, papers, insignia, documents, records and other things belonging to the council or that such officer had in charge or in use in the execution of the office so held by him.

1978, c. 87, s. 47; 1996, c. 2, s. 1105.

48. No act, duty, writing or proceedings executed in his official capacity by a municipal officer who holds office illegally can be set aside solely on the ground of his so holding such office illegally.

1978, c. 87, s. 48.

49. The municipality is responsible for the acts of its officers in the performance of the duties for which they are employed as well as for damages resulting from their refusal to discharge or their negligence in discharging their duties, saving its recourse against such officers, the whole without prejudice to a recourse in damages against the officers by those who have suffered damage.

1978, c. 87, s. 49; 1996, c. 2, s. 1105.

50. Every municipal officer must give an accurate report in writing to the municipality or to any authorized person in such manner as the council may determine, upon all matters connected with his duties, and render an account of the moneys collected by him and of those which he has disbursed for the municipality and under its control, indicating the objects for which such moneys were so collected or disbursed.

During the month of January in each year, or more often if required by the council, the secretary-treasurer must render a detailed account of his receipts and expenditures from all sources for the year ended on 31 December preceding.

1978, c. 87, s. 50; 1996, c. 2, s. 1105.

51. The council may bring an action to account against any officer responsible for moneys belonging to the municipality.

1978, c. 87, s. 51; 1987, c. 91, s. 7; 1996, c. 2, s. 1105.

52. The municipality may by by-law establish a tariff of fees payable to municipal officers for their services, whether by the persons who have applied for them or by those on whose account they are rendered, or by the municipality, in cases in which such fees have not been fixed by law.

Every tariff made under this section shall be posted up in a conspicuous place in the office of the municipality.

1978, c. 87, s. 52; 1996, c. 2, s. 1105.

DIVISION II

THE SECRETARY-TREASURER

53. The secretary-treasurer is the custodian of all the books, registers, plans, maps, archives and other documents and papers which are either the property of the municipality or are deposited, filed and preserved in the office of the municipality. He cannot divest himself of the custody of such archives, except with the permission of the council, or under the authority of a court.

1978, c. 87, s. 53; 1996, c. 2, s. 1105.

54. The council may require of any person employed by it as secretary-treasurer such security as it may deem necessary.

Such security shall be a guarantee of the faithful performance of the duties of such person; of his accounting for and paying over all public and other moneys entrusted to him or under his control to the persons authorized or entitled to receive the same; of his faithful performance of the obligations imposed upon him; and of the payment of damages for any injury occasioned to any person through his negligence, misconduct or malversation.

1978, c. 87, s. 54; 1999, c. 40, s. 331.

55. The secretary-treasurer must attend every sitting of the council and draw up minutes of all the acts and proceedings thereof in a register kept for that purpose and called “The minute-book of the council”.

All minutes of a sitting of the council must be signed by the person presiding over the council and countersigned by the secretary-treasurer and be approved by the council at the same or at the following sitting, but the lack of such approval does not prevent the minute from making proof.

Whenever a by-law or a resolution is amended or repealed, mention must be made thereof in the margin of the minute-book opposite such by-law or resolution together with the date of its amendment or repeal.

1978, c. 87, s. 55.

56. The secretary-treasurer shall collect all moneys payable to the municipality and, subject to all other legal provisions, shall deposit in any legally constituted bank, financial services cooperative or trust company which may be designated by the council, the moneys arising on municipal taxes or dues and all other moneys belonging to the municipality and shall allow them to remain there until they are employed for the purposes for which they were levied or received or until disposed of by the council.

All cheques issued and promissory notes executed by the municipality must be signed jointly by the mayor and the secretary-treasurer or, in case of the absence or inability to act of the mayor or of a vacancy in the office of mayor, by any member of the council previously authorized to do so and by the secretary-treasurer.

1978, c. 87, s. 56; 1996, c. 2, s. 1105; 2000, c. 29, s. 680.

57. The secretary-treasurer pays out of the funds of the municipality all sums of money due by it whenever by resolution he is authorized to do so by the council.

1978, c. 87, s. 57; 1996, c. 2, s. 1105.

58. (1) The secretary-treasurer is bound to keep books of account in which he enters, by order of date, the receipts and expenditures, mentioning the persons who have paid moneys into his hands or to whom he has made a payment.

(2) He must obtain and keep vouchers for all payments he has made for the municipality, produce them for audit and inspection and file them amongst the archives of the municipality.

(3) Such books shall be kept in the form prescribed or approved by the Minister or in accordance with the system established by the Government.

1978, c. 87, s. 58; 1996, c. 2, s. 1105.

59. (*Section renumbered*).

1978, c. 87, s. 59; 1987, c. 68, s. 122.



See section 62.1.

60. Copies and extracts, certified by the secretary-treasurer, of and from the books, registers, archives, documents and papers kept in the office of the municipality or in the secretary-treasurer's custody, shall be evidence of their contents.

1978, c. 87, s. 60; 1996, c. 2, s. 1105.

61. The registers and documents in the custody of the secretary-treasurer and forming part of the archives of the council, including books of account and vouchers for his expenditures, shall be open for inspection and examination, during regular working hours, by any person.

1978, c. 87, s. 61; 1987, c. 68, s. 123.

62. Within 60 days from the end of any fiscal year of the municipality, the secretary-treasurer shall transmit to the Minister, in duplicate, a return showing, for the preceding calendar year,

- (1) the name of the municipality;
- (2) the value of the property of the municipality;
- (3) the population of the municipality;
- (4) the number of ratepayers;
- (5) the amount of taxes and all other sums collected within the year;
- (6) the amount of arrears of taxes;
- (7) the amount of subsidies and grants received within the year and their source;
- (8) the amount raised by loans within the year and the amount of interest due upon such loans;
- (9) all debts of the municipality;
- (10) the expenditures for salaries and all other expenses of the municipality;
- (11) the amount deposited at interest or invested by the municipality; and
- (12) any other statement which the Minister may require.

Copy of such return shall be transmitted to the Regional Government.

The latter shall review such return to ensure that the requirements of this section are complied with before the said return is sent to the Minister.

1978, c. 87, s. 62; 1996, c. 2, s. 1042.

CHAPTER IV

PERSON IN CHARGE OF ACCESS TO DOCUMENTS OF THE MUNICIPALITY

1987, c. 68, s. 124; 1996, c. 2, s. 1105.

62.1. The person in charge of access to documents of the municipality shall issue to any person applying therefor, copies of, or extracts from, any book, roll, register or other document in the secretary-treasurer's custody or which forms part of the archives.

1978, c. 87, s. 59; 1987, c. 68, s. 122; 1996, c. 2, s. 1105.

62.2. Copies and extracts from documents of the municipality that are certified true by the person in charge of access to documents are proof of their content.

1987, c. 68, s. 125; 1996, c. 2, s. 1105.

TITLE III

MUNICIPAL ELECTIONS

CHAPTER I

ELECTORS

63. Every person, commercial partnership or association entered on the electoral list in force and used at the poll and, in the case of a natural person, not affected during the preparation of the electoral list and at the time of voting by any disqualification contemplated by law, shall be entitled to vote at an election.

1978, c. 87, s. 63.

64. (1) Every natural person of full age and Canadian citizenship shall be entitled to be entered on the electoral list if he has been domiciled or ordinarily resident in the territory of the municipality for at least 12 months before the date of the election.

(2) Legal persons, commercial partnerships and associations shall also be entered on the electoral list if they have had their head office or principal establishment in the territory of the municipality for at least 12 months before the date of the election.

They shall vote through a representative authorized for that purpose by a resolution of the board of directors, a copy whereof shall be filed at the office of the municipality within 30 days from the date of publication of the election notice.

1978, c. 87, s. 64; 1996, c. 2, s. 1043; 1999, c. 40, s. 331.

65. The Minister may, for the 12 months following the constitution of a new municipality, modify the period mentioned in subsections 1 and 2 of section 64.

1978, c. 87, s. 65; 1996, c. 2, s. 1044; 1999, c. 40, s. 331.

CHAPTER II

ELECTIONS

DIVISION I

DATE OF ELECTIONS

66. A general election to elect the mayor and councillors shall be held every three years, on the first Wednesday of November.

1978, c. 87, s. 66; 1982, c. 63, s. 250; 1985, c. 27, s. 113; 1996, c. 2, s. 1045; 1999, c. 40, s. 331; 2009, c. 26, s. 91.

DIVISION II

ELECTION OFFICERS AND ELECTORAL LIST

67. The secretary-treasurer of the municipality shall be the presiding officer for any election held under this Act. The presiding officer may appoint returning officers and poll clerks according to section 85. Such persons are referred to collectively as “election officers”.

The presiding officer for the first election in a newly constituted municipality is a person determined, before the constitution of such municipality, by the majority vote of the inhabitants of full age of that part of the Territory, held in the manner approved by the Minister.

The presiding officer, from the publication of the election notice until the day following the closing of the election, shall be a peace officer in the territory of the municipality. He is a commissioner for oaths *ex officio* while holding office.

1978, c. 87, s. 67; 1992, c. 61, s. 630; 1996, c. 2, s. 1046.

68. The presiding officer shall prepare the list of electors in the municipality between 1 September and following 1 October, and shall, on 1 October, deposit the electoral list in the office of the municipality for public reference.

In the case of a first election in a newly constituted municipality, the presiding officer shall prepare the list of electors during the four weeks following the publication of the election notice, and deposit the same, at the expiration of such period, at the place determined by the letters patent for the first sitting of the council.

1978, c. 87, s. 68; 1982, c. 63, s. 251; 1996, c. 2, s. 1047.

69. During the period extending from 1 October to 15 October, the electoral list shall be revised by a board of revision composed of the presiding officer and two persons entitled to be entered on the electoral list and appointed by him.

In the case of the first election in a newly constituted municipality, the revision of the electoral list shall take place during the fifth and sixth weeks following the publication of the election notice.

1978, c. 87, s. 69; 1982, c. 63, s. 252; 1996, c. 2, s. 1048.

70. Any person, commercial partnership or association who or which believes that his or its name or that of any other person has been omitted from the list or wrongfully entered thereon may file in the office of the municipality, between 1 October and 15 October, application in writing to have the name entered or struck off, as the case may be.

In the case of the first election in a newly constituted municipality, such application may be made during the fifth and sixth weeks following the publication of the election notice, and shall be deposited at the place

determined by the letters patent for the first sitting of the council. During such period, the presiding officer, or a person designated by him, shall be present at such place, between 1:00 p.m. and 5:00 p.m., to receive such applications.

1978, c. 87, s. 70; 1982, c. 63, s. 253; 1996, c. 2, s. 1049.

71. The board of revision shall consider the written application, hear the parties concerned and, if it considers it necessary, take their evidence on oath.

The board of revision, by its final decision on each application, may confirm or revise the list.

1978, c. 87, s. 71.

72. At any time before the coming into force of the list, the board of revision may correct clerical errors in the names of the electors or in the other particulars appearing on the list.

1978, c. 87, s. 72.

73. Every insertion in, erasure from, or correction of the list shall be authenticated by the initials of the presiding officer.

1978, c. 87, s. 73.

74. The electoral list shall come into force as soon as it has been prepared and revised in accordance with this Act and shall be kept among the archives of the municipality. It shall remain in force until another list is prepared.

1978, c. 87, s. 74; 1996, c. 2, s. 1105.

75. No informality in the preparation, completion, revision or putting into force of the list shall invalidate the same unless an actual injustice results therefrom.

1978, c. 87, s. 75.

DIVISION III

NOTICE OF ELECTION

76. On 1 September of the year in which the election is held, the presiding officer shall, by public notice, publish:

- (a) the place, day and hour fixed for the nomination of candidates;
- (b) the date of the advance poll and the opening and closing times of the polling station or stations on that day; and
- (c) the date of polling day and the opening and closing times of the polling station or stations on that day.

In the case of the first election in a newly constituted municipality, the election notice shall be published within seven days following the constitution of the municipality.

The election period shall begin on the day of publication of the notice of the election and end, for each candidate for any office, on the day on which the presiding officer declares the candidate for such office elected.

1978, c. 87, s. 76; 1982, c. 63, s. 254; 1996, c. 2, s. 1050; 2002, c. 77, s. 79.

DIVISION IV

NOMINATION OF CANDIDATES

77. The nomination of candidates for election shall be held on the last Wednesday of October between 1:00 p.m. and 5:00 p.m..

In the case of the first election in a newly constituted municipality, the nomination of candidates shall take place on the ninth Wednesday following the constitution of the municipality.

1978, c. 87, s. 77; 1982, c. 63, s. 255; 1996, c. 2, s. 1051.

78. Three electors qualified to vote whose names are entered on the electoral list in force of the municipality may nominate a candidate for the office of mayor or councillor.

1978, c. 87, s. 78; 1996, c. 2, s. 1052.

79. With each nomination paper there shall be filed a declaration by the candidate that he is a Canadian citizen and duly qualified, accompanied with the consent in writing of the person therein nominated.

1978, c. 87, s. 79.

80. If at the expiration of the time fixed for the nomination of candidates for mayor or councillor only the number required for any one of the said offices is nominated, such candidates shall *ipso facto* be elected and the presiding officer shall forthwith proclaim such candidates elected.

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.

1978, c. 87, s. 80; 1987, c. 91, s. 8; 1999, c. 40, s. 331.

81. Any candidate nominated may withdraw at any time before the closing of the poll by filing with the presiding officer a declaration to that effect; and any votes cast for the candidate who has so withdrawn shall be null; and if after the withdrawal there 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.

1978, c. 87, s. 81; 1987, c. 91, s. 9; 1999, c. 40, s. 331.

82. (1) If a candidate dies between the nomination of candidates and the closing of the poll, the returning officer shall immediately fix another day for the nomination and proceed with a new election.

(2) Such new election shall, in all other respects, be held in the same manner as an election contemplated in section 66, but the revised list which was to be used for the election that was not held as a result of the death of the candidate shall be used for such new election.

1978, c. 87, s. 82.

83. (1) If at the expiration of the time prescribed for the nomination of candidates no person has been nominated to fill an office or if the persons nominated are not sufficient in number to fill the offices or if all the persons nominated for any office have withdrawn before the close of the poll, the presiding officer shall immediately recommence the election proceedings to fill the offices for which a poll cannot be so held and give for such purpose the notice prescribed by section 76.

(2) The same shall apply if the nomination of candidates could not be held because the electoral list was not put in force in time, but in such case the presiding officer must see that the election proceedings already commenced are continued if they were validly made.

(3) The presiding officer shall not recommence these election proceedings more than once.

(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.

1978, c. 87, s. 83; 1987, c. 91, s. 10; 1999, c. 40, s. 331.

84. If the application of section 83 does not permit the filling of all the offices on the council, notice thereof shall immediately be sent to the Regional Government and to the Minister. The Minister may then, after consultation with the Regional Government, appoint a person to fill each such vacant office until the next general election.

1978, c. 87, s. 84.

DIVISION V

PROCEEDINGS BETWEEN NOMINATION AND POLL

85. (1) When a poll is necessary, the presiding officer shall establish one or more polling stations, having regard to the number of electors enrolled on the electoral list or to the size of the territory of the municipality.

If need be, he shall appoint a returning officer for each polling station in addition to that in which he intends to carry out the functions attributed to him under sections 86 to 95. Each returning officer carries out in the polling station for which he is appointed the functions of the presiding officer under such sections.

(2) The presiding officer may also, if he deems it appropriate, appoint for each polling station a polling clerk who shall assist the presiding officer or the returning officer, as the case may be, in discharging his duties.

(3) The presiding officer shall give without delay a public notice indicating:

(1) the place where any polling station is established when an advance poll or a poll is held;

(2) if there is more than one polling station, the apportionment of the electors that shall vote in each of them, based on a territorial division or an alphabetical or other division of the electors;

(3) the appointment of any polling clerk or returning officer, if need be.

(4) The presiding officer shall obtain or cause to be prepared all documents and accessories necessary for a secret ballot to be held, including ballot papers and ballot boxes, and shall furnish a sufficient quantity thereof to each returning officer, if need be.

The ballot paper shall be a paper on which the names of the candidates, together with their syllabic transcription, are alphabetically arranged and printed.

1978, c. 87, s. 85; 1996, c. 2, s. 1053; 2002, c. 77, s. 80.

DIVISION V.1

ADVANCE POLL

2002, c. 77, s. 81.

85.1. Where a poll must be held, an advance poll must be held on the Sunday preceding polling day.

However, the presiding officer may decide that the advance poll will be held on the Sunday and the Monday preceding polling day.

2002, c. 77, s. 81.

85.2. Election officers, handicapped persons and persons who have reasonable cause to believe that they will be absent or unable to vote on polling day may vote at the advance poll.

2002, c. 77, s. 81.

85.3. Every advance polling station must be open from 12 noon to 8 p.m.

2002, c. 77, s. 81.

85.4. The provisions of this Act relating to the holding of a poll, except section 94, apply, with the necessary modifications, to the advance poll, to the extent that they are consistent with this division. The same applies to sections 182 to 185 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

2002, c. 77, s. 81.

DIVISION VI

VOTING

86. On voting day, the poll shall be opened from nine hours until eighteen hours. The council may, by by-law, fix a later hour than eighteen hours, but not later than twenty hours in the same day, for the closing of the poll.

1978, c. 87, s. 86.

87. In addition to the presiding officer, the only persons who shall be permitted, during the time that the polling station is open, to remain in the room where the votes are given, shall be the election officers, the candidates and not more than two agents or representatives duly appointed by each of the candidates.

1978, c. 87, s. 87.

88. An elector shall vote by secret ballot. Before giving a ballot paper to any person qualified to vote at the poll, the presiding officer shall write, on the back of the ballot paper, his initials and on the back of the counterfoil of such ballot paper, the same number as he has written opposite the voter's name in the poll book in such a way that when the ballot paper is folded, those initials and that number remain visible.

The presiding officer shall instruct the voter on how to mark and fold his ballot paper but without inquiring about his voting intentions, except in the cases provided in section 90.

1978, c. 87, s. 88.

89. The voter, on receiving his ballot paper, shall forthwith enter one of the compartments of the poll. He shall there mark his ballot paper, making a cross with a black lead pencil within the blank space opposite the name of the candidate in favour of whom he wishes to vote; he shall then fold the ballot paper so that the

initials and the number written by the presiding officer can be seen without opening it. He shall then return his ballot paper to the presiding officer.

The latter shall, without unfolding the ballot paper, first ascertain by examining his initials and the number marked on the counterfoil that it is the same ballot paper as he furnished to the voter; then, in full view of all those present, including the voter, he shall detach the counterfoil, destroy it and place the ballot paper in the ballot box, which must be on a table in full view of all the persons present.

A voter who has inadvertently marked, spotted or torn his ballot paper so that it cannot conveniently be used may, on returning it to the presiding officer, obtain another in its place.

The presiding officer shall cancel the first ballot paper by writing thereon the word “null” with his initials.

1978, c. 87, s. 89.

90. The presiding officer, upon the application of any voter who is unable to read or is incapacitated by any physical cause from voting in the manner prescribed, shall assist such elector by marking his ballot paper in the manner directed by such elector in the sole presence of the candidates or their agents or representatives.

1978, c. 87, s. 90.

91. Every elector shall vote without undue delay, and shall quit the poll as soon as his ballot paper has been put into the ballot box.

1978, c. 87, s. 91.

92. The presiding officer shall enter in the poll book opposite the name of each elector voting the word “voted” as soon as his ballot paper has been deposited in the ballot box.

1978, c. 87, s. 92.

93. No elector summoned as a witness before any judge or court in Québec shall be compelled to be or appear before such judge or court on the day during which voting takes place.

1978, c. 87, s. 93.

94. Every employer on polling day must allow each elector in his employ at least four hours to vote besides the time usually allowed for the midday meal and shall make no deduction from the salary of such elector.

1978, c. 87, s. 94.

DIVISION VII

CLOSE OF THE POLL AND PROCEEDINGS THEREAFTER

95. At the closing time of the poll voting shall be closed. The presiding officer shall close the poll and proceed to the counting of the votes. In counting the votes, the presiding officer shall reject

- (a) every ballot paper that has not been supplied by him;
- (b) every ballot paper upon which more than one vote appears;
- (c) every ballot paper upon which there is any writing or mark by which the voter could be identified;

(d) every unmarked ballot paper and every ballot paper that is null because the intention of the voter is not clearly shown;

- (e) every ballot paper which does not bear his initials.

The presiding officer shall then draw up the list of the number of votes given for each candidate.

1978, c. 87, s. 95.

96. (1) As soon as the final result of the poll is known, the presiding officer shall at once proclaim elected to the office of mayor the candidate who is found to have obtained the greatest number of votes and give public notice thereof.

(2) The presiding officer shall also proclaim elected to the offices of councillor the candidates having obtained the greatest number of votes, in sufficient number to fill the said offices, and he shall give public notice thereof.

(3) In the case of equality of votes, the presiding officer shall proceed by a public drawing of lots and proclaim elected the person whom the drawing has favoured.

- (4) Copy of the public notice shall be inserted in the books of the municipality.

1978, c. 87, s. 96; 1987, c. 91, s. 11; 1996, c. 2, s. 1105.

97. The secretary-treasurer of the municipality shall retain in his custody among the archives of the municipality the papers sent to him by a returning officer with the return,

- (1) for at least one year, if the election is not contested during that time; and,

- (2) if the election is contested, then for one year after the termination of such contestation.

1978, c. 87, s. 97; 1996, c. 2, s. 1105.

DIVISION VIII

SECRECY OF VOTING

98. Every candidate, election officer, agent or representative of a candidate, in attendance at a polling station, shall maintain and aid in maintaining the secrecy of the voting at such polling station; and no such candidate, officer, agent or representative shall, before the poll is closed, communicate to any person any information as to whether any person on the list of electors has or has not applied for a ballot paper or voted at that polling station.

1978, c. 87, s. 98.

99. No candidate, election officer, agent, representative or other person shall interfere with or attempt to interfere with an elector when marking his ballot paper, or otherwise attempt to obtain at the polling station information as to the candidate for whom any elector at such polling station is about to vote or has voted.

1978, c. 87, s. 99.

100. No candidate, election officer, agent, representative or other person shall communicate at any time to any person any information obtained at a polling station as to the candidate for whom any elector is about to vote or has voted.

1978, c. 87, s. 100.

101. Every candidate, election officer, agent or representative of a candidate in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no such candidate, officer, agent or representative shall attempt to obtain at such counting any information or communicate any

information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

1978, c. 87, s. 101.

102. No person who has voted at an election shall, in any legal proceeding questioning the election, be required to state for whom he voted.

1978, c. 87, s. 102.

DIVISION IX

MISCELLANEOUS

103. No election shall be declared invalid by reason of any want of qualification in the persons signing a nomination paper received by the presiding officer under the provisions of this chapter.

1978, c. 87, s. 103.

104. No election shall be declared invalid by reason of non-compliance with the provisions of this chapter as to the taking of the poll or counting of the votes, if it appears to the court having cognizance of the question that the election was conducted in accordance with the principles laid down in this chapter, and that such non-compliance or mistake has not affected the result of the election.

No election shall be declared invalid by reason of non-compliance with the provisions of this chapter regarding time limits, unless it appears to the court that such non-compliance may have affected the result of the election.

1978, c. 87, s. 104; 1999, c. 40, s. 331.

CHAPTER III

CONTESTED ELECTIONS

105. Every elector may contest the election of the mayor or of a councillor.

The contestation may be based on the ground of violence, corruption, fraud or incapacity or on the ground of non-compliance with the necessary formalities.

1978, c. 87, s. 105.

106. The contestation is brought by the filing of a notice of contestation with the Regional Government, within thirty days of the publication of the notice proclaiming the contested election.

Filing is done at the office of the Regional Government the officers of which must, if so required by the elector, assist the elector in the drawing up of the notice. The notice may also be transmitted by mail and the date of filing is then the date of the post-mark.

1978, c. 87, s. 106.

107. After receipt of a notice, the Regional Government shall meet the elector and the person whose election is being contested.

According to the conclusions it has reached pursuant to its inquiry, the Regional Government shall suggest either to the elector that he withdraw his notice of contestation or to the elected person that he renounce his office. This suggestion is made in writing not later than sixty days from the filing of the notice. Copy of the

document proposing the suggestion shall be transmitted to the elector having filed the notice of contestation and to the person whose election is being contested.

1978, c. 87, s. 107.

108. If, ninety days after the filing of the notice, the intervention of the Regional Government has, in the opinion of the elector, been unsuccessful, the latter may directly bring an ordinary action in contestation of election before the Court of Québec.

The action must be served on the Regional Government and on the person whose election is being contested, not later than one hundred and twenty days after the filing of the notice of contestation, on pain of nullity.

1978, c. 87, s. 108; 1988, c. 21, s. 66.

CHAPTER IV

VACANCIES IN MUNICIPAL COUNCILS

109. (1) The mayor or any councillor may resign his seat in the council by transmitting his resignation signed by himself to the secretary-treasurer; the term of office of the mayor or councillor shall expire upon the delivery of the writing to the secretary-treasurer, who shall transmit it to the council at the next sitting.

(2) The death of the mayor or a councillor shall terminate his term of office.

(3) The term of office of the mayor or councillor shall also terminate if he has failed to attend at least three consecutive regular sittings of the council. The regional councillor shall, however, not be deemed to have failed to attend a sitting when absent to discharge his duties in the Regional Government.

(4) Whenever the Court of Québec annuls the election of the mayor or a councillor or a member of the council loses the eligibility or qualification required by law during his tenure of office, such office shall *ipso facto* become vacant.

1978, c. 87, s. 109; 1988, c. 21, s. 66.

110. Where a vacancy occurs in the office of mayor or of councillor more than six months before the general election fixed by section 66, the other members of the council shall, within fifteen days following the vacancy, elect a person who has the qualifications required by section 19 and is not incompetent under section 20 to fill that office for the remainder of the term. If the vacant office is that of the mayor, the elected person may be chosen from among the other members of the council. The election shall be by secret ballot and the secretary-treasurer shall proclaim elected the person who obtains a majority of the votes of the members of the council present. In case of a tie-vote, the elected person is designated by a drawing of lots.

1978, c. 87, s. 110; 1987, c. 91, s. 12.

111. However, if

(a) the election of mayor and councillors has not taken place within the time prescribed by this Act or, the election having taken place, an insufficient number of members of the council has been elected;

(b) by reason of vacancies, there remains less than a quorum of the members of the council in office; or

(c) (*paragraph repealed*);

(d) the council has not availed itself of the provisions of section 110,

notice thereof must be sent forthwith by the secretary-treasurer to the Regional Government. Proceedings for a new election to fill the vacancies must then be commenced immediately. Such election must be conducted in

the same manner as a general election, with the necessary modifications. 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.

1978, c. 87, s. 111; 1987, c. 91, s. 13.

112. Whenever the election contemplated by section 111 has not taken place or whenever it has not permitted the filling of all the vacancies, the Regional Government shall make to the council the recommendations it considers appropriate. If these recommendations are not accepted, the Regional Government shall transmit them to the Minister.

1978, c. 87, s. 112.

113. On receiving the recommendations of the Regional Government, the Minister may appoint a person to fill each vacant office until the next general election.

1978, c. 87, s. 113.

114. Every member of a council elected or appointed to replace another holds office only for the remainder of the term for which his predecessor had been elected or appointed.

1978, c. 87, s. 114.

TITLE IV

SITTINGS OF THE COUNCIL

115. The council sits at the place determined by the letters patent for the first sitting of the council until by resolution it has fixed upon some other place in the territory of the municipality. The sittings of the council shall be public.

In the case of a newly constituted municipality, the first sitting of the council shall be held on the second Wednesday following the election, at 8:00 p.m..

The sittings of the council are presided over by the mayor or acting mayor or in their absence by one of its members chosen from among the councillors present.

1978, c. 87, s. 115; 1996, c. 2, s. 1054.

116. The council may establish and enforce rules and regulations governing its internal operations and for the maintenance of order during its sittings.

1978, c. 87, s. 116.

117. The majority of the members of the council shall constitute a quorum for the transaction of business. If there is no quorum, two members of the council, half an hour after its being established that there is no quorum, may adjourn a sitting to a later date.

Notice of such adjournment must be given by the secretary-treasurer to all members of the council who were not present at such adjournment.

1978, c. 87, s. 117.

117.1. If the circumstances so justify, a member of the council may participate, deliberate and vote at a sitting of the council by telephone or other means of communication if the following conditions are met:

(1) the telephone or other means of communication used enables all persons participating or present at the sitting to hear one another;

(2) the majority of the council members physically present at the place determined for the sitting give their consent;

(3) at the time the sitting is held, the mayor, the acting mayor or the member appointed to preside over the sitting and the secretary-treasurer are physically present at the place determined for the sitting. In addition, for general or regular sittings of the council, the members in sufficient number to constitute the quorum are also physically present.

The minutes of the sitting must mention any consent given to allow a member of the council to avail himself of the right described in the first paragraph, the name of any member of the council who availed himself of that right and the means of communication used by the member.

A member of the council who participates, deliberates and votes at a sitting in accordance with this section is deemed to be present at that sitting.

2013, c. 30, s. 9.

118. The council shall meet at least once a month, in general or ordinary sitting, to dispatch the business of the municipality, and shall hold its sittings on the day and at the hours which it determines by by-law. The mayor or half the members of the council may also call a special sitting of the council.

If, at any sitting, the business cannot be fully disposed of, the council may adjourn as often as may be deemed necessary for the consideration and disposal of the unfinished business, without its being necessary to give notice of such adjournment to the members present or absent; but no new business shall be brought or considered upon any adjournment of a special sitting, unless all the members of the council are present and consent.

1978, c. 87, s. 118; 1996, c. 2, s. 1105.

119. Notice of convocation to all special sittings of the council must be given to each of its members at least twenty-four hours before the time fixed for the commencement of the sitting.

1978, c. 87, s. 119.

120. At a special sitting of the council, only the subjects or matters mentioned in the notice may be taken into consideration, except with the unanimous consent of the members of the council if they are all present.

1978, c. 87, s. 120.

121. Every disputed question is decided by a majority of the votes of the members present except in cases where any by-law or provision of the law requires a greater number of concordant votes. When a vote results in a tie, the decision shall be in the negative.

1978, c. 87, s. 121; 1999, c. 40, s. 331.

122. No member of the council may vote upon a question in which he has a personal interest distinct from the general interest of the other ratepayers. The council, in case of objection, decides, at the time of the vote, whether such member has or has not a personal interest and such member is not entitled to vote upon the question as to whether he is interested.

Should an interested member of the council give his vote without objection, such vote does not nullify the proceedings of the council with respect to third parties in good faith.

1978, c. 87, s. 122.

123. If the majority of the members of the council have a personal interest in any question submitted to their decision, such question must be referred to the Regional Government, which, in respect of the consideration and decision of such question, possesses all the rights and privileges, and is subject to all the obligations of the council.

1978, c. 87, s. 123.

124. Every member present at a sitting of the council is bound to vote, unless he is prevented therefrom by reason of personal interest.

Every vote must be given orally and, upon demand, the votes are entered in the minute-book of the council.

1978, c. 87, s. 124.

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.

1987, c. 91, s. 14.

TITLE V

MUNICIPAL NOTICES

125. Every notice is either special or public. Every special notice may be given verbally or in writing; public notices must be in writing.

1978, c. 87, s. 125.

126. Every special notice given in writing must be either delivered by the person who gives it or posted in the office of the municipality. Every public notice is given by posting a copy of such notice in the office of the municipality.

1978, c. 87, s. 126; 1996, c. 2, s. 1105.

127. Every notice in writing must be attested by the person who gives it and must contain:

- (1) the name of the municipality, when such notice is given by an officer or by a member of the council;
- (2) the name, official capacity and signature of the person who gives it;
- (3) a sufficient description of those to whom it is addressed;
- (4) the place where and the time when it is given;
- (5) the object for which it is given;
- (6) the place, day and hour at which those summoned to answer such notice must do so.

1978, c. 87, s. 127; 1996, c. 2, s. 1105.

128. The original of every notice in writing must be accompanied by a certificate of delivery or posting.

The original of such notice and the certificate which accompanies it must be filed by the person who has given it in the office of the municipality to form part of the archives thereof.

1978, c. 87, s. 128; 1996, c. 2, s. 1105.

129. The certificate must set forth:

- (1) the name, residence, official capacity and signature of the person who has given it;
- (2) a summary statement of the manner in which the notice was delivered or posted;
- (3) the place, day and hour of delivery or posting.

Such certificate is written either on the original notice or on a paper annexed thereto.

1978, c. 87, s. 129.

130. In the case of a special notice given verbally, the affirmation of the person who gave such notice takes the place of the certificate of delivery or posting; such affirmation is only required in case of contestation and must mention the object of the notice.

1978, c. 87, s. 130.

131. Whosoever has acquiesced in the requirements of a notice, or who has, in any manner, become sufficiently acquainted with its tenor or object, cannot thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or notification.

1978, c. 87, s. 131; I.N. 2016-01-01 (NCCP).

132. Any enactment or proceeding of the council must be posted in the same manner as public notices.

1978, c. 87, s. 132.

TITLE VI

RESOLUTIONS

133. Every municipality shall decide and exercise by resolution all acts of administration concerning it which are not incompatible with the provisions of this Act. All powers not required to be decided and exercised by by-law shall be exercised and decided by resolution.

1978, c. 87, s. 133; 1996, c. 2, s. 1105.

TITLE VII

REFERENDA

134. Of its own motion, the council may submit, to the persons entered on the electoral list in force, any question that may be the subject of a decision of the council.

The question shall be defined by resolution and the vote held in the manner provided in sections 153 to 156, the provisions of which shall apply with the necessary modifications.

1978, c. 87, s. 134.

TITLE VIII

BY-LAWS OF THE COUNCIL

CHAPTER I

FORMALITIES RESPECTING BY-LAWS

DIVISION I

PASSING, PUBLICATION AND COMING INTO FORCE OF BY-LAWS

135. Every by-law must, on pain of absolute nullity, be preceded by a notice of motion given at a sitting of the council, and it must be read and passed only at a subsequent sitting held on a later date.

1978, c. 87, s. 135; 1999, c. 40, s. 331.

136. The original of every by-law, to be authentic, must be signed either by the mayor of the municipality or the person presiding at the sitting of the council at the time such by-law was passed and by the secretary-treasurer.

In no case where this Act or any other general law or special Act provides that a by-law must receive an approval may the by-law be published or come into force until it has received that approval. In such a case, a certificate signed by the mayor and by the secretary-treasurer attesting the date of each of the required approvals must accompany and forms part of the original of the by-law.

1978, c. 87, s. 136; 1982, c. 63, s. 256; 1996, c. 2, s. 1105.

137. Every by-law must be entered at length in a special book entitled “Register of by-laws of the Northern Village (*remainder of name of the municipality*)”; such entries must be signed by the mayor and countersigned by the secretary-treasurer.

The secretary-treasurer must further indicate at the end of every by-law the date of the posting-up of the notice of publication of such by-law.

1978, c. 87, s. 137; 1996, c. 2, s. 1055.

138. Except where otherwise provided by law, every by-law of the municipality shall come into effect and have force of law, if not otherwise provided for therein, on the day of the publication thereof.

1978, c. 87, s. 138; 1996, c. 2, s. 1105.

139. Every by-law is published within thirty days of the passing thereof or of its final approval, if it has been submitted for approval, by public notice mentioning the object of the by-law, the date of the passing thereof and the place where communication thereof may be had. Such notice is given under the hand of the secretary-treasurer and posted in the ordinary manner.

If the by-law has received one or more approvals, the notice of publication must mention the date and the fact of each of these approvals.

1978, c. 87, s. 139.

140. Every by-law which comes into force only at some stated period must be published again by posting at least fifteen days before such period.

1978, c. 87, s. 140.

141. Every by-law remains in force and is executory until it has been replaced, repealed or annulled by competent authority or until the expiration of the period for which it was made.

1978, c. 87, s. 141; 1982, c. 63, s. 257.

142. No by-law can be repealed or amended except by another by-law. No by-law which, before coming into force and effect, was submitted to one or more approvals can be amended or repealed except by another by-law approved in the same manner.

1978, c. 87, s. 142.

143. Every by-law passed by the council shall, when published, be considered public law in the territory of the municipality and outside of the territory in so far as within the jurisdiction of the council, and it shall not be necessary to allege it specially.

1978, c. 87, s. 143; 1996, c. 2, s. 1056; 1999, c. 40, s. 331.

144. A copy of any by-law, duly enacted, shall be received as evidence if it is signed and certified true by the secretary-treasurer or the person in charge of access to documents of the municipality, without any proof being necessary of the validity of that signature, saving the right of any party attacking the by-law to proceed against the same by improbation.

1978, c. 87, s. 144; 1982, c. 63, s. 258; 1987, c. 68, s. 126; 1996, c. 2, s. 1105.

DIVISION II

PENALTIES ENACTED BY BY-LAW

1990, c. 4, s. 904.

145. (1) The council may prescribe by by-law, for every infraction of a by-law, either a fine of a fixed amount, or a penalty with a minimum and a maximum, or a maximum penalty only; the amount of the fine shall not exceed \$300, unless the Minister fixes from time to time a higher amount.

(2) *(Subsection repealed).*

(3) The court convicting an accused for the breach of a by-law may, in addition to any fine it may impose, issue an order to enjoin that person to refrain from committing any further such offence or cease to carry on any activity specified in the order, the carrying on of which will or is likely to result in the committing of any further such offence.

(4) The court convicting an accused for the breach of a by-law may, in addition to any fine it may impose, if such accused is the holder of a permit, licence or certificate granted under a by-law of the municipality, suspend such permit, licence or certificate for the period that it deems appropriate, or revoke the same, or prohibit the renewal thereof during the period that it deems appropriate.

This paragraph shall not apply to a construction permit nor to a subdivision permit.

1978, c. 87, s. 145; 1990, c. 4, s. 905; 1996, c. 2, s. 1105.

146. *(Repealed).*

1978, c. 87, s. 146; 1990, c. 4, s. 906.

147. *(Repealed).*

1978, c. 87, s. 147; 1990, c. 4, s. 906.

148. *(Repealed).*

1978, c. 87, s. 148; 1990, c. 4, s. 906.

149. Penal proceedings for an offence under a provision of this Act or of a by-law of the municipality may be instituted by the municipality.

1978, c. 87, s. 149; 1990, c. 4, s. 907; 1992, c. 61, s. 631; 1996, c. 2, s. 1105; 1997, c. 93, s. 154.

150. Fines belong to the municipality, where it has instituted penal proceedings.

1978, c. 87, s. 150; 1990, c. 4, s. 908; 1992, c. 61, s. 632; 1996, c. 2, s. 1105.

151. Any elector wishing that a repeated or continuous breach of a by-law be brought to an end may file a notice of correction with the Regional Government.

Such notice shall be filed at the office of the Regional Government, whose functionaries must help the elector to draw up the notice, if the elector requires it. Furthermore, the notice may be sent by mail and the date of the post-mark is then considered as that of the filing.

After receiving a notice, the Regional Government shall meet the elector, the representatives of the municipality and, if necessary, the person who is alleged not to conform to the by-law.

Depending on the conclusions reached further to its inquiry, the Regional Government shall suggest either that the elector withdraw his notice of correction, or that the municipality take certain measures, or that the person contemplated cease the exercise of an activity or change his behaviour.

Such suggestion shall be made in writing, not later than 60 days after the filing of the notice. A copy of the document proposing the suggestion shall be sent to the elector, to the municipality, as well as, if necessary, to the person who is alleged not to conform to the by-law.

If, 90 days after the filing of the notice, the intervention by the Regional Government is, according to the elector's opinion, unsuccessful, the latter may serve an application directly on a judge of the Court of Québec to obtain:

- (a) the order contemplated in subsection 3 of section 145; or
- (b) an order enjoining the municipality to take the necessary measures for the breach to cease.

The application must be served on the municipality, on the Regional Government and, as the case may be, on the person accused of the breach, not later than 120 days after filing the notice of continuous contravention, under pain of nullity.

1978, c. 87, s. 151; 1988, c. 21, s. 66; 1990, c. 4, s. 909; 1996, c. 2, s. 1105; I.N. 2016-01-01 (NCCP).

DIVISION III

APPROVAL AND DISALLOWANCE OF BY-LAWS

152. Unless otherwise provided in this Act, the enactment of the by-laws by the council shall be sufficient.

1978, c. 87, s. 152.

153. When a by-law is submitted for the approval of the electors, the vote shall be taken by polling pursuant to the provisions governing elections in the municipality so far as they may be applicable and compatible with the provisions of this division.

1978, c. 87, s. 153.

154. The council or the mayor shall fix the date for the opening of the poll. Such date shall not be later than 90 days from the date of the passing of the by-law by the council.

The secretary-treasurer or the mayor shall at least 15 days before the day fixed give public notice calling upon the electors. Only the electors entered on the electoral list in force shall be entitled to vote.

1978, c. 87, s. 154.

155. The following shall be printed on the ballot papers in lieu of the names of the candidates:

"Are you of the opinion that by-law no. (<i>insert the no. of the by-law</i>) respecting (<i>insert the title or object of the by-law</i>) should be adopted?"	1	YES
	2	NO

The vote on the question submitted shall be given,

(1) if in the affirmative, by marking a cross on the ballot paper in the space where the word "yes" appears;

(2) if in the negative, by marking a cross on the ballot paper in the space where the word "no" appears.

1978, c. 87, s. 155.

156. At the close of the poll, the secretary-treasurer shall proceed to count the votes and shall make a list of them counting and separating the yeas and the nays. Except where provided otherwise in the law or a by-law, if the counting of the vote indicates a majority of affirmative votes, the by-law is approved by the electors. In the event of a tie in the vote, the mayor shall give the casting vote.

Such list shall be certified by the secretary-treasurer and must declare whether the by-law has been approved or disapproved with the necessary particulars. Such list shall be laid before the council at its next sitting.

The poll book and the list of the votes shall be deposited in the archives of the municipality.

1978, c. 87, s. 156; 1996, c. 2, s. 1105; 1999, c. 40, s. 331.

157. Where this Act or any other general law or special Act provides that a by-law must receive an approval other than that of the electors, the secretary-treasurer, after the by-law has been approved by the electors, if their approval is required, shall forward, to the authority whose approval is required, a certified true copy of all the documents tending to inform it of the fulfilment of the provisions of the law and of the advisability of passing the by-law. If the required approval is that of the Government, the documents are forwarded to the Minister of Municipal Affairs, Regions and Land Occupancy.

1978, c. 87, s. 157; 1982, c. 63, s. 259; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

158. The Government or the Minister, body or person whose approval is required must not grant the approval until satisfied that the formalities required for the passing of such by-law have been fulfilled.

For such purpose, it or he may exact from the council which has passed the by-law, all the documents and information it or he deems necessary to satisfy itself or himself of the advisability of the by-law or of the provisions of the by-law submitted to it or to him for approval.

1978, c. 87, s. 158; 1982, c. 63, s. 259.

159. The approval of a by-law or other proceeding of the council by the Government or the Minister, body or person whose approval is required has no other effect than that of rendering such by-law or proceeding executory according to law from its coming into force. This may be done with the same effect in the form of an authorization. Such approval may be of a part only or qualified.

1978, c. 87, s. 159; 1982, c. 63, s. 259.

160. A copy of every by-law passed by the council must be transmitted without delay to the Regional Government.

1978, c. 87, s. 160; 1982, c. 63, s. 259.

DIVISION IV

CONTESTATION AND QUASHING OF BY-LAWS, RESOLUTIONS AND OTHER MUNICIPAL ENACTMENTS

161. Any elector may apply for the quashing of any by-law or part of a by-law of the council.

Such application must be based on a ground of illegality. It shall start with filing a notice of application for quashing with the Regional Government, within three months next after the coming into force of the by-law.

The notice of application for quashing shall set forth in a clear and precise manner the reasons alleged in support of the application and shall be accompanied by a copy of the by-law impugned.

Such notice shall be filed at the office of the Regional Government, whose functionaries must help the elector draw up the notice, if the elector requires it. Furthermore, the notice may be sent by mail and the date of the post-mark is then considered as that of the filing.

1978, c. 87, s. 161.

162. After receiving a notice, the Regional Government shall meet the elector and the representatives of the municipality.

Depending on the conclusions reached further to its inquiry, the Regional Government suggests either that the elector withdraw his notice of application for quashing, or that the municipality correct, amend, repeal or replace the by-law.

Such suggestion shall be made in writing, not later than 60 days after the filing of the notice. A copy of the document proposing the suggestion shall be sent to the elector who filed the notice of application for quashing, as well as to the municipality.

1978, c. 87, s. 162; 1996, c. 2, s. 1105.

163. If, 90 days after the filing of the notice, the intervention by the Regional Government is, according to the elector's opinion, unsuccessful, the latter may apply an application for quashing on the Superior Court.

The application must be served on the municipality and on the Regional Government not later than 120 days after filing the notice of application for quashing, under pain of nullity.

The Court shall proceed in a summary manner to hear the application. It may, by the judgment, quash such by-law in whole or in part, order the notification of such judgment to the municipality and its publication by public notice in the territory of the municipality.

Every by-law or part of a by-law so quashed shall cease to be in force from the date of the judgment.

1978, c. 87, s. 163; 1996, c. 2, s. 1057; I.N. 2016-01-01 (NCCP).

164. The municipality shall be solely responsible for damage and actions arising out of the enforcement of a by-law or part of a by-law whose quashing was obtained.

1978, c. 87, s. 164; 1996, c. 2, s. 1105; 1999, c. 40, s. 331.

165. This division shall also apply, with the necessary modifications, to the rolls, resolutions and other enactments of the municipality and to the acts of its officers.

1978, c. 87, s. 165; 1987, c. 91, s. 15; 1996, c. 2, s. 1105.

CHAPTER II

BY-LAWS WITHIN THE JURISDICTION OF THE COUNCIL

DIVISION I

GENERAL POWERS

166. The council may make by-laws to secure peace, order, good government, health and general welfare in the territory of the municipality, provided such by-laws are not contrary to the laws of Canada and of Québec nor inconsistent with any special provision of this Act.

Such by-laws shall not be contrary to the ordinances of the Regional Government in matters of joint competence.

1978, c. 87, s. 166; 1996, c. 2, s. 1058.

166.1. Every by-law imposing a compensation pursuant to paragraph 11 of section 174, paragraph 4 of section 179 or section 218.1 or a tax pursuant to section 178 or 191 may provide that the payment of the compensation or tax be apportioned between the owner and the tenant or occupant of the immovable in the proportion determined in the by-law, which may vary according to the categories of immovables established therein.

The owner of an unoccupied immovable subject to a compensation or tax the payment of which is apportioned is liable to the full amount of the compensation or tax only for that part of the expired portion of the fiscal year during which the immovable was unoccupied.

1987, c. 42, s. 15.

167. Where the application of a by-law contemplated in one of sections 173, 174, 176, 179, 188 to 198, 201 or 202 involves, to have effect, that certain persons should hold a permit or a certificate, the council may provide for the issuing of such permit or certificate, against payment of certain fees of which it establishes the tariff.

1978, c. 87, s. 167.

168. Notwithstanding the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and the Act respecting the Ministère du Conseil exécutif (chapter M-30), as the case may be, any municipality may, by agreement, delegate to another person the power to perform any act that it is required or authorized to perform by law, except the passing of a by-law.

Except where the power is delegated to another municipality or to the Regional Government, the agreement requires the authorization of the Minister.

1978, c. 87, s. 168; 1979, c. 25, s. 141; 1982, c. 2, s. 47; 1985, c. 27, s. 114; 1988, c. 41, s. 87; 1994, c. 15, s. 33; 1996, c. 2, s. 1105; 1996, c. 21, s. 70; 1999, c. 90, s. 35.

168.1. Where jurisdiction is delegated to a municipality under an agreement entered into under any of sections 168, 351.1, 351.2 and 353, the municipality has every power required to implement the agreement.

1985, c. 27, s. 114; 1996, c. 2, s. 1105; 1997, c. 93, s. 155.

168.2. A municipality may accept the delegation of any power of the Government or of a minister or government body, where such delegation is permitted by law, and may exercise that power.

The municipality may, by agreement, delegate all or part of that power to the Regional Government. The agreement must first have received the approval of the Government, the minister or the body that delegated the power to the municipality.

1997, c. 93, s. 156.

169. The council may, by complying with the provisions of sections 170 and 171 and the expropriation procedure established by law,

(a) appropriate any immovable property, any part thereof or any servitude required for the execution of works ordered by it within its jurisdiction;

(b) appropriate the whole or part of any road in the territory of the municipality and belonging to persons, partnerships or legal persons established for a private interest;

(c) appropriate any immovable property, any part thereof or any servitude it may need for any municipal purpose.

The foregoing provisions of this section shall not be regarded as restricting the right which the council may otherwise have to acquire, by mutual agreement, immovables for the same purposes.

1978, c. 87, s. 169; 1996, c. 2, s. 1059; 1999, c. 40, s. 331.

170. The council may not, without the authorization of the Government, expropriate the following properties:

(1) property belonging to the State, or held in trust for its use;

(2) property occupied by the Government of Canada or Gouvernement du Québec;

(3) property held or occupied by railway companies, fabriques, or religious, charitable or educational institutions or corporations;

(4) cemeteries, bishops' palaces, parsonages, and their dependencies.

1978, c. 87, s. 170; 1999, c. 40, s. 331.

171. A special notice of the petition to obtain the authorization contemplated in section 170 must be notified to each owner concerned and such notice shall state that after 30 days the petition will be submitted to the Government and that any opposition must be forwarded in writing to the Minister within such period.

1978, c. 87, s. 171; 1999, c. 40, s. 331; I.N. 2016-01-01 (NCCP).

172. The council may make by-laws to take a census of the inhabitants in the territory of the municipality, for the purpose of ascertaining their number, and of obtaining statistics regarding their social and economic condition.

The council may also make by-laws to exact that, in all cases of birth or death, a certificate be deposited in the office of the municipality.

1978, c. 87, s. 172; 1996, c. 2, s. 1060.

DIVISION II

PUBLIC SECURITY

173. The council may make by-laws:

(1) to authorize an officer designated by it to visit and examine all movable and immovable property, as also the interior or exterior of any house, building or edifice, to ascertain if the by-laws of the council are executed; for the purpose of adopting any measure deemed necessary for public security; to require the owners, lessees or occupants of such property, buildings and edifices to admit such officers of the municipality;

(2) to classify, for purposes of regulation, dwellings, commercial and industrial establishments and all other immovables, including public buildings;

(3) to compel the prior submission of plans for the construction or alteration of buildings and projects for changes of the destination or use of an immovable or for the moving of a building, to the council, for security and sanitary purposes;

(4) to provide that no immovable newly erected or altered, or the destination or use of which has been changed shall be occupied before a certificate is issued by the municipal authority establishing that this immovable is in conformity with the by-laws of the municipality;

(5) to decree that no building permit shall be granted,

(a) unless the ground on which each proposed structure, including its dependencies, is to be built forms a separate lot on the official cadastral plan or on the subdivision plan made and deposited in accordance with articles 3030 and 3043 of the Civil Code;

(b) unless the lot on which a structure is to be erected is adjacent to a public street;

(6) to define what shall constitute abandoned, dilapidated or decayed buildings or structures and regulate the restoration or demolition of the same; the reconstruction or restoration of any building or structure shall be carried out in accordance with the by-laws in force at the time of such reconstruction or restoration;

(7) to adopt measures to prevent the overcrowding of premises used as lodgings;

(8) to protect the life and property of the inhabitants and prevent accidents such as may be caused by natural catastrophe, fire, mechanical defect or failure, or contamination from noxious substances;

(9) to organize, maintain and regulate a fire department and fire brigade; to appoint all officers necessary for the extinction and suppression of fires and for the protection of persons and property from fire;

(10) to authorize the demolition of buildings, houses and fences, when deemed necessary to arrest the progress of fire, and to empower the mayor, the chief of the fire brigade or other officers to exercise this power; if there is no by-law, the mayor may, during a fire, exercise this power by giving special authority;

(11) to regulate or prohibit blasting, and shooting with guns, pistols or other fire-arms, or arms discharged by means of compressed air or any other system;

(12) to regulate the keeping of animals or to prohibit the keeping of certain species specified in the by-law;

(13) to establish pounds under the supervision and control of the council.

When the construction of a building is not or has not been made in conformity with the by-laws adopted under this section or under paragraph 2 of section 176, or when it is or has been done without obtaining a permit or certificate required under those by-laws, a judge of the Superior Court having jurisdiction in the territory may, upon an application, order appropriate modifications or that the building be demolished within such time as he fixes, and order that on failure to do so within such time the municipality may effect such modifications or demolition at the expense of the owner of the building.

1978, c. 87, s. 173; 1982, c. 2, s. 48; 1987, c. 91, s. 16; 1989, c. 70, s. 3; 1996, c. 2, s. 1105; 1999, c. 40, s. 331; 2008, c. 18, s. 115; I.N. 2016-01-01 (NCCP).

DIVISION III

PUBLIC HEALTH AND HYGIENE

174. The council may make by-laws:

(1) to provide for the inspection of food and other products and their containers, and for the seizure, confiscation and summary destruction of any such products or containers as are unsound, spoiled, or unwholesome; to prohibit the bringing into the territory of the municipality of such products and the keeping or selling of such products;

(2) to regulate the construction and maintenance of places where food-stuff are prepared, stored or sold;

(3) to regulate the construction and maintenance of places where fuels and noxious substances are stored or sold;

(4) to regulate or prohibit the storage or sale of fuels or noxious substances;

(5) to ensure the sanitary condition of public and private property and regulate or prohibit unwholesome undertakings and establishments;

(6) to inspect and regulate ice-houses and cold storage establishments;

(7) to regulate the location, construction, management and cleansing of storing places for hides and, generally, all places or establishments in which animal matter is dealt with;

(8) to regulate the establishment of cemeteries and burial sites and the burial and disinterment of the dead;

(9) to prevent the pollution of the waters within the territory of or adjacent to the municipality and to provide for the cleansing and purification of municipal waters, and to compel the owner, lessee or occupant of any building or ground to remove from the premises owned, leased or occupied by him all such offensive substances as the council may direct, and, upon his default, to authorize the removal or destruction thereof at the expense of such owner, lessee or occupant;

(10) to regulate the sewerage of the municipality and to maintain and operate or cause a third person to operate a sewage collection and disposal system;

(11) (a) to prohibit the dumping of waste or garbage;

(b) to provide for the collection, treatment and disposal of garbage or waste or waste water;

(c) to impose an annual compensation in respect of every construction, house or building for the supply of the services referred to in subparagraph *b*; the amount or rate of the compensation may vary according to the categories of immovables determined by the by-law;

(12) to construct, equip and operate plants for the elimination or recycling of waste and to regulate or prohibit the use of places as dumps;

(13) to regulate or prohibit the escapement of smoke, gas and effluents from engines, factories or establishments;

(14) to define what shall constitute a nuisance and to regulate or prohibit the same, including noise.

1978, c. 87, s. 174; 1982, c. 2, s. 49; 1986, c. 41, s. 1; 1987, c. 42, s. 16; 1989, c. 70, s. 4; 1996, c. 2, s. 1061.

175. The municipality may cause to be sold at auction, by bailiff, without any judicial proceedings and after the notices required for the sale of movables under a seizure of property in execution, all movable effects in its possession which are unclaimed within six months and which have been abandoned or whose owner cannot be found.

If such property is claimed after the sale, the municipality shall be liable only for the proceeds of the sale, after deducting the cost of the sale and other expenses which it may have incurred. If they cannot be sold because they have no merchantable value, they may be destroyed after publication of similar notices, and if they are claimed after destruction, the municipality shall not be liable for the payment of any indemnity or compensation.

1978, c. 87, s. 175; 1992, c. 61, s. 633; 1996, c. 2, s. 1105; I.N. 2016-01-01 (NCCP).

DIVISION IV

TOWN PLANNING AND LAND DEVELOPMENT

176. The council may make by-laws:

(1) to order the making of a master plan of the territory or of any part of the territory of the municipality specifying the purposes for which each portion of the territory included in the plan may be used, and to enact that such master plan shall become obligatory; to oblige the owner of any land to submit beforehand to the council any plan for the division or re-division of such land or of any modification or cancellation in the book of reference of a subdivision, and to obtain from the council a subdivision permit;

(2) subject to the master plan, to divide the territory of the municipality into zones of such number, shape and area as the council deems suitable for the purpose of such by-law and, with respect to each of such zones, to prescribe the architecture, dimensions, symmetry, alignment, destination, materials and the manner of assembling the same, of the structures which may be erected therein, the use of any immovable located therein, the area and dimensions of lots, the proportion of lots which may be occupied by structures, the space which must be left clear between structures and the lines of lots, the space which, on such lots, must be reserved and arranged for the parking of vehicles, and the manner of arranging such space. Every such by-law must, before coming into force, be approved by the affirmative vote of the majority of the electors whose names appear on the electoral list in force, and who have voted on such by-law;

(3) to regulate the carrying on of trades, businesses and industries of all kinds in the territory of the municipality.

1978, c. 87, s. 176; 1996, c. 2, s. 1062.

DIVISION V

PUBLIC SERVICES

§ 1. — *Water Supply*

177. The council may make by-laws to provide for the establishment or acquiring, maintenance, management and regulation of reservoirs and water delivery systems to supply water in the territory of the municipality, and to instal apparatus for filtering and purifying water.

1978, c. 87, s. 177; 1996, c. 2, s. 1063.

178. The council may, by-law, in order to meet the interest on, and constitute a fund to reimburse the capital of, the sums expended in the construction and maintenance of reservoirs and water delivery systems, impose an annual tax at a rate to be fixed by it, based on the area of each immovable.

1978, c. 87, s. 178; 1987, c. 42, s. 17.

179. The council may make by-laws:

(1) to prohibit any owner, lessee or occupant of a house or building supplied with water from furnishing such water to others, or from using it otherwise than for his own use, or from wasting it;

(2) to prescribe the size, quality, strength, and location of water-closets, baths, and other similar apparatus;

(3) to prevent the pollution of the water in the reservoirs and the practising of frauds upon the municipality with regard to the supply of water;

(4) (a) to impose an annual compensation in respect of every construction, house or building for the supply of water distribution services; the amount or rate of the compensation may vary according to the categories of immovables determined by the by-law;

(b) to supply the meters placed in the constructions, houses or buildings for measuring the quantity of water used therein and fix the amount to be paid for the rental of meters;

(5) to provide for any other matter or thing of any nature or kind whatsoever, having reference to water delivery systems, which it may be necessary to regulate, determine or prohibit for its proper working.

1978, c. 87, s. 179; 1987, c. 42, s. 18; 1989, c. 70, s. 5; 1996, c. 2, s. 1105.

180. The municipality may make a special agreement with consumers for the supply of water in special cases, where it is considered that there is more than the ordinary consumption of water.

1978, c. 87, s. 180; 1996, c. 2, s. 1105.

181. The tax levied under section 178, the compensation for water services, as well as all other taxes due for water or for meters, shall be levied according to the rules and in the manner prescribed by the council.

1978, c. 87, s. 181.

182. As soon as the municipality is ready to furnish water to any part of its territory not already supplied, public notice thereof shall be given, and, after such notice, all persons liable to the payment of compensation

for water services in such part of the territory, whether they consent or not to receive the water, shall pay the compensation fixed by the tariff.

1978, c. 87, s. 182; 1996, c. 2, s. 1064.

183. If any person causes or allows any apparatus to be out of repair, or to be so used that the water supplied from the water delivery system is wasted, or unduly consumed, or if he refuses or neglects to pay the compensation lawfully imposed for the water supplied to him, for 30 days after the same is due and payable, the municipality may discontinue the supply so long as the person is in default, which shall not, however, exempt such person from the payment of such compensation, as if the water had been supplied to him without interruption.

1978, c. 87, s. 183; 1996, c. 2, s. 1105.

184. The officers appointed for the management of water delivery systems may enter at any reasonable time into any house or building, or upon any property whether situated within or without the territory of the municipality, for the purpose of satisfying themselves that the water is not wasted and that the by-laws relative to water are faithfully carried out.

The owners, lessees or occupants of any such house, building or property shall allow the officers to make such visit or examination. The supply of water may be discontinued to any person refusing to admit the officers, so long as such refusal continues.

An officer referred to in this section shall, on request, identify himself and produce a certificate of his capacity issued by the municipality.

1978, c. 87, s. 184; 1986, c. 95, s. 343; 1989, c. 70, s. 6; 1996, c. 2, s. 1065.

185. The municipality shall not be bound to warrant the quantity of water to be supplied; and no person may refuse, on account of the insufficiency of the water-supply, to pay the compensation for the use of the water.

1978, c. 87, s. 185; 1996, c. 2, s. 1105.

186. The council may also make special agreements for the supply of water outside the territory of the municipality, provided that the persons with whom such agreements are made comply with the by-laws respecting the management of the water delivery system.

1978, c. 87, s. 186; 1996, c. 2, s. 1066.

187. The council may, by by-law, transfer its rights and powers respecting the water-supply to any person willing to undertake the same, provided that such person does not exact, for the use of the water, rates higher than those approved or determined by by-law of the council.

1978, c. 87, s. 187.

§ 2. — *Lighting*

188. The council may make by-laws providing for the lighting of the territory of the municipality by means of electric or other light furnished by any person, and the municipality may become a party to any contract to that effect.

1978, c. 87, s. 188; 1996, c. 2, s. 1067.

189. The council shall have all the necessary powers for the establishment and management of a system of lighting by electricity or otherwise, for the requirements of the public and of private individuals or legal persons desiring to light their houses, buildings or establishments.

1978, c. 87, s. 189; 1999, c. 40, s. 331.

190. At the expiration of the term mentioned in any contract entered into between the council and any public utility, respecting the supplying of electricity for light, heat and power by the public utility to the municipality which itself distributes the same to its ratepayers, the Régie de l'énergie, on petition to that effect, may order that the contract be extended or renewed on such other or similar terms, prices and conditions as it may determine.

1978, c. 87, s. 190; 1988, c. 23, s. 100; 1996, c. 2, s. 1105; 1996, c. 61, s. 142; 2009, c. 52, s. 711.

191. The council may by by-law, in order to meet the interest on, and constitute a fund to reimburse the capital of, the sums expended in the establishment of lighting systems, impose an annual tax at the rate to be fixed by it, based on the area of each property.

1978, c. 87, s. 191; 1987, c. 42, s. 19.

192. The council may make by-laws:

- (1) if the lighting system belongs to the municipality,
 - (a) to determine, in addition to the tax mentioned in section 191, the compensation to be paid for light and for the rent of meters, and for supplying meters to measure the quantity of light consumed;
 - (b) to prevent fraud in connection with the quantity of light supplied;
 - (c) to protect the wires, pipes, lamps, apparatus and other articles serving for the distribution of light;
- (2) if the lighting system belongs to the municipality or to others, to impose sanctions against persons extinguishing the lamps without authority.

1978, c. 87, s. 192; 1990, c. 4, s. 910; 1996, c. 2, s. 1105.

193. The tax and the compensation imposed under sections 191 and 192 shall be levied according to the rules and in the manner prescribed by the council.

1978, c. 87, s. 193.

194. Any citizen may accept or refuse to use the light supplied by the municipality in any building, house or establishment controlled by him.

1978, c. 87, s. 194; 1996, c. 2, s. 1105.

195. The officers appointed to manage the lighting system of the municipality may enter at any reasonable time any building, house or establishment, and upon any property, for the purpose of ascertaining whether the by-laws respecting lighting are faithfully observed.

The owners, lessees or occupants of all such buildings, houses establishments or properties shall allow such officers to enter and make such inspection or examination.

An officer referred to in this section shall, on request, identify himself and produce a certificate of his capacity issued by the municipality.

1978, c. 87, s. 195; 1986, c. 95, s. 344; 1989, c. 70, s. 7; 1996, c. 2, s. 1105.

196. The owners, lessees or occupants of houses, buildings or lands in the territory of the municipality shall, whether the lighting system belongs to the municipality or to others, permit the pipes, wires, lamps and posts necessary for the lighting for public purposes to be placed on their houses, buildings or lands, subject to the payment of damages for any damage actually suffered.

1978, c. 87, s. 196; 1989, c. 70, s. 8; 1996, c. 2, s. 1068; 1999, c. 40, s. 331.

197. Nothing in this subdivision shall be construed as subjecting Hydro-Québec or its successors to any additional jurisdiction or control than that found in the Hydro-Québec Act (chapter H-5) or other provincial acts of general application.

1978, c. 87, s. 197.

§ 3. — *Heating and power*

198. The council shall have all the powers necessary for the establishment and administration of any system of heating and power development by means of electricity or otherwise for the use of the public, or of private persons or legal persons desiring to make use thereof in their houses, buildings or establishments. Sections 188 to 197 shall apply, with the necessary modifications, to this section.

1978, c. 87, s. 198; 1999, c. 40, s. 331.

§ 4. — *Municipal roads*

199. The council may make by-laws:

(1) subject to the master plan of the municipality, to order the opening, closing, widening, extension, changing, improvement, maintenance or regulation of streets and roads and to regulate the location, construction and maintenance of sidewalks and bridges; however, the by-law ordering the closing of streets must provide for an indemnity, if there is occasion therefor;

(2) to give names to, or change the names of, streets, lanes or public places and regulate the numbering of houses and buildings;

(3) to prescribe the measures necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses and other buildings; every person obliged by by-law to care for any sidewalk or roof, shall be responsible towards the municipality for damage resulting from his neglect to fulfill his obligations in this respect, and may be called in warranty in any case instituted against the municipality for damages.

1978, c. 87, s. 199; 1984, c. 38, s. 174; 1996, c. 2, s. 1105; 1999, c. 40, s. 331.

200. The municipality shall be responsible in damages for the bad state of streets, roads, sidewalks, bridges, public places and municipal watercourses.

1978, c. 87, s. 200; 1996, c. 2, s. 1105.

§ 5. — *Traffic and transportation*

201. The council may make by-laws:

(1) to establish and regulate public transportation services and facilities;

(2) to regulate the use and speed of motor vehicles, both on land and water;

(3) to regulate or prohibit the transportation of noxious and other dangerous substances;

(4) to regulate or prohibit the use of noisy vehicles;

(5) to authorize the diversion of traffic in the streets in the territory of the municipality for the performance of work thereon and for any other reason of necessity or emergency;

(6) to prescribe, maintain and regulate passageways for, and the use of all-terrain vehicles, vehicles not following roads, and hovercraft; to regulate the use of such vehicles in accordance with any provincial regulations governing such vehicles;

(7) to establish, maintain and regulate parking places or buildings for vehicles;

(8) to establish, maintain and regulate grounds for the parking of trailers and mobile homes and to prohibit the parking and use of trailers, mobile homes or other vehicles as dwellings or commercial establishments outside such grounds;

(9) to establish, maintain and regulate airports or airstrips for airplanes or other aircraft; and

(10) to establish, maintain and regulate harbours, wharves, dry-docks and other landing places for ships, boats and other craft.

1978, c. 87, s. 201; 1996, c. 2, s. 1069.

DIVISION VI

RECREATION AND CULTURE

202. The council may make by-laws:

(1) to establish, equip, maintain and improve recreational centres, playgrounds and parks;

(2) to establish and maintain public baths, privies and lavatories, to regulate marinas in the waters comprised within its jurisdiction, and to regulate public or private swimming pools or areas;

(3) to establish and administer a system of community radio and television aerials for the needs of those wishing to make use thereof, and to regulate the installation, maintenance, number and height of television and radio aerials; the council, however, shall not acquire by expropriation the existing systems in the territory of the municipality; and

(4) to establish and maintain free public libraries, library associations, handicrafts institutes, reading-rooms and public museums, exhibitions and fairs for historical, literary, artistic or scientific purposes.

1978, c. 87, s. 202; 1996, c. 2, s. 1070.

TITLE IX

PUBLIC WORKS OF THE MUNICIPALITY AND AWARDING OF ITS CONTRACTS

1983, c. 57, s. 139; 1996, c. 2, s. 1105.

203. All public works of the municipality are performed at the expense of the municipality, which either has them done by its own officers or orders them by contract awarded and passed according to the rules set forth in this title.

1978, c. 87, s. 203; 1982, c. 2, s. 50; 1987, c. 91, s. 17; 1996, c. 2, s. 1105.

204. (1) Unless it involves an expenditure of less than \$100,000, no insurance contract, supply contract or contract for the performance of work or the supply of services other than, subject to the third

paragraph, professional services shall be awarded except after a public call for tenders by advertisement in a newspaper.

For the purposes of this section, “supply contract” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.

A public call for tenders relating to a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (chapter C-65.1) and in a newspaper in the territory of the municipality or a publication specialized in the field and sold mainly in Québec.

For the purposes of the third paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work;

(2) *(subparagraph repealed);*

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, advocate or notary.

(2) The period for the receipt of tenders shall not be less than 15 days.

(2.1) A public call for tenders relating to a contract referred to in the third paragraph of subsection 1 may stipulate that only bids submitted by contractors and suppliers having an establishment in Québec or by contractors and suppliers having an establishment in a territory covered by an intergovernmental trade liberalization agreement applicable to the municipality will be considered.

The call for tenders referred to in the first paragraph may also stipulate that the goods concerned must be produced in a territory comprising Québec and any territory referred to in that paragraph.

(3) Tenders shall not be called for, nor shall the contracts resulting therefrom be awarded except on one or the other of the following bases:

(a) for a fixed price;

(b) at unit prices.

(4) All tenders must be opened publicly in the presence of at least two witnesses, on the day and at the hour and place mentioned in the call for tenders.

(5) All those who have tendered may be present at the opening of the tenders.

(6) The names of the tenderers and their respective prices must be mentioned aloud at the opening of the tenders.

(7) The council shall not be obliged to accept either the lowest or any other tender.

(8) Subject to section 204.1.1, the municipality shall not, without the previous authorization of the Minister, award the contract to any person except the one who made the lowest tender within the prescribed delay.

(9) If, however, to meet the conditions to qualify for a government subsidy the contract must be awarded to a person other than the person who made the lowest tender within the prescribed time, the municipality may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders meeting such conditions, if the tender was made within the prescribed time.

(10) The contract shall be awarded by resolution.

(11) A member of the council may be declared disqualified to hold a municipal office for two years and held personally liable to the municipality for any loss or damage it may suffer, whenever, by his vote or otherwise, he knowingly authorizes or effects

(a) the awarding or the making, without public tender, of a contract which, according to subsection 1, is subject to such formality;

(b) the awarding or the making of a contract in contravention of the requirements of subsections 8 and 9.

The liability mentioned in this subsection is joint and several, and it also applies to every officer of the municipality and every person who knowingly becomes party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with subparagraph 4 of the first paragraph of article 529 and articles 532 to 535 of the Code of Civil Procedure (chapter C-25.01); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2).

1978, c. 87, s. 204; 1983, c. 57, s. 140; 1987, c. 57, s. 816; 1987, c. 91, s. 18; 1996, c. 2, s. 1105; 1997, c. 93, s. 157; 1998, c. 31, s. 104; 2008, c. 18, s. 116; 2009, c. 26, s. 92; 2010, c. 18, s. 94; 2012, c. 11, s. 33; 2014, c. 1, s. 780; 2018, c. 8, s. 243.

204.1. No insurance contract, supply contract or contract for the performance of work or the supply of services other than professional services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, advocate or notary and involving an expenditure exceeding \$20,000 and less than \$100,000 may be awarded except after a call for tenders has been issued and is made by inviting in writing at least two contractors or, as the case may be, two suppliers to tender.

Subject to section 204.1.1, no municipality may, without the previous authorization of the Minister, award the contract to a person other than the person who has submitted the lowest tender.

For the purposes of this section, a supply contract is defined in the second paragraph of section 204.

1983, c. 57, s. 141; 1996, c. 2, s. 1105; 1997, c. 93, s. 158; 2018, c. 8, s. 244.

204.1.1. The council may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the council chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the council shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of subsection 9 of section 204, the bid having received the highest score shall be considered to be the lowest tender.

1997, c. 93, s. 159.

204.1.2. The council may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the council establishes a qualification process solely for the purpose of awarding a contract referred to in the third paragraph of subsection 1 of section 204, the process may discriminate as permitted in the case of a public call for tenders in relation to such a contract under subsection 2.1 of section 204.

The municipality shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary-treasurer to publish a notice to that effect in accordance with the rules set out in the third paragraph of subsection 1 of section 204.

1997, c. 93, s. 159; 2018, c. 8, s. 264.

204.1.3. A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 204.1.2.

The first paragraph does not apply where, under the process provided for in section 204.1.2, only one insurer, supplier or contractor has become qualified.

1997, c. 93, s. 159.

204.1.4. Subject to subsections 2.1 and 9 of section 204, no public call for tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

1997, c. 93, s. 159; 2018, c. 8, s. 264.

204.1.5. An insurance contract awarded by tender for a period of less than five years may, upon termination, be renewed without calling for tenders for one or several terms which, added to the initial term, must in no case exceed five years. Premiums may, after the initial term, be modified for the duration of a new term.

1997, c. 93, s. 159.

204.2. In case of irresistible force of such a nature as to imperil the life or health of the population or seriously damage the equipment of the municipality, the mayor may order any expenditure deemed necessary and award any contract necessary to remedy the situation. In such a case, the mayor must make a report of such action and the reasons therefor to the council at its next sitting. However, in the case of the Regional Government acting under section 244 and if the executive committee sits before the council, the chairman of the committee shall make a report to the committee and table it before the council at its next sitting.

1983, c. 57, s. 141.

204.3. Sections 204 and 204.1 do not apply

(1) to a supply contract or contract for the supply of services for which a rate is fixed or approved by the Government of Canada or the Gouvernement du Québec, or any minister or agency thereof;

(2) to a supply contract, insurance contract or contract for the supply of services entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier found, after thorough and documented verification, to be the only one in all the territories covered by an intergovernmental agreement on the opening of public procurement applicable to the municipality that is in a position to provide the goods or services;

(3) to a contract to devise energy saving measures for the municipality if the contract involves both professional services and the performance of work or the supply of goods or services other than professional services.

1983, c. 57, s. 141; 1997, c. 93, s. 160; 2003, c. 19, s. 223; 2010, c. 18, s. 95; 2018, c. 8, s. 245.

204.3.1. To enter into a contract that, but for section 204.3, would have been subject to section 204 with a supplier that is the only one in a position to provide the goods or services under paragraph 2 of section 204.3, a municipality must, at least 15 days before entering into the contract, publish on the electronic tendering system approved by the Government a notice of intention allowing any person to express interest in entering into it. The notice of intention must, among other things, specify or include

(1) the name of the person with whom the municipality intends to enter into the contract in accordance with section 204.3;

(2) a detailed description of the municipality's procurement requirements and the contract obligations;

(3) the projected contract date;

(4) the reasons invoked allowing the municipality to enter into the contract in accordance with section 204.3; and

(5) the address at which and deadline by which a person may express interest electronically and demonstrate that he, she or it is capable of carrying out the contract on the basis of the procurement requirements and obligations stated in the notice, that deadline being five days before the projected contract date.

2017, c. 27, s. 220; 2018, c. 8, s. 246.

204.3.2. Where a person has expressed interest in entering into the contract in accordance with paragraph 5 of section 204.3.1, the municipality shall electronically send the person its decision as to the contract, at least seven days before the projected contract date. If that seven-day period cannot be complied with, the contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The municipality must also inform the person of the person's right to file a complaint under section 38 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) within three days after receiving the decision.

If no person has expressed interest by the deadline under paragraph 5 of section 204.3.1, the contract may be entered into before the projected contract date specified in the notice of intention.

2017, c. 27, s. 220.

204.4. The Minister may, on the conditions he determines, authorize a municipality to award a contract without calling for tenders, authorize the municipality to award a contract after calling for tenders by written invitation rather than by publication in a newspaper, or authorize the municipality to award a contract to the winner of a design competition it holds.

The first paragraph does not apply where calls for tenders are required to be public under an intergovernmental trade liberalization agreement applicable to the municipality.

1997, c. 93, s. 161; 2010, c. 18, s. 96.

205. No contract is valid or binding upon the municipality unless the by-law authorizing the work has provided for the appropriation of the moneys required for paying the costs of the same.

1978, c. 87, s. 205; 1996, c. 2, s. 1105.

206. The contract is made in the name of the municipality and accepted by the mayor or by a member of the council specially authorized for that purpose.

1978, c. 87, s. 206; 1996, c. 2, s. 1105.

207. The person to whom such work is awarded must give security to the satisfaction of the council for the due performance thereof and for the payment of all damages, interest and costs.

1978, c. 87, s. 207.

207.0.1. A municipality must provide equitable resolution of complaints filed with it in the course of the awarding of a contract through a public call for tenders or otherwise. It must, for that purpose, establish a procedure for receiving and examining the complaints filed.

The municipality shall make the procedure available at all times by publishing it on its website. If the municipality does not have a website, it shall publish the procedure on another website whose address it shall give public notice of at least once a year.

To be admissible, a complaint must be sent electronically to the person in charge identified in the procedure. A complaint under section 207.0.2 must be filed on the form determined by the Autorité des marchés publics under section 45 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1).

2017, c. 27, s. 221.

207.0.2. In the case of an ongoing public call for tenders, only a person or group of persons interested in participating in the awarding process or the representative of such a person or group may file a complaint about the process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the municipality's normative framework.

The complaint must be filed with the municipality not later than the complaint filing deadline indicated on the electronic tendering system approved by the Government. That deadline is determined, subject to the third paragraph, by adding to the date on which the call for tenders is advertised a period corresponding to half the time for receiving tenders but which may not be less than 10 days.

The municipality must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Such a complaint may pertain only to the content of the tender documents available on the electronic tendering system not later than two days before that deadline.

The complainant shall, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

On receiving a first complaint, the municipality must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

Any amendment made to the tender documents before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period was extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

2017, c. 27, s. 221.

207.0.3. Any amendment made to the tender documents must contain the information relating to the deadline for filing a complaint under section 207.0.2 or under section 40 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1). Any amendment made to the tender documents must also indicate whether it results from a recommendation of the Autorité des marchés publics.

2017, c. 27, s. 221.

207.0.4. In the case of a complaint under section 207.0.2, the municipality must send the complainant its decision electronically after the complaint filing deadline but not later than three days before the tender closing date it has determined. If necessary, the municipality must defer the tender closing date.

If the municipality has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

The municipality must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

The municipality must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

The municipality must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 37 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) within three days after receiving the decision.

If, two days before the tender closing date, the municipality has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day. For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

2017, c. 27, s. 221.

207.0.5. Sections 207.0.1 to 207.0.4 apply to certification or qualification processes, with the necessary modifications.

2017, c. 27, s. 221.

207.1. A municipality may obtain any movable property or service from or through the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1).

To the extent that the terms of any agreement on the opening of public procurement applicable to the municipality are observed, sections 204 and 204.1 do not apply to contracts entered into by the municipality

with or through the Centre de services partagés du Québec in accordance with the regulations under the Act respecting contracting by public bodies (chapter C-65.1).

1999, c. 59, s. 44; 2000, c. 8, s. 243; 2005, c. 7, s. 96; 2006, c. 29, s. 52.

TITLE X

MUNICIPAL FINANCES

CHAPTER I

GENERAL PROVISIONS

208. The fiscal year of the municipality shall begin on 1 January and end on 31 December of each year and the taxes and yearly assessments shall be payable at the dates determined by the council.

1978, c. 87, s. 208; 1996, c. 2, s. 1105.

209. The budget must be adopted by the council not later than 31 December at a special meeting called for that purpose.

If the council is not able to adopt the budget within the applicable period, it shall set the date of the meeting at which the budget is to be adopted. As soon as possible after the adoption of the resolution by which the council sets the date, the secretary shall send a certified true copy to the Minister.

If, on 1 January, the budget is not adopted, one-twelfth of each appropriation provided for in the budget of the previous fiscal year is deemed to be adopted. The same rule applies at the beginning of each subsequent month if, at that time, the budget has not yet been adopted.

1978, c. 87, s. 209; 1982, c. 63, s. 260; 1984, c. 38, s. 175; 2010, c. 42, s. 36; 2016, c. 17, s. 135.

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

1987, c. 91, s. 19; 1996, c. 2, s. 1071.

210. All fees, licences, fines, revenues, taxes, subsidies and grants accruing or belonging to or received by the municipality shall be paid to and received by the secretary-treasurer alone or by the officer designated by him for that purpose; and no other officer shall, under any pretext, receive them unless specially authorized by the council to do so.

1978, c. 87, s. 210; 1996, c. 2, s. 1105.

211. (1) All sums of money not especially appropriated shall form part of the general fund of the municipality.

(2) Any grant or subsidy made to a municipality and not specially appropriated by the by-law ordering the works or the expenditures may be paid in whole or in part to the general fund of the municipality.

(3) Saving the case provided in section 7 of the Act respecting municipal debts and loans (chapter D-7), whenever the municipality has collected a sum exceeding the sum required for the purposes for which such sum was raised, the surplus shall belong to the municipality and fall into the general fund thereof.

(4) All sums of money forming part of the general fund of the municipality may be employed for any purpose within the jurisdiction of the council.

1978, c. 87, s. 211; 1988, c. 84, s. 705; 1996, c. 2, s. 1105.

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 absolute nullity of the by-law or resolution.

1987, c. 91, s. 20; 1999, c. 40, s. 331.

212. The council may make such by-laws as it may deem expedient for the management and administration of its finances, and determine the formalities to which payments out of the funds of the municipality shall be subject.

1978, c. 87, s. 212; 1996, c. 2, s. 1105.

213. Every municipality may deposit at interest in a Canadian chartered bank or financial services cooperative, or invest in the public funds of Canada or of Québec, or loan on first hypothec, any moneys belonging to it.

1978, c. 87, s. 213; 1996, c. 2, s. 1105; 2000, c. 29, s. 681.

CHAPTER II

TAXES AND LICENCES

214. 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-warehouses; 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 not exceeding the percentage of 1% of the estimated value of such stock in trade or other articles of commerce, unless the Minister fixes from time to time a higher percentage;

(2) on all tenants paying rent in the territory of the municipality, an annual tax of not more than a proportionate amount of rent, of 8%, unless the Minister fixes from time to time a greater amount.

Every occupant shall also be liable for the payment of such tax, which shall then be based on the rental value of the immovable or the part of it occupied by him, as determined by the roll of rental values or, where no such roll exists, as estimated by the council.

1978, c. 87, s. 214; 1989, c. 70, s. 9; 1996, c. 2, s. 1072.

215. In addition to the taxes provided for in section 214, the council may establish, impose and levy certain annual dues or taxes on all trades, manufactures, financial or commercial establishments, occupations, arts, professions, callings or means of earning a profit or a livelihood, carried on or followed by one or more persons or partnerships in the territory of the municipality, provided that such duties or taxes do not exceed in any case an annual amount of \$300, unless the Minister fixes from time to time a greater amount. Such dues or taxes may be different for persons who have not resided in the territory of the municipality for 12 months from those for persons who reside therein for at least that period, provided that such dues and taxes imposed on non-residents and on those who have resided in the municipality for less than 12 months, do not exceed the others by more than 50%, unless the Minister fixes from time to time a higher percentage.

The tax imposed in virtue of the first paragraph shall be payable for every business establishment, and for every kind of business or occupation, when carried on by the same person or partnership in two or more distinct and separate buildings or business establishments.

1978, c. 87, s. 215; 1996, c. 2, s. 1073; 1999, c. 40, s. 331.

216. Every tax imposed under section 215 may, in the discretion of the council, be imposed and levied in the form of a licence; and, thereupon, such tax shall be payable annually at such time and under such conditions and restrictions as the council may determine.

Although the by-law of the council ordering the imposition and levying of certain duties and taxes in the form of a licence may decree that the failure to pay such duties or taxes constitutes an offence, the council may, at its option, instead of instituting penal proceedings, sue for recovery of the said duties or taxes, whether a licence is issued or not, and whether the name of the person liable for the duties or taxes is entered or not on the collection roll.

1978, c. 87, s. 216; 1990, c. 4, s. 911.

217. Notwithstanding the provisions of article 215, the council may impose and levy an annual licence or permit not exceeding an amount of \$300, unless the Minister fixes from time to time a greater amount, on merchants doing business in the territory of the municipality who do not reside therein or who are residents therein for less than three months and whose names are not entered on the collection roll, but who are temporarily occupying the premises, without, however, being obliged to impose a tax or permit on those resident therein for more than three months.

1978, c. 87, s. 217; 1996, c. 2, s. 1074.

218. Subject to section 237, in order to pay its aliquot share of the expenses or of part of the expenses of the Regional Government required by the Regional Government under section 386, the municipality may impose and levy a tax based on the municipal valuation of the taxable immovables in the territory of the municipality, or on their area, or on their frontage. It may also impose an equal tax on each of the ratepayers and levy it.

1978, c. 87, s. 218; 1996, c. 2, s. 1075.

218.1. Until it imposes a property tax, the council may, by by-law, impose an annual compensation in respect of a construction, house or building for the general administration of the municipality and for all municipal services on which a specific tax or compensation is not imposed.

The amount or rate of the compensation may vary according to the categories of immovables determined by the council.

1982, c. 2, s. 51; 1987, c. 42, s. 20; 1996, c. 2, s. 1105; 1999, c. 40, s. 331.

218.2. The following immovables are exempt from the compensation contemplated in section 218.1:

(1) an immovable which belongs to an episcopal corporation, a *fabrique*, a religious institution or an incorporated Church and used mainly as a place of public worship or as a bishop's palace or as a rectory, at the rate of one per church, as well as the immediate appurtenances thereof that are used for the same purposes;

(2) an immovable which belongs to a religious institution or a *fabrique* and used by it or used, free of charge, by another religious institution or *fabrique*, not to derive income but in the immediate pursuit of its constitutive religious or charitable objects, as well as the immediate appurtenances thereof that are used for the same purposes.

1987, c. 42, s. 20.

219. Every tax imposed by virtue of the foregoing provisions shall be payable annually.

The council may, by by-law,

(1) allow a ratepayer the choice of paying a tax in a single payment or in several equal instalments, the number of which shall be determined by the council;

(2) determine the term of payment of the single payment or each of the equal instalments;

(3) provide for the sharing of the obligation to pay a tax imposed on the lessee or occupant of an immovable in cases where there are successive lessees or occupants during the same fiscal year;

(4) provide for any other terms and conditions relating to the collection of a tax.

The by-laws enacted under the second paragraph may differ according to the tax or the category of immovable concerned.

1978, c. 87, s. 219; 1989, c. 70, s. 10.

220. *(Repealed).*

1978, c. 87, s. 220; 1987, c. 91, s. 21.

221. Taxes shall bear interest at an annual rate of 5% from maturity, without necessity of a special demand for payment.

The council, by by-law, may at any time determine a rate lower than 5%. It may in addition determine a higher rate up to the rate fixed from time to time by the Minister, where such is the case.

Neither the council nor its officers may remit any taxes or interest thereon. The council may, however, by resolution, exempt the poor of the territory of the municipality from the payment of taxes.

The council may also, by resolution, grant a discount not exceeding a percentage of 5%, unless the Minister fixes from time to time a higher percentage, to every ratepayer who pays his taxes before they are due.

1978, c. 87, s. 221; 1996, c. 2, s. 1076.

222. Arrears of municipal taxes shall be prescribed by three years.

1978, c. 87, s. 222.

223. The secretary-treasurer shall make a general collection roll each year, at the time fixed by the council, including all taxes then imposed, mentioning them separately.

He shall also make a special collection roll whenever any tax has been imposed after the making of the general collection roll, or whenever he is ordered to do so by the council. Such special roll shall exist as a separate roll only until the date fixed by the council for the preparation of the new general roll and it must then be included in the new general roll which the secretary-treasurer shall prepare.

1978, c. 87, s. 223.

224. The collection roll shall not be completed until the budget of the municipality has been adopted and transmitted to the Minister and to the Regional Government.

1978, c. 87, s. 224; 1996, c. 2, s. 1105.

225. Within sixty days following the day on which the roll was completed, the secretary-treasurer shall transmit to every person entered on such roll, a demand for payment of the taxes. Such taxes shall be payable

within the period of time determined under section 219, or, if no period of time is determined, within thirty days following such demand for payment.

1978, c. 87, s. 225; 1989, c. 70, s. 11.

226. The payment of municipal taxes may be claimed by an action brought in the name of the municipality before the Court of Québec having jurisdiction in the territory of the municipality.

1978, c. 87, s. 226; 1988, c. 21, s. 66; 1996, c. 2, s. 1105.

CHAPTER III

LOANS

227. The Minister may authorize the municipality, on an application made by a resolution of its council, to contract one or more loans for the term determined by the Minister and on the conditions determined by the Minister of Finance.

The conditions so determined by the Ministers shall govern the loans notwithstanding any contrary or incompatible provisions of a general law or special Act limiting the amount of loans and determining the period for their reimbursement.

Notwithstanding the first two paragraphs, the council may, by resolution, order temporary loans for the payment of current administrative expenses and contract them on the conditions and for the term it determines.

The council may also contract such loans for the total or partial payment of expenses incurred under a loan resolution contemplated in the first paragraph. In that case, if the amount is greater than 90% of the amount of the loan contemplated in the said paragraph, the council shall obtain the prior approval of the Minister.

1978, c. 87, s. 227; 1984, c. 38, s. 176; 1985, c. 27, s. 115; 1996, c. 2, s. 1105; 2005, c. 50, s. 90; 2006, c. 31, s. 113.

227.1. The council may, by resolution, authorize the Regional Government to contract a loan on behalf and in the name of the municipality.

That authorization may be for a specific loan decided on by the council or it may entrust the Regional Government with the care of ordering from time to time and contracting any loan necessary to finance the municipality's activities. In the second instance, the resolution remains valid until it is repealed.

The provisions respecting the loans contracted by the Regional Government apply in such a case.

1982, c. 63, s. 261; 1996, c. 2, s. 1105.

CHAPTER IV

AUDIT OF MUNICIPAL FINANCES

228. (1) The council, at its first sitting in the month of December, shall appoint for the fiscal year ending on 31 December the following year, one or more auditors for the auditing of the accounts of the municipality. The council shall fix the auditor's or auditors' term at not more than five fiscal years.

(2) Such auditors may be individuals, members of a partnership or appointees of the Regional Government and may entrust the work to their employees, but then the responsibility of the auditors shall be the same as if such work had been entirely performed by themselves.

(3) They shall make a report of their examination to the council within 120 days after the expiration of the fiscal year.

(4) A copy of such report, certified by the secretary-treasurer, must be sent by the latter, without delay, to the Minister and to the Regional Government.

(5) The Council may order any other examination it may deem necessary and call for a report. However, it may not require any audit that falls under the audit mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).

1978, c. 87, s. 228; 1996, c. 2, s. 1105; 1999, c. 59, s. 45; 2018, c. 8, s. 247.

229. Any surplus or deficit for a fiscal year constitutes a revenue or an expense entered in the budget for the ensuing fiscal year.

1978, c. 87, s. 229; 1985, c. 27, s. 116.

230. (1) At any time of the year, if so required in writing by at least five electors of the municipality, the council shall also order a special audit of the accounts of the municipality for one or more of the last five years, provided that no such audit has already been made for the same years under this section or that such an audit does not fall under the audit mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).

(2) The costs of such audit shall be payable by the responsible officer of the municipality, if he has been guilty of embezzlement or if, having been found short in his accounts, he fails to repay the balance within the period fixed by paragraph 5; otherwise, the costs shall be payable by the persons who demanded the audit, unless the audit is of advantage to the municipality.

(3) The demand for an audit under this section must be accompanied by a deposit of \$100, unless the Minister determines from time to time a greater amount, which shall be returned to the petitioners if the costs of the audit are not charged to them.

(4) Any auditor appointed for such purposes may be an individual or a partnership, and may entrust the work to his or its employees, but then the responsibility of such auditor shall be the same as if such work had been entirely performed by the auditor himself.

(5) Within 30 days after the notification to him of a copy of the report of the audit, the defaulting officer of the municipality must pay the amount of the balance which he has been found to owe, as well as the costs of the audit.

1978, c. 87, s. 230; 1996, c. 2, s. 1077; 1996, c. 77, s. 63; 1999, c. 40, s. 331; I.N. 2016-01-01 (NCCP); 2018, c. 8, s. 248.

231. All actions or claims against the secretary-treasurer resulting from his administration are prescribed by five years from the day on which the shortage of his account is reported by the auditor to the council.

1978, c. 87, s. 231.

232. The provisions of this chapter shall nowise affect the recourse of the municipality under the security given by the secretary-treasurer.

1978, c. 87, s. 232; 1996, c. 2, s. 1105.

TITLE XI

PROCEEDINGS AGAINST MUNICIPALITIES

1996, c. 2, s. 1105.

233. When any suit or action is commenced against the municipality, service therein shall be made upon the secretary-treasurer of the municipality at his office or domicile.

1978, c. 87, s. 233; 1996, c. 2, s. 1105.

234. Any provisions of law to the contrary notwithstanding, no judgment rendered in a civil matter against the municipality for a pecuniary condemnation only shall be executory before the expiration of 30 days after the date thereof.

1978, c. 87, s. 234; 1990, c. 4, s. 913; 1996, c. 2, s. 1105.

235. Whenever a copy of a judgment condemning the municipality to pay a sum of money has been notified at the office of the municipality, the secretary-treasurer shall forthwith, upon being authorized by the council or by the mayor, pay the amount thereof out of the funds at his disposal according to the provisions of section 212.

1978, c. 87, s. 235; 1996, c. 2, s. 1105; I.N. 2016-01-01 (NCCP).

236. The Court which rendered the judgment may, on an application, grant to the municipality any time which it deems necessary to levy the moneys required.

1978, c. 87, s. 236; 1996, c. 2, s. 1105; 1999, c. 40, s. 331; I.N. 2016-01-01 (NCCP).

TITLE XII

GENERAL PROVISIONS

237. The provisions of this Act, except sections 178 and 191, and those of the Cities and Towns Act (chapter C-19) respecting the imposition, collection and recovery of property taxes, including procedures related thereto and the provisions of the Act respecting municipal taxation (chapter F-2.1) shall come into force in the territory of a municipality from the date of publication in the *Gazette officielle du Québec* of a notice of the Minister to the effect that the council is ready to proceed to the imposition of any of such property taxes. Such provisions shall apply with their subsequent amendments, if any.

1978, c. 87, s. 237; 1979, c. 72, s. 490; 1991, c. 32, s. 265; 1996, c. 2, s. 1078; 1999, c. 40, s. 331.

PART II

REGIONAL GOVERNMENT IN NORTHERN QUÉBEC

TITLE PRELIMINARY

DEFINITION

238. In this part, unless the context indicates otherwise, the word “council” , used alone, means the council of the Regional Government established under section 239.

1978, c. 87, s. 238.

TITLE I

CONSTITUTION AND JURISDICTION OF THE REGIONAL GOVERNMENT

239. The inhabitants of the Territory and the municipalities having jurisdiction therein, whether erected under this Act or any general law or special Act, shall be a legal person established in the public interest under the name of “Administration régionale Kativik”.

The regional government may also be designated by the Inuit name “KATIVIK NUNALILIMAT GOVAMANGA” or the English name “Kativik Regional Government”.

1978, c. 87, s. 239; 1996, c. 2, s. 1079; 1999, c. 40, s. 331.

240. (*Repealed*).

1978, c. 87, s. 240; 1999, c. 40, s. 331.

241. The head office of the Regional Government shall be in the Territory, at such place as it shall determine by ordinance, a notice of which shall be published in the *Gazette officielle du Québec*; it may also in the same manner transfer such head office to any other place in the Territory.

1978, c. 87, s. 241; 1996, c. 2, s. 1080.

242. The powers of the Regional Government shall be exercised by its council, except as regards those matters which are declared to be within the jurisdiction of the executive committee.

1978, c. 87, s. 242.

243. The Regional Government shall have jurisdiction over the whole of the Territory and its orders shall be obligatory for all persons subject to its jurisdiction.

1978, c. 87, s. 243; 1996, c. 2, s. 1081.

244. The Regional Government shall act as a municipality constituted under section 13 in respect of any part of the Territory that is an unorganized territory or of that of a newly constituted municipality where the majority of the council members elected at the first election are not yet in office.

The inhabitants and ratepayers of those parts of the Territory under the jurisdiction of the Regional Government are subject to all the obligations imposed by that situation, as if they inhabited the territory of a municipality constituted under section 13.

The by-laws passed by the Regional Government, when it acts as a municipality, shall come into force only upon approval by the Minister. The Minister shall communicate any decision to that effect to the Regional Government as soon as reasonably possible.

1978, c. 87, s. 244; 1982, c. 63, s. 262; 1996, c. 2, s. 1082.

TITLE II

ADMINISTRATION OF THE REGIONAL GOVERNMENT

245. The following persons shall not be nominated for, elected or appointed to the council, nor hold a position as officer of the Regional Government:

(1) Any person who is a party, directly or indirectly, by himself or his partners, to any contract with the Regional Government, unless a document emanating from the secretary indicating the nature of the contract and the amounts of money involved is publicly posted in the offices of the Regional Government and of all the municipalities in the Territory at the time of his nomination, election or appointment and remains so

posted, with all relevant additions or deletions, at all times during his tenure of office. Acceptance of or application for municipal services available to ratepayers according to a fixed tariff shall not be considered to be a contract with the Regional Government.

Nevertheless, a shareholder in any legally constituted business corporation which has any contract or agreement with the Regional Government or which receives any grant or subsidy therefrom shall not be disqualified; but he shall be deemed to be interested if any discussion should arise before the council or the executive committee with reference to any measure relating to the business corporation, save when the business corporation is the Makivik Corporation incorporated by section 2 of the Act respecting the Makivik Corporation (chapter S-18.1) or one of the local Inuit landholding corporations contemplated in the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), or one of their subsidiaries, in which case he shall only be deemed to be interested if he is an officer or director of the business corporation.

The provisions of this paragraph apply with the necessary modifications when a person becomes, directly or indirectly, by himself or his partners, a party to a contract once he has been elected or appointed.

(2) Whenever the office of regional councillor or the office of chairman or vice-chairman of the executive committee is in question, any persons

(a) who are responsible for moneys belonging to the Regional Government; or

(b) who are sureties for any officer of the Regional Government;

(c) who are disqualified by virtue of section 20; or

(d) who receive any pecuniary allowance or other consideration from the Regional Government for their services, otherwise than under a legislative provision, save when a document emanating from the secretary indicating the origin and the amount of payments is publicly posted in the office of the Regional Government and of all municipalities in the Territory at the time of their nomination, election or appointment and remains so posted, with all additions and deletions, if any, at all times during their tenure of office.

The provisions of this paragraph apply with the necessary modifications when a person receives or begins to receive any pecuniary allowance or other consideration once he has been elected or appointed.

1978, c. 87, s. 245; 1987, c. 91, s. 22; 1996, c. 2, s. 1105; 1999, c. 40, s. 331; 2009, c. 26, s. 93; 2009, c. 52, s. 712.

246. Subject to the second paragraph of section 251, no person may act as a regional councillor nor hold any office in the Regional Government unless he is eligible and possesses at all times the qualifications required by law.

1978, c. 87, s. 246.

246.1. Disqualification of a member of the council may be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2), which then applies adapted as required.

1987, c. 57, s. 817.

CHAPTER I

COUNCIL OF THE REGIONAL GOVERNMENT

DIVISION I

GENERAL PROVISIONS

247. Subject to those matters which are declared to be within the jurisdiction of its executive committee, the powers of the Regional Government shall be exercised by the council, which is responsible for the administration of its affairs. The council shall be known and styled by the name of “The council of the Kativik Regional Government”.

1978, c. 87, s. 247.

248. The council must directly exercise the powers conferred upon it by this Act; it cannot delegate them.

Nevertheless, the council may appoint committees composed of as many of its members as it deems advisable, with power to examine and study any question. In such case, the committees must render account by report but no report of a committee has any effect until it has been adopted by the council at a regular meeting.

1978, c. 87, s. 248.

249. Ordinances, by-laws, resolutions and other enactments of the Regional Government must be passed by the council in sitting.

1978, c. 87, s. 249.

250. No vote given by a person illegally holding office in the Regional Government and no act in which in such capacity he has participated can be set aside, with respect to persons who have acted in good faith, solely by reason of the illegal exercise of such office.

1978, c. 87, s. 250.

DIVISION II

COMPOSITION

251. Each municipality 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 its council.

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

1978, c. 87, s. 251; 1979, c. 25, s. 142; 1987, c. 91, s. 23; 1996, c. 2, s. 1083; 1999, c. 40, s. 331.

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 Kawawachikamach, until his successor as mayor of the municipality 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 municipality he represents.

1978, c. 87, s. 252; 1987, c. 91, s. 23; 1996, c. 2, s. 1084.

253. A vacancy in the office of regional councillor shall be filled within 30 days by the council of the municipality concerned.

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

1978, c. 87, s. 253; 1987, c. 91, s. 23; 1996, c. 2, s. 1105.

254. Any regional councillor may resign his seat in the council by transmitting his resignation signed by himself to the secretary of the Regional Government; the term of office of the regional councillor shall expire upon the delivery of such resignation in writing to the secretary who shall transmit it to the council at the next meeting.

The resignation of the regional councillor of the Naskapi Village of Kawawachikamach shall entail his resignation as mayor of the municipality.

1978, c. 87, s. 254; 1987, c. 91, s. 24; 1996, c. 2, s. 1085.

255. The regional councillors who are appointed members of the executive committee shall retain their seats on the council and shall be entitled to vote on any motion, matter or report submitted to the council.

1978, c. 87, s. 255.

256. Within the first fifteen days of his term of office, the regional councillor shall inform the secretary in writing of the address at which all official communications of the Regional Government are to be sent to him. He may in the same manner change such address.

1978, c. 87, s. 256.

257. A speaker and deputy-speaker of the council shall be appointed from among the regional councillors by resolution of the council. They shall hold office for the duration of their term as regional councillors.

1978, c. 87, s. 257.

258. If the speaker or deputy-speaker of the council resigns, the resignation shall take effect upon the date on which the secretary of the Regional Government receives a written notice to that effect, signed by the person resigning.

Any vacancy must be filled within thirty days of the date when it occurs.

1978, c. 87, s. 258.

259. *(Repealed).*

1978, c. 87, s. 259; 2004, c. 20, s. 208.

260. (1) The council may authorize the payment of the expenses actually incurred by one of its members on behalf of the Regional Government, provided that such expenses have been approved by such council.

(2) Such amount as is fixed by ordinance of the Regional Government shall be deducted from the salary of any member of the council for each day on which the council sits, if such member of the council does not attend such meeting, unless his absence is due to its being impossible in fact for such member to attend such meeting.

(3) At the request of one of its members who has absented himself from a meeting, it shall be the duty of the council to decide finally whether it was in fact impossible for such member to attend such meeting. Such request must be made at the next meeting which such member of the council attends, whether such sitting is regular or special and whether or not such item appears on the agenda paper for such sitting.

1978, c. 87, s. 260.

261. *(Repealed).*

1978, c. 87, s. 261; 2004, c. 20, s. 209.

261.1. *(Repealed).*

1996, c. 77, s. 64; 2004, c. 20, s. 209.

DIVISION III

MEETINGS OF THE COUNCIL

1984, c. 27, s. 103.

262. The council sits at the office of the Regional Government unless it has fixed by resolution upon some other place within the limits of the Territory. The meetings of the council shall be public.

The first general meeting of the council shall be held on the fourth Wednesday following 2 August 1978.

Such meeting shall be held at 9:00 a.m. at the usual meeting place at Koartac. Such place shall constitute the office of the Regional Government until the council decides by resolution upon another place located in the Territory.

1978, c. 87, s. 262; 1996, c. 2, s. 1086.

263. The speaker of the council shall preside over the meetings of the council. He shall maintain order and decorum during such meetings; he may cause to be expelled from a meeting of the council any person who disturbs order there.

The deputy-speaker of the council shall exercise all the powers of the speaker of the council, if such speaker is absent or refuses or is unable to act.

1978, c. 87, s. 263.

264. The majority of the regional councillors shall constitute a quorum for the transaction of business. If there is no quorum, two councillors, half an hour after it being established that there is no quorum, may adjourn a meeting to a later date.

The secretary shall give notice of the adjournment to every regional councillor absent when the adjournment is decided.

1978, c. 87, s. 264.

265. If the circumstances so justify and the majority of the regional councillors physically present at the meeting consent thereto, a regional councillor may participate, deliberate and vote at a regular meeting of the council by telephone or other means of communication.

A regional councillor may avail himself of such right only if each of the following conditions is met:

- (a) the regional councillors physically present at the meeting constitute a quorum;
- (b) the secretary of the Regional Government is physically present at the meeting;
- (c) the person presiding over the meeting is physically present;
- (d) *(subparagraph repealed);*

(e) the telephone or other means of communication used permits all persons participating or present at the meeting to hear each other.

The minutes of the regular meeting shall indicate that consent was given enabling a regional councillor to avail himself of the right described in the first paragraph; they shall also identify the regional councillor who avails himself of such right and be ratified by the council at the next meeting.

A regional councillor who participates, deliberates and votes at a meeting by telephone or other means of communication in accordance with this section shall be deemed to be present at that meeting.

1978, c. 87, s. 265; 1983, c. 57, s. 142.

265.1. If the circumstances so justify, a regional councillor may participate, deliberate and vote at a special meeting of the council by telephone or other means of communication.

A regional councillor may avail himself of such right only if each of the following conditions is met:

(1) not less than three members of the council, including the chairman or vice-chairman of the executive committee, and the secretary are present at the same place;

(2) if neither the speaker of the council nor his deputy is present at the same place as the secretary, the meeting is presided by the chairman of the executive committee or, in his absence, by the vice-chairman;

(3) the telephone or other means of communication used permits all persons participating or present at the meeting to hear each other;

(4) the secretary attempted to communicate, by telephone or other means, with each member of the council who is not present at the same place as he or who is not already in communication with him, before the beginning of the meeting.

The secretary shall, during the meeting, attest the fact that he has fulfilled the condition mentioned in subparagraph 4 of the second paragraph; the attestation shall be recorded in the minutes. The minutes shall also indicate the names of the regional councillors who participate in the meeting by telephone or other means of communication. The minutes shall be ratified by the council at the next regular meeting.

A regional councillor who participates, deliberates and votes at a meeting by telephone or other means of communication in accordance with this section shall be deemed to be present at that meeting, including for the purposes of determining whether there is a quorum.

1983, c. 57, s. 143; 1987, c. 91, s. 25.

266. Regular meetings of the council shall be held at least once every three months. The date of each of such meetings shall be fixed by the council and the notice of convocation shall mention that it is for a regular meeting.

At the regular meetings of the council, the heads of departments and the executive committee, when they are so required, shall report to the council on the matters within their respective competence.

1978, c. 87, s. 266.

267. The agenda paper for each regular meeting of the council must be prepared by the secretary under the direction of the executive committee or of its chairman.

1978, c. 87, s. 267.

268. The special meetings of the council shall be called by the secretary upon the request of the chairman of the executive committee or of the executive committee itself, or upon the written application of not less than four members of the council; the notice of convocation shall be in lieu of the agenda.

At a special meeting of the council, and at any adjournment of such meeting, only the business specified in the notice of convocation shall be considered.

1978, c. 87, s. 268.

269. Notice of convocation for each meeting and the agenda for every regular meeting must be given by the secretary to each member of the council, at least fifteen days before the meeting.

1978, c. 87, s. 269.

270. Whenever, at a special or regular meeting, the business submitted could not be entirely disposed of on the first day, the council must adjourn to a subsequent date.

1978, c. 87, s. 270.

271. The decisions of the council shall be taken by majority vote.

Each member of the council shall have one vote and one additional vote if the population of the municipality he represents exceeds 500 inhabitants.

The speaker must vote as a member of the council, but he shall not have a casting vote. In the case of a tie in the vote, the question shall be resolved in the negative.

1978, c. 87, s. 271; 1996, c. 2, s. 1087.

272. Every member present at a meeting of the council is bound to vote, unless he is prevented therefrom by reason of personal interest.

1978, c. 87, s. 272.

273. Every vote must be given orally and, upon demand, the votes are entered in the minute book of the council.

No member of the council shall vote on any matter in which he has a direct pecuniary interest either through himself or through a partner; the acceptance of or requisition for services made available to the public according to an established tariff shall not be considered a direct pecuniary interest.

In case of dispute, the council shall decide whether the member has a personal interest in the matter, and such member shall not vote on the matter of his interest.

Should an interested member of the council give his vote without objection, such vote does not nullify the proceedings of the council with respect to third parties in good faith.

1978, c. 87, s. 273; 1999, c. 40, s. 331.

274. If the majority of the members of the council have a personal interest in any question submitted to their decision, such question must be referred to the Minister who, in respect of the consideration and decision of such question, possesses all the rights and privileges, and is subject to all the obligations of the Regional Government.

1978, c. 87, s. 274.

275. The minutes of the proceedings of the council shall be kept and entered in a book kept for such purpose by the secretary; they shall be signed by the member who presided over the meeting and by the secretary; they shall be open to the inspection of any person who wishes to examine them.

1978, c. 87, s. 275; 1987, c. 68, s. 127.

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.

1987, c. 91, s. 26.

CHAPTER II

EXECUTIVE COMMITTEE OF THE REGIONAL GOVERNMENT

DIVISION I

COMPOSITION

276. The executive committee shall consist of five members appointed by resolution of the council from among the regional councillors, including a chairman and a vice-chairman designated as such by the council.

1978, c. 87, s. 276.

277. The offices of speaker and deputy-speaker of the council shall be incompatible with those of chairman and vice-chairman of the executive committee.

1978, c. 87, s. 277.

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.

In the case of the resignation of a member of the executive committee, the resignation shall take effect upon the date of receipt by the secretary of a written notice to such effect, signed by the person resigning.

1978, c. 87, s. 278; 1987, c. 91, s. 27.

279. Any vacancy on the executive committee shall be filled by resolution of the council within thirty days of the date on which it occurs.

1978, c. 87, s. 279.

280. The chairman and the vice-chairman must devote all their time to the service of the Regional Government and may not have any other remunerative employment or occupation or hold any other public office, except as councillor of the municipality they represent or mayor of the Naskapi village of Kawawachikamach.

1978, c. 87, s. 280; 1996, c. 2, s. 1105; 2009, c. 26, s. 94.

280.1. The designation of a person other than the mayor of the Naskapi village of Kawawachikamach to the office of chairman or vice-chairman of the executive committee entails the loss of the person's office as regional councillor.

If the person so designated is the mayor of a northern village, the designation also entails resignation from that office. However, despite any inconsistent legislative provision, the person remains a member of the

council strictly in the capacity of chairman or vice-chairman; the person is entitled to one vote and may again be designated as chairman or vice-chairman, as the case may be, without first having to be elected to a municipal council.

If the person so designated is the municipal councillor of a northern village, the person remains on the council as chairman or vice-chairman and is entitled to one vote. If the person resigns as municipal councillor, that person may again be designated as chairman or vice-chairman, as the case may be, without first having to be elected to a municipal council.

The term of office of the chairman or vice-chairman is three years from the date of appointment or until the date of appointment of a successor, if earlier; if the successor is appointed only after the expiry of the three-year period, the chairman or vice-chairman remains in office despite the expiry of the term of office.

1982, c. 63, s. 263; 1987, c. 91, s. 28; 1996, c. 2, s. 1088; 1999, c. 40, s. 331; 2009, c. 26, s. 95.

280.2. The chairman of the executive committee may, despite his resignation as member of the council of a northern village, continue to participate in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) by sending, within 30 days after his resignation, a written notice to that effect to the Regional Government and to Retraite Québec. The notice shall maintain the chairman's participation in the plan from his resignation. If the chairman was not participating in the plan, he may become a participant by sending a notice to that effect within 30 days after his resignation and his participation in the plan is effective from the first day of the month following receipt of the notice by Retraite Québec.

The Act respecting the Pension Plan of Elected Municipal Officers, adapted as required, shall then apply in respect of the chairman of the executive committee, as if the Regional Government were a municipality having adhered to the plan in respect of the chairman. The chairman of the executive committee is deemed, for the purposes of Chapter VI of the said Act, to be a member of the council of the northern village from which he resigned, in respect of his years of service on the council of that municipality.

The first two paragraphs also apply, with the necessary modifications, in respect of the vice-chairman of the executive committee.

1989, c. 75, s. 18; 1996, c. 2, s. 1089; 2009, c. 26, s. 96; 2015, c. 20, s. 61.

280.3. The chairman of the executive committee, who is a member of the council of a northern village that has not become a party to the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) in the chairman's respect, may at any time give written notice to the northern village of whose council he is a member, to the Regional Government and to Retraite Québec to the effect that he intends to participate in the plan.

The chairman of the executive committee may elect in the notice to participate in the plan in respect of the pensionable salary he is receiving both from the northern village of whose council he is a member and from the Regional Government or only in respect of the pensionable salary he is receiving from the Regional Government. If the chairman elects to participate in the pension plan in respect only of the pensionable salary he is receiving from the Regional Government, he may at any time give written notice of the same type as that referred to in the first paragraph, to modify his participation in the plan by electing to also participate therein in respect of the pensionable salary he is receiving from the northern village of whose council he is a member.

Participation in the pension plan and any modification to participation takes effect on the first day of the month following receipt of the notice by Retraite Québec. The Act respecting the Pension Plan of Elected Municipal Officers shall then apply, with the necessary modifications, in respect of the chairman of the executive committee as if the Regional Government and, as the case may be, the northern village, of whose council the chairman is a member, had become a party to the pension plan in the chairman's respect.

The first three paragraphs also apply, with the necessary modifications, in respect of the vice-chairman of the executive committee.

2001, c. 68, s. 94; 2009, c. 26, s. 97; 2015, c. 20, a. 61.

281. The chairman and the vice-chairman of the executive committee and the other members of such committee shall be entitled to the pension fixed by the Minister and paid by the Regional Government.

The pension fixed under the first paragraph does not apply to a person participating in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3).

The executive committee may authorize the payment of the expenses actually incurred by one of its members on behalf of the Regional Government provided they have been authorized by such committee.

The provisions of section 260 shall apply, with the necessary modifications, to the members of the executive committee.

1978, c. 87, s. 281; 1989, c. 75, s. 19; 2004, c. 20, s. 210.

DIVISION II

FUNCTIONS

282. The executive committee shall be responsible for the management of the affairs of the Regional Government. It shall see that the law, the ordinances, the by-laws, the resolutions and the decisions of the council and contracts are complied with and carried out.

For such purposes, it may of its own motion take all such steps as it deems expedient and give appropriate instructions to the officers of the Regional Government; the executive committee may require directly of any officer of the Regional Government any information that it needs.

1978, c. 87, s. 282.

283. The executive committee, with the approval of the council, may make a resolution respecting its government and its internal management, subject to the provisions of this Act.

1978, c. 87, s. 283.

284. The executive committee shall prepare and submit to the council for its approval:

(a) every demand for the appropriation of the proceeds of loans, subsidies and grants or for any other credit required;

(b) every demand for a transfer of funds or credits already voted;

(c) every report recommending the granting of franchises and privileges; and

(d) every plan of classification of functions and of the salaries attached thereto.

1978, c. 87, s. 284.

285. The executive committee may in its own right, and must at the request of four members of the council, make a report to the council on any matter within the competence of the executive committee or any other question submitted by the council.

The executive committee shall furnish the council with any information which is requested of it in writing by a member of the council.

1978, c. 87, s. 285.

286. The executive committee must submit to the council every draft contract involving an expenditure of more than \$5,000 or an expenditure not provided for in the budget.

1978, c. 87, s. 286; 1983, c. 57, s. 144; 1985, c. 27, s. 117.

286.1. The executive committee may, if so authorized by ordinance of the council, perform any function of the council other than the passing of by-laws. The ordinance shall define the object of the authorization.

The ordinance shall fix, for each object it defines, the amount at the committee's disposal for that purpose. In no case may the committee authorize expenditures exceeding that amount.

Where in accordance with the first paragraph, the committee awards a contract that may not, under section 204, be awarded except after a public call for tenders, it shall not award it to any other person than the one who made the lowest tender within the prescribed time.

1985, c. 27, s. 118; 2018, c. 8, s. 264.

286.2. The executive committee may implement any agreement made by the council.

1985, c. 27, s. 118.

287. Except where otherwise provided, the appropriations voted by the council, either by the budget or out of the proceeds of loans, subsidies or grants or otherwise, shall remain at the disposal of the executive committee, which shall see that they are used for the purposes for which they were voted, without further approval by the council.

1978, c. 87, s. 287.

288. The executive committee shall authorize the payment of all sums due by the Regional Government, observing the formalities, restrictions and conditions prescribed by this act.

1978, c. 87, s. 288.

289. Under the authority of the council, if need be, the chairman of the executive committee shall direct the affairs and activities of the Regional Government and its officers over whom he shall have a right of supervision and control. He shall see that the ordinances, by-laws and resolutions of the Regional Government and the decisions taken by it are faithfully and impartially observed and carried out.

He shall be a member *ex officio* of every committee constituted by the Regional Government.

1978, c. 87, s. 289; 1987, c. 91, s. 29.

290. The vice-chairman of the executive committee shall exercise all the powers of the chairman if the latter is absent or unable to act.

1978, c. 87, s. 290.

DIVISION III

MEETINGS OF THE EXECUTIVE COMMITTEE

291. The meetings of the executive committee shall be presided over by the chairman of such committee; in the case of absence or inability to act of the chairman or of vacancy in that office, they shall be presided

over by the vice-chairman; in the case of absence or inability to act of both, or of vacancy in both these offices, the members present shall appoint one of their members to replace the vice-chairman temporarily.

1978, c. 87, s. 291.

292. The meetings of the executive committee shall be held at the place and time and on the day fixed by the resolution passed under section 283.

1978, c. 87, s. 292.

293. Three members shall constitute a quorum of the executive committee.

1978, c. 87, s. 293.

294. If the circumstances so justify, a member of the executive committee may participate, deliberate and vote at a meeting by telephone or other means of communication permitting all persons participating in the meeting to hear each other.

However, a member may only avail himself of that right if the secretary of the executive committee is physically present at the time the meeting is to be held at the place determined, in accordance with section 292, for meetings of the executive committee.

A member of the executive committee who avails himself of such right shall be deemed to be present at the meeting.

1978, c. 87, s. 294; 1987, c. 91, s. 30; 2013, c. 30, s. 10.

295. Each member of the executive committee shall have one vote.

1978, c. 87, s. 295.

296. Every report and resolution of the executive committee shall be signed by the person who presided over the meeting at which they were adopted, and by the secretary.

1978, c. 87, s. 296.

CHAPTER II.1

REMUNERATION AND INDEMNITY OF MEMBERS OF THE COUNCIL

2004, c. 20, s. 211.

296.1. A member of the council receives a basic remuneration from the Regional Government.

A member of the council also receives additional remuneration from the Regional Government for functions exercised as

- (1) speaker of the council;
- (2) deputy-speaker of the council;
- (3) chairman of the executive committee;
- (4) vice-chairman of the executive committee; or
- (5) member of the executive committee other than the chairman or vice-chairman.

The annual amount of the basis remuneration and each additional remuneration are determined in accordance with sections 296.4 to 296.6.

2004, c. 20, s. 211; 2006, c. 60, s. 120.



For the fiscal year 2019, the basic remuneration for a member of the council is indexed from \$14,514 to \$14,785.

For the fiscal year 2019, the additional remuneration for the speaker of the council is indexed from \$2,110 to \$2,149.

For the fiscal year 2019, the additional remuneration for the deputy-speaker of the council is indexed from \$1,056 to \$1,076.

For the fiscal year 2019, the additional remuneration for the chairman of the executive committee is indexed from \$96,323 to \$98,123.

For the fiscal year 2019, the additional remuneration for the vice-chairman of the executive committee is indexed from \$71,415 to \$72,750.

For the fiscal year 2019, the additional remuneration for a member of the executive committee other than the chairman or vice-chairman is indexed from \$26,386 to \$26,879.

See notice of indexation dated 19 January 2019; (2019) 151 G.O. 1, 106.

296.2. Except in the case of a council member already receiving the maximum amount prescribed under section 19 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) from a municipality for a fiscal year, every member of the council receives from the Regional Government, for that fiscal year, an indemnity to defray the part of the expenses incident to the member's duties that are not reimbursed pursuant to subsection 1 of section 260 or the third paragraph of section 281.

A member's indemnity for a fiscal year is the lesser of

(1) the quotient obtained by dividing the total remuneration the member receives for that fiscal year under section 296.1 by 2; and

(2) the difference obtained by subtracting the indemnity the member receives from a municipality for that fiscal year from the maximum amount prescribed under section 19 of the Act respecting the remuneration of elected municipal officers.

In the case of a chairman or vice-chairman of the executive committee who, after availing himself of the power provided for in section 280.1, was not a member of the council of a municipality for any part of the fiscal year, the amount of his indemnity for that fiscal year is equal to the maximum amount prescribed under section 19 of the Act respecting the remuneration of elected municipal officers.

When the result of the operation under subparagraph 1 or 2 of the second paragraph is a mixed number, only the integer is used and it is rounded up if the first decimal is greater than 4.

2004, c. 20, s. 211; 2009, c. 26, s. 98; 2017, c. 13, s. 229.

296.3. The Regional Government shall determine the conditions of payment of the remuneration and of any indemnity.

2004, c. 20, s. 211.

296.4. An amount prescribed under section 296.1 and applicable for a fiscal year, referred to as "the fiscal year concerned", is the result obtained by indexing upward the amount applicable for the preceding fiscal year.

The indexation consists in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to Statistics Canada, of the Consumer Price Index for Canada.

That rate is established by

(1) subtracting the index established for the third month of December preceding the fiscal year concerned from the index established for the second month of December preceding that fiscal year; and

(2) dividing the difference obtained under subparagraph 1 by the index established for the third month of December preceding the fiscal year concerned.

If the indexation results in a mixed number, only the integer is used and it is rounded up if the first decimal is greater than 4.

2006, c. 60, s. 121.

296.5. If an increase is impossible for the fiscal year concerned, the amount applicable for that fiscal year is equal to the amount applicable for the preceding fiscal year.

2006, c. 60, s. 121.

296.6. Before the beginning of the fiscal year concerned, the Minister of Municipal Affairs, Regions and Land Occupancy shall publish in the *Gazette officielle du Québec* a notice

(1) stating the percentage corresponding to the rate of increase used to establish any amount applicable for that fiscal year or, as the case may be, stating that an increase is impossible for that fiscal year; and

(2) stating any amount applicable for that fiscal year.

2006, c. 60, s. 121; 2009, c. 26, s. 99, s. 109.

CHAPTER II.2

SEVERANCE ALLOWANCE AND TRANSITION ALLOWANCE

2009, c. 26, s. 100.

296.7. Despite section 1 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001), an executive committee chairman or vice-chairman participating in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) is eligible for the severance allowance provided for in section 30.1 of that Act.

2009, c. 26, s. 100.

296.8. The council of the Kativik Regional Government may, by order or by-law, provide that it is to pay a transition allowance to any person who ceases to hold office as member of the council after having held office during not less than 24 months immediately preceding the end of the person's term. To that end, the last four paragraphs of section 31 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) apply, with the necessary modifications.

2009, c. 26, s. 100.

CHAPTER III

ADMINISTRATIVE DEPARTMENTS AND OFFICERS

DIVISION I

GENERAL PROVISIONS

297. The council may establish by ordinance the various departments of the Regional Government, establish the scope of their activities and define their duties. The heads of such departments shall be appointed by the executive committee, subject to ratification by the council.

1978, c. 87, s. 297.

298. (1) The council shall appoint a secretary, a director general and a treasurer. Any vacancy in the offices of secretary, director general and treasurer must be filled by the council within a period of 30 days.

(2) The council, by ordinance, may define such of their duties as are not defined by this Act. The council, if it deems it expedient, may appoint a single person to fill the offices of secretary and treasurer. In such case the officer filling such offices shall then be known as the secretary-treasurer, and he shall have the same rights, powers and privileges, and shall be liable to the same obligations and penalties as those determined and prescribed for such offices.

(3) However, the executive committee shall fix their salaries and their other conditions of employment.

(4) The executive committee may, to secure the execution of the ordinances, by-laws, resolutions and decisions of the Regional Government and of the requirements of the law, appoint all other officers, and dismiss and replace them, including an assistant secretary, an assistant treasurer and an assistant director general to replace the person whose assistants they are, whenever such persons are absent or unable to act.

1978, c. 87, s. 298; 1999, c. 40, s. 331; 2002, c. 77, s. 84.

299. Before entering upon his duties, every officer other than an employee within the meaning of the Labour Code (chapter C-27) is bound to take an oath of office according to the form contained in section 32, with the necessary modifications. On his failure to do so, he shall be considered to have refused to discharge the duties of the office to which he has been appointed.

1978, c. 87, s. 299; 1987, c. 91, s. 31.

300. No act, duty, writing or proceedings executed in his official capacity by an officer of the Regional Government who holds office illegally can be set aside solely on the ground of his so holding such office illegally.

1978, c. 87, s. 300.

301. The Regional Government is responsible for the acts of its officers in the performance of the duties for which they are employed as well as for damages resulting from their refusal to discharge or their negligence in discharging their duties, saving its recourse against such officers, the whole without prejudice to a recourse in damages against the officers by those who have suffered damage.

1978, c. 87, s. 301.

302. The executive committee shall fix the salaries and other conditions of employment of the officers of the Regional Government. It may establish and maintain or assist in the establishment or maintenance of relief or retirement funds or pension plans for its officers, or for their relatives and dependent persons, and pay premiums for them, the whole subject to the Supplemental Pension Plans Act (chapter R-15.1).

1978, c. 87, s. 302; 1987, c. 91, s. 32; 1989, c. 38, s. 319.

302.1. The council may, by order or by-law, delegate to any officer of the Regional Government the power to authorize expenditures and to make contracts accordingly, in the name of the Regional Government.

The order or by-law shall indicate

- (1) the area of competence to which the delegation applies;
- (2) the amounts of the expenditures the officer may authorize;
- (3) the other conditions on which the delegation is made.

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.

No expenditure may be authorized under this section if it entails a commitment of the funds of the Regional Government for a period extending beyond the current fiscal period.

Every officer who authorizes expenditures shall transmit a report thereof to the council at the first regular meeting held after the expiry of five days from the authorization.

1985, c. 27, s. 119; 1987, c. 91, s. 33.

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 and 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.

1987, c. 91, s. 34.

DIVISION II

THE DIRECTOR GENERAL

2002, c. 77, s. 85.

303. Subject to the provisions of this Act, the director general shall have the following functions and duties:

- (a) under the authority of the executive committee, to manage the affairs of the Regional Government;
- (b) as mandatar of the executive committee, to exercise authority over the heads of departments and officers of the Regional Government, with the exception of the secretary;
- (c) to ensure coordination between the executive committee and the heads of departments;
- (d) to transmit to the executive committee any correspondence sent to him by the departments of the Regional Government;

- (e) to attend the meetings of the executive committee;
- (f) to have access to all files of the Regional Government;
- (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;
- (h) under the authority of the executive committee, to ensure the carrying out of the plans and programs of the Regional Government;
- (i) to obtain, examine and present to the executive committee projects prepared by heads of departments on matters requiring the approval of the executive committee or of the council;
- (j) to coordinate the budgetary estimates of the various departments and present them to the executive committee;
- (k) to satisfy himself that the money of the Regional Government is used in accordance with the appropriations comprised in the budget, ordinances and resolutions;
- (l) to submit forthwith to the executive committee the list of accounts payable; and
- (m) to give an annual report in writing to the council upon all matters connected with its duties.

All communications between the executive committee and the officers of the Regional Government shall be made through the director general.

1978, c. 87, s. 303; 1987, c. 91, s. 35; 2002, c. 77, s. 86.

DIVISION III

THE SECRETARY

304. The secretary is the custodian of all the books, records, registers, plans, maps, archives and other documents and papers which are either the property of the Regional Government or are deposited, filed and preserved in the office of the Regional Government.

1978, c. 87, s. 304.

305. The secretary must attend every meeting of the executive committee and of the council and draw up minutes of all the acts and proceedings thereof in registers kept for those purposes and called “Minute Book of the Executive Committee” and “Minute Book of the Council”, respectively.

Whenever an ordinance, a by-law or a resolution is amended or repealed, mention must be made thereof in the margin of the minute book opposite such ordinance, by-law or resolution together with the date of its amendment or repeal.

1978, c. 87, s. 305.

306. The minutes of the meetings of the executive committee, approved and signed by the chairman of such committee and by the secretary, and the minutes of the meetings of the council, approved and signed by the speaker of the council and by the secretary, shall be taken as evidence of their contents; the same shall apply to documents or copies emanating from the Regional Government and forming part of its records, when certified by the secretary or the person in charge of access to documents.

1978, c. 87, s. 306; 1987, c. 68, s. 128; 2002, c. 77, s. 87.

306.1. The secretary and the chairman of the committee shall sign all the contracts of the Regional Government and the agreements made with the Government.

2002, c. 77, s. 88.

307. The person in charge of access to documents of the Regional Government shall issue to any person applying therefor, copies of or extracts from any book, roll, register or other document which forms part of the archives.

1978, c. 87, s. 307; 1987, c. 68, s. 129.

DIVISION IV

THE TREASURER

308. The treasurer shall direct the treasury department.

1978, c. 87, s. 308.

309. The Regional Government may require of any person employed by it as treasurer such security as it may deem necessary.

Such security shall be a guarantee of the faithful performance of the duties of the treasurer, of his accounting for and paying over all public and other moneys entrusted to him or under his control to the persons authorized or entitled to receive the same; of his faithful performance of the obligations imposed upon him; and of the payment of damages for any injury occasioned to any person through his negligence, misconduct or malversation.

1978, c. 87, s. 309; 1999, c. 40, s. 331.

310. The treasurer shall collect all moneys payable to the Regional Government and, subject to all other legal provisions, shall deposit in any legally constituted bank, financial services cooperative or trust company which may be designated by the council, all moneys belonging to the Regional Government, and shall allow them to remain there until they are employed for the purposes for which they were levied or received or until disposed of by the council.

1978, c. 87, s. 310; 2000, c. 29, s. 682.

311. All cheques issued and promissory notes executed by the Regional Government must be signed jointly by the chairman of the executive committee and the treasurer of the Regional Government.

In case of the absence or inability to act of the chairman or vice-chairman of the executive committee, the cheques and promissory notes must be signed jointly by the secretary and treasurer.

1978, c. 87, s. 311; 1982, c. 63, s. 264.

312. The treasurer pays out of the funds of the Regional Government all sums of money due by it whenever by resolution he is authorized to do so by the council or the executive committee.

1978, c. 87, s. 312.

313. (1) The treasurer is bound to keep books of account in which he enters by order of date, the receipts and expenditures, mentioning the persons who have paid moneys into his hands or to whom he has made a payment.

(2) He must obtain and keep vouchers for all payments he has made for the Regional Government, produce them for audit and inspection and file them among the archives of the Regional Government.

(3) Such books shall be kept in the form prescribed or approved by the Minister or in accordance with the system established by the Government.

1978, c. 87, s. 313.

314. Within 30 days from the end of any fiscal year of the Regional Government or upon the request of the Minister, the treasurer shall transmit to the Minister a return showing:

- (1) the name of the Regional Government;
- (2) a summary and description of the total area of land within the Territory;
- (3) the value of the property of the Regional Government;
- (4) *(paragraph repealed)*;
- (5) the amount of subsidies and grants received within the year and their source;
- (6) the amount raised by loans within the year and the amount of interest due upon such loans;
- (7) all debts of the Regional Government;
- (8) the expenditures for salaries and other expenses of the Regional Government;
- (9) the amount deposited at interest or invested by the Regional Government; and
- (10) any other statement which the Minister may require.

1978, c. 87, s. 314; 1996, c. 2, s. 1090.

TITLE III

NOTICES

315. Every notice is either special or public. Every special notice may be given verbally or in writing; public notices must be in writing.

1978, c. 87, s. 315.

316. Every special notice given in writing must be either delivered by the person who gives it or posted in the office of the Regional Government and in the office of each municipality in the Territory. Every public notice is given by posting a copy of such notice in the office of the Regional Government and in the office of each municipality in the Territory.

1978, c. 87, s. 316; 1996, c. 2, s. 1105.

317. Every notice in writing must be attested by the person who gives it and must contain:

- (1) the name of the Regional Government, when such notice is given by a regional councillor or an officer of the Regional Government;
- (2) the name, official capacity and signature of the person who gives it;
- (3) a sufficient description of those to whom it is addressed;
- (4) the place where and the time when it is made;
- (5) the object for which it is given; and

(6) the place, day and hour at which those summoned to answer such notice must do so.

1978, c. 87, s. 317.

318. The original of every notice in writing must be accompanied by a certificate of delivery or of posting.

The original of such notice and the certificate which accompanies it must be filed by the person who has given it in the office of the Regional Government to form part of the archives thereof.

1978, c. 87, s. 318.

319. The certificate must set forth:

- (1) the name, residence, official capacity and signature of the person who has given it;
- (2) a summary statement of the manner in which the notice was delivered or posted;
- (3) the place, day and hour of delivery or posting.

Such certificate is written either on the original notice or on a paper annexed thereto.

1978, c. 87, s. 319.

320. In the case of a special notice given verbally, the affirmation of the person who gave such notice takes the place of the certificate of delivery or posting; such affirmation is only required in case of contestation and must contain the object of the notice.

Any ordinance, by-law, resolution or decision of the Regional Government must be posted in the same manner as public notices.

1978, c. 87, s. 320.

TITLE IV

RESOLUTIONS

321. The Regional Government shall decide and exercise by resolution all acts of administration concerning it which are not incompatible with the provisions of this Act. All powers not required to be decided and exercised by ordinance or by-law shall be exercised and decided by resolution.

1978, c. 87, s. 321.

TITLE V

ORDINANCES OF THE REGIONAL GOVERNMENT

CHAPTER I

FORMALITIES RESPECTING ORDINANCES

DIVISION I

PASSING, PUBLICATION AND COMING INTO FORCE OF ORDINANCES

322. A copy of every ordinance which the executive committee proposes to the council shall be sent with the notice of convocation of the meeting at which it is to be considered.

1978, c. 87, s. 322.

323. The original of an ordinance, to be authentic, shall be signed by the speaker of the council and by the secretary.

In no case where this Act or any other general law or special Act provides that an ordinance must receive an approval may the ordinance be published or come into force until it has received that approval. In such a case, a certificate signed by the speaker of the council and the secretary, attesting the date of each of the required approvals must accompany and forms part of the original of the ordinance.

1978, c. 87, s. 323; 1982, c. 63, s. 265.

324. The original of every ordinance shall be entered at length in a special book entitled “Register of the Ordinances of the Kativik Regional Government”.

The secretary must further indicate at the end of every ordinance the date of the posting-up of the notice of publication of such ordinance.

1978, c. 87, s. 324.

325. Except where otherwise provided by law or by the ordinance, every ordinance of the Regional Government shall come into effect and have force of law on the day of the publication thereof.

1978, c. 87, s. 325.

326. Every ordinance is promulgated and published within thirty days of the passing thereof or of its final approval, if it has been submitted for approval, by public notice mentioning the object of the ordinance, the date of the passing thereof and the place where communication thereof may be had. Such notice is given under the hand of the secretary and posted in the ordinary manner.

If the ordinance has received one or more approvals, the notice of publication must mention the date and the fact of each of these approvals.

When an ordinance has not been published within the periods provided by this section, the Minister may authorize its publication within such additional periods as he may determine.

1978, c. 87, s. 326; 1999, c. 40, s. 331.

327. Every ordinance which comes into force only at some stated period must be published again by posting at least fifteen days before its coming into force.

1978, c. 87, s. 327.

328. Every ordinance remains in force and is executory until it has been replaced, repealed or annulled by competent authority or until the expiration of the period for which it was made.

1978, c. 87, s. 328; 1982, c. 63, s. 266.

329. No ordinance can be repealed or amended except by another ordinance. No ordinance which, before coming into force and effect, was submitted to one or more approvals can be amended or repealed except by another ordinance approved in the same manner.

1978, c. 87, s. 329.

DIVISION II

PENALTIES ENACTED BY ORDINANCES

1990, c. 4, s. 912.

330. (1) For every infraction of one of its ordinances, the Regional Government may prescribe, by means of that ordinance or of another, either a fine of a fixed amount, or a penalty with a minimum and a maximum, or a maximum penalty only; the amount of the fine shall not exceed \$500, unless the Minister fixes from time to time a higher amount.

(2) *(Subsection repealed).*

(3) The court convicting an accused for the breach of an ordinance may, in addition to any other punishment it may impose, order that person to refrain from committing any further such offence or to cease carrying on any activity specified in the ordinance and likely to result in the committing of a further offence.

(4) The court convicting an accused for the breach of an ordinance may, in addition to any punishment it may impose, if the accused is the holder of a permit, a licence or a certificate granted under an ordinance of the Regional Government, suspend such permit, licence or certificate for the period that it deems appropriate, or revoke the same, or prohibit the renewal thereof during the period that it deems appropriate.

The foregoing paragraph does not apply to a construction permit nor to a subdivision permit.

1978, c. 87, s. 330; 1990, c. 4, s. 914.

331. *(Repealed).*

1978, c. 87, s. 331; 1990, c. 4, s. 915.

332. *(Repealed).*

1978, c. 87, s. 332; 1990, c. 4, s. 915.

333. *(Repealed).*

1978, c. 87, s. 333; 1990, c. 4, s. 915.

334. Penal proceedings for an offence under a provision of this Act or an order of the Regional Government may be instituted by the Regional Government.

1978, c. 87, s. 334; 1990, c. 4, s. 916; 1992, c. 61, s. 634; 1997, c. 93, s. 162.

335. Fines belong to the Regional Government, where it has instituted penal proceedings.

1978, c. 87, s. 335; 1990, c. 4, s. 917; 1992, c. 61, s. 635.

336. Any voter in a municipality in the Territory, or any such municipality, who wishes repeated breach of an ordinance to cease, may apply directly to a judge of the Court of Québec to obtain

(a) the ordinance contemplated in paragraph 3 of section 330; or

(b) an ordinance instructing the Regional Government to take the proceedings necessary for cessation of the breach.

The application must be served on the Regional Government and, where applicable, on the person who is alleged not to conform to the ordinance.

1978, c. 87, s. 336; 1988, c. 21, s. 66; 1990, c. 4, s. 918; 1996, c. 2, s. 1105; I.N. 2016-01-01 (NCCP).

DIVISION III

APPROVAL AND DISALLOWANCE OF ORDINANCES

337. Unless otherwise provided, passing of the ordinances by the council shall be sufficient.

1978, c. 87, s. 337.

338. Where this Act or any other general law or special Act provides that an ordinance must receive an approval, the secretary must forward, to the authority whose approval is required, a certified true copy of all documents tending to inform it of the fulfillment of the provisions of the law and of the advisability of passing the ordinance. If the required approval is that of the Government, the documents must be forwarded to the Minister of Municipal Affairs, Regions and Land Occupancy.

1978, c. 87, s. 338; 1982, c. 63, s. 267; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

339. The Government or the Minister, body or person whose approval is required must not grant the approval until satisfied that the formalities required for the passing of such ordinance have been fulfilled.

For such purpose, it or he may exact from the Regional Government all the documents and information it or he deems necessary to satisfy itself or himself of the advisability of the ordinance or the provisions of the ordinance submitted to it or to him for approval.

1978, c. 87, s. 339; 1982, c. 63, s. 267.

340. The approval of an ordinance or other proceeding of the Regional Government by the Government or the Minister, body or person whose approval is required has no other effect than that of rendering such ordinance or proceeding executory, according to law, from its coming into force. That may be done with the same effect in the form of an authorization.

Such approval may be of a part only or qualified.

1978, c. 87, s. 340; 1982, c. 63, s. 267.

341. A copy of every ordinance passed by the Regional Government must be transmitted without delay to the Minister and to each municipality in the Territory.

1978, c. 87, s. 341; 1982, c. 63, s. 267; 1996, c. 2, s. 1105.

DIVISION IV

CONTESTATION AND QUASHING OF ORDINANCES, BY-LAWS, RESOLUTIONS AND OTHER ENACTMENTS

342. Any voter in a municipality in the Territory, or any such municipality, has the right to request the quashing of any by-law, part of any by-law, ordinance or part of any ordinance of the Regional Government.

The application must be on the ground of illegality. It must be addressed to the Superior Court.

1978, c. 87, s. 342; 1996, c. 2, s. 1105; I.N. 2016-01-01 (NCCP).

343. The application shall set forth, in a clear and precise manner, the reasons alleged in support of it, and shall be accompanied by a certified copy of the ordinance impugned, if such copy could be obtained.

If such copy could not be obtained, the court or the judge of the Superior Court, upon application, shall order the production thereof by the secretary of the Regional Government.

1978, c. 87, s. 343; I.N. 2016-01-01 (NCCP).

344. The application shall be served upon the secretary of the Regional Government one month at least before it is presented to the court.

1978, c. 87, s. 344; I.N. 2016-01-01 (NCCP).

345. Before service of the application, the applicant shall give security for costs in the usual manner; otherwise, such application shall not be received by the court.

1978, c. 87, s. 345; I.N. 2016-01-01 (NCCP).

346. There shall be no immediate appeal from judgments in the course of a proceeding rendered in an action to quash an ordinance; they may be revised at the same time as the final judgment if an appeal is brought from the latter.

1978, c. 87, s. 346; I.N. 2016-01-01 (NCCP).

347. (1) The court may quash such ordinance in whole or in part and order the notification of such judgment to the secretary of the Regional Government and order the same to be published by public notice.

(2) Every ordinance or part of an ordinance so quashed shall cease to be in force from the date of the judgment.

1978, c. 87, s. 347; I.N. 2016-01-01 (NCCP).

348. The Regional Government shall alone be responsible for damage and suits which may arise from the putting into force of any ordinance or part of an ordinance the quashing of which has been so obtained.

1978, c. 87, s. 348; 1999, c. 40, s. 331.

349. The right to apply for the quashing of an ordinance shall be prescribed by three months from the coming into force of such ordinance.

1978, c. 87, s. 349.

350. This division shall also apply, with the necessary modifications, to the rolls, by-laws, resolutions and other enactments of the Regional Government and to the acts of its officers.

1978, c. 87, s. 350; 1987, c. 91, s. 36.

CHAPTER II

COMPETENCE OF THE REGIONAL GOVERNMENT

DIVISION I

GENERAL PROVISIONS

351. The Regional Government shall have in the Territory such competence as is provided in this Act in the following matters:

- (a) local administration;
- (b) transport and communications;

(c) police; and

(d) workforce training and utilization.

1978, c. 87, s. 351; 1996, c. 2, s. 1091; 2007, c. 3, s. 72.

351.1. The Regional Government may make agreements with the Gouvernement du Québec, one of its ministers or, with the authorization of the minister responsible within the meaning of section 2, 377 or 379, as the case may be, with any body, including a public body, a municipality, a community, an association or a school board in respect of the matters enumerated in section 351. For the purposes of this paragraph, the words “community” and “association” include a native community, a legal person and any group of persons associated for the pursuit of a common purpose.

The Regional Government may also, with the authorization of the Government, make such agreements with a government in Canada, one of its ministers or any body mentioned in the first paragraph and situated outside Québec.

The Regional Government may carry out such agreements and exercise the rights and privileges and fulfill the obligations arising therefrom, even outside the Territory.

Any such agreement may provide for the establishment of a joint committee to which all or some of the powers related to the content of the agreement are delegated.

Nothing in sections 362 to 379 shall be construed as limiting the application of this section.

1992, c. 6, s. 1; 1996, c. 2, s. 1092.

351.2. The Regional Government may accept the delegation of any power of the Government or of a minister or government body, where such delegation is permitted by law, and may exercise that power.

The Regional Government may, by agreement, delegate all or part of that power to a municipality. The agreement must first have received the approval of the Government, the minister or the body that delegated the power to the Regional Government.

1997, c. 93, s. 163.

351.3. The Regional Government has, by operation of law, all the powers required to carry out the obligations under any agreement between the Regional Government and the Government or any of its ministers or bodies, a mandatory of the State or, in respect of an agreement exempt from the application of the Act respecting the Ministère du Conseil exécutif (chapter M-30) or an agreement having obtained the prior authorization required under that Act, the Government of Canada or any of its ministers or bodies.

2003, c. 19, s. 224.

352. Where the application of an ordinance contemplated in section 363 or 367 involves, for it to be effective, the holding of a permit or a certificate by certain persons, the Regional Government has the right to provide for the issuance of such permit or certificate on payment of certain fees, whose tariff it fixes.

1978, c. 87, s. 352.

353. Notwithstanding the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and the Act respecting the Ministère du Conseil exécutif (chapter M-30), as the case may be, the Regional Government may, by agreement, delegate to another person the power to perform any act that it is required or authorized to perform by law, except the passing of a by-law or ordinance.

Except where the power is delegated to a municipality, the agreement requires the authorization of the Minister.

1978, c. 87, s. 353; 1985, c. 27, s. 120; 1988, c. 41, s. 87; 1994, c. 15, s. 33; 1996, c. 21, s. 70; 1999, c. 90, s. 36.

353.1. Where jurisdiction is delegated to the Regional Government under an agreement entered into under section 168 or 168.2, the Regional Government has every power required to implement the agreement.

1985, c. 27, s. 120; 1996, c. 2, s. 1105; 1997, c. 93, s. 164.

354. The Regional Government may make ordinances to take a census of the inhabitants of the Territory, for the purpose of ascertaining their number, and of obtaining statistics regarding their social and economic condition.

1978, c. 87, s. 354; 1996, c. 2, s. 1093.

355. The Regional Government may acquire by expropriation any immovable, part of an immovable or any real right in the Territory, which it may require for the establishment of regional or intermunicipal utilities or facilities.

However, in the case of an immovable, part of an immovable or any real right set apart for a public use or not susceptible of expropriation according to some general law or special Act, the prior authorization of the Government shall be required.

The foregoing provisions of this section shall not be regarded as restricting the rights which the Regional Government may otherwise have to acquire, by mutual agreement, immovables for the same purposes.

For the purposes of the first paragraph, the Regional Government shall be deemed to be a municipality within the meaning of the Expropriation Act (chapter E-24).

1978, c. 87, s. 355; 1996, c. 2, s. 1094.

355.1. The Regional Government may lease its property. However, it may not acquire or build property principally for the purpose of leasing it to a person other than a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1999, c. 90, s. 37.

356. The Regional Government may alienate any property for valuable consideration.

Subject to the first paragraph, the executive committee may sell any property the value of which, according to the director general's report, does not exceed \$10,000. The Minister may, from time to time, increase that amount.

Each month the secretary shall publish a notice indicating all property of a value exceeding \$10,000 that has been alienated otherwise than by auction or by public tenders; the notice shall describe each property and indicate, in respect of each, the alienation price and the identity of the purchaser.

1978, c. 87, s. 356; 1984, c. 38, s. 177; 1997, c. 93, s. 165; 1999, c. 40, s. 331; 2002, c. 77, s. 89.

357. All public works of the Regional Government are performed at its expense; they may be executed by its own officers or ordered by contract awarded and passed according to the rules set forth in section 358 to 360.

1978, c. 87, s. 357; 1987, c. 91, s. 37.

358. (1) Unless it involves an expenditure of less than \$100,000, no insurance contract, supply contract or contract for the performance of work or the supply of services other than, subject to the third paragraph, professional services shall be awarded except after a public call for tenders by advertisement in a newspaper.

For the purposes of this section, “supply contract” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.

A public call for tenders relating to a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (chapter C-65.1) and in a newspaper in the territory or a publication specialized in the field and sold mainly in Québec.

For the purposes of the third paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work;

(2) *(subparagraph repealed);*

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, advocate or notary.

(2) The period for the receipt of tenders shall not be less than 15 days.

(2.1) A public call for tenders relating to a contract referred to in the third paragraph of subsection 1 may stipulate that only bids submitted by contractors and suppliers having an establishment in Québec or by contractors and suppliers having an establishment in a territory covered by an intergovernmental trade liberalization agreement applicable to the Regional Government will be considered.

The call for tenders referred to in the first paragraph may also stipulate that the property that is the subject of the call must be produced in a territory comprising Québec and any territory referred to in that paragraph.

(3) Tenders shall not be called for nor shall the contracts resulting therefrom be awarded except on one or the other of the following bases:

(a) for a fixed price;

(b) at unit prices.

(4) All tenders must be opened publicly in the presence of at least two witnesses, on the day and at the hour and place mentioned in the call for tenders.

(5) All those who have tendered may be present at the opening of the tenders.

(6) The names of the tenderers and their respective prices must be mentioned aloud at the opening of the tenders.

(7) The Regional Government shall not be obliged to accept either the lowest or any other tender.

(8) Subject to section 358.1.1, the Regional Government shall not, without the previous authorization of the Minister, award the contract to any person except the one who made the lowest tender within the prescribed delay.

(9) If, however, to meet the conditions to qualify for a government subsidy, the contract must be awarded to a person other than the person who made the lowest tender within the prescribed time, the Regional Government may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders meeting such conditions, if the tender was made within the prescribed time.

(10) The contract shall be awarded by resolution and made in the name of the Regional Government.

(11) A member of the council may be declared disqualified to hold a municipal or regional office for two years and held personally liable to the Regional Government for any loss or damage it may suffer, whenever, by his vote or otherwise, he knowingly authorizes or effects

(a) the awarding or the making, without public tender, of a contract which, according to subsection 1, is subject to such formality;

(b) the awarding or the making of a contract in contravention of the requirements of subsections 8 and 9.

The liability mentioned in this subsection is joint and several, and it also applies to every officer of the Regional Government and every other person who knowingly becomes party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with subparagraph 4 of the first paragraph of article 529 and articles 532 to 535 of the Code of Civil Procedure (chapter C-25.01); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2), which then applies adapted as required.

1978, c. 87, s. 358; 1983, c. 57, s. 145; 1987, c. 57, s. 818; 1987, c. 91, s. 38; 1997, c. 93, s. 166; 1998, c. 31, s. 105; 2008, c. 18, s. 117; 2009, c. 26, s. 101; 2010, c. 18, s. 97; 2012, c. 11, s. 33; 2014, c. 1, s. 780; 2018, c. 8, s. 249.

358.1. No insurance contract, supply contract or contract for the performance of work or the supply of services other than professional services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, advocate or notary and involving an expenditure exceeding \$20,000 and less than \$100,000 may be awarded except after a call for tenders has been issued and is made by inviting in writing at least two contractors or, as the case may be, two suppliers to tender.

Subject to section 358.1.1, the Regional Government shall not, without the previous authorization of the Minister, award the contract to a person other than the person who has submitted the lowest tender.

For the purposes of this section, a supply contract is defined in the second paragraph of section 358.

1983, c. 57, s. 146; 1997, c. 93, s. 167; 2018, c. 8, s. 250.

358.1.1. The council may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the council chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the council shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of subsection 9 of section 358, the bid having received the highest score shall be considered to be the lowest tender.

1997, c. 93, s. 168.

358.1.2. The council may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the council establishes a qualification process solely for the purpose of awarding a contract referred to in the third paragraph of subsection 1 of section 358, the process may discriminate as permitted in the case of a public call for tenders in relation to such a contract under subsection 2.1 of section 358.

The Regional Government shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary to publish a notice to that effect in accordance with the rules set out in the third paragraph of subsection 1 of section 358.

1997, c. 93, s. 168; 2018, c. 8, s. 264.

358.1.3. A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 358.1.2.

The first paragraph does not apply where, under the process provided for in section 358.1.2, only one insurer, supplier or contractor has become qualified.

1997, c. 93, s. 168.

358.1.4. Subject to subsections 2.1 and 9 of section 358, no public call for tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

1997, c. 93, s. 168; 2018, c. 8, s. 264.

358.1.5. An insurance contract awarded by tender for a period of less than five years may, upon termination, be renewed without calling for tenders for one or several terms which, added to the initial term, must in no case exceed five years. Premiums may, after the initial term, be modified for the duration of a new term.

1997, c. 93, s. 168.

358.2. In case of irresistible force of such a nature as to imperil the life or health of the population or seriously damage the equipment of the Regional Government, the chairman of the executive committee may order any expenditure deemed necessary and award any contract necessary to remedy the situation. In such a case, the chairman must make a report of such action and the reasons therefor to the council at its next sitting. However, if the committee sits before the council, the chairman shall make his report to the committee and table it before the council at its next sitting.

1983, c. 57, s. 146.

358.3. Sections 358 and 358.1 do not apply

(1) to a supply contract or a contract for the supply of services for which a rate is fixed or approved by the Government of Canada or the Gouvernement du Québec, or any minister or agency thereof;

(2) to a supply contract, insurance contract or contract for the supply of services entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier found, after thorough and documented verification, to be the only one in all the territories covered by an intergovernmental agreement on the opening of public procurement applicable to the Regional Government that is in a position to provide the goods or services; or

(3) to a contract to devise energy saving measures for the Regional Government if the contract involves both professional services and the performance of work or the supply of goods or services other than professional services.

1983, c. 57, s. 146; 1997, c. 93, s. 169; 2003, c. 19, s. 225; 2010, c. 18, s. 98; 2018, c. 8, s. 251.

358.3.1. To enter into a contract that, but for section 358.3, would have been subject to section 358 with a supplier that is the only one in a position to provide the goods or services under paragraph 2 of section 358.3, the Regional Government must, at least 15 days before entering into the contract, publish on the electronic tendering system approved by the Government a notice of intention allowing any person to express interest in entering into it. The notice of intention must, among other things, specify or include

(1) the name of the person with whom the Regional Government intends to enter into the contract in accordance with section 358.3;

(2) a detailed description of the Regional Government's procurement requirements and the contract obligations;

(3) the projected contract date;

(4) the reasons invoked allowing the Regional Government to enter into the contract in accordance with section 358.3; and

(5) the address at which and deadline by which a person may express interest electronically and demonstrate that he, she or it is capable of carrying out the contract on the basis of the procurement requirements and obligations stated in the notice, that deadline being five days before the projected contract date.

2017, c. 27, s. 222; 2018, c. 8, s. 252.

358.3.2. Where a person has expressed interest in entering into the contract in accordance with paragraph 5 of section 358.3.1, the Regional Government shall electronically send the person its decision as to the contract, at least seven days before the projected contract date. If that seven-day period cannot be complied with, the contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The Regional Government must also inform the person of the person's right to file a complaint under section 38 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) within three days after receiving the decision.

If no person has expressed interest by the deadline under paragraph 5 of section 358.3.1, the contract may be entered into before the projected contract date specified in the notice of intention.

2017, c. 27, s. 222.

358.4. The Minister may, on the conditions he determines, authorize the Regional Government to award a contract without calling for tenders, authorize the Regional Government to award a contract after calling for

tenders by written invitation rather than by publication in a newspaper, or authorize the Regional Government to award a contract to the winner of a design competition it holds. The Minister may, on the Minister's own initiative, exercise that power for a contract or any class of contracts.

The first paragraph does not apply where calls for tenders are required to be public under an intergovernmental trade liberalization agreement applicable to the Regional Government.

1997, c. 93, s. 170; 2000, c. 19, s. 35; 2010, c. 18, s. 99.

358.4.1. The Regional Government must provide equitable resolution of complaints filed with it in the course of the awarding of a contract through a public call for tenders or otherwise. It must, for that purpose, establish a procedure for receiving and examining the complaints filed.

The Regional Government shall make the procedure available at all times by publishing it on its website.

To be admissible, a complaint must be sent electronically to the person in charge identified in the procedure. A complaint under section 358.4.2 must be filed on the form determined by the Autorité des marchés publics under section 45 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1).

2017, c. 27, s. 223.

358.4.2. In the case of an ongoing public call for tenders, only a person or group of persons interested in participating in the awarding process or the representative of such a person or group may file a complaint about the process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the Regional Government's normative framework.

The complaint must be filed with the Regional Government not later than the complaint filing deadline indicated on the electronic tendering system approved by the Government. That deadline is determined, subject to the third paragraph, by adding to the date on which the call for tenders is advertised a period corresponding to half the time for receiving tenders but which may not be less than 10 days.

The Regional Government must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Such a complaint may pertain only to the content of the tender documents available on the electronic tendering system not later than two days before that deadline.

The complainant shall, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

On receiving a first complaint, the Regional Government must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

Any amendment made to the tender documents before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period was extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

2017, c. 27, s. 223.

358.4.3. Any amendment made to the tender documents must contain the information relating to the deadline for filing a complaint under section 358.4.2 or under section 40 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1). Any amendment made to the tender documents must also indicate whether it results from a recommendation of the Autorité des marchés publics.

2017, c. 27, s. 223.

358.4.4. In the case of a complaint under section 358.4.2, the Regional Government must send the complainant its decision electronically after the complaint filing deadline but not later than three days before the tender closing date it has determined. If necessary, the Regional Government must defer the tender closing date.

If the Regional Government has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

The Regional Government must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

The Regional Government must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

The Regional Government must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 37 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) within three days after receiving the decision.

If, two days before the tender closing date, the Regional Government has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day. For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

2017, c. 27, s. 223.

358.4.5. Sections 358.4.1 to 358.4.4 apply to certification or qualification processes, with the necessary modifications.

2017, c. 27, s. 223.

358.5. The Regional Government may obtain any movable property or service from or through the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1).

To the extent that the terms of any intergovernmental trade liberalization agreement applicable to the Regional Government are observed, sections 358 and 358.1 do not apply to contracts entered into by the Regional Government with or through the Centre de services partagés du Québec in accordance with the regulations under the Act respecting contracting by public bodies (chapter C-65.1).

1999, c. 59, s. 46; 2000, c. 8, s. 243; 2005, c. 7, s. 97; 2006, c. 29, s. 52.

359. Subject to the provisions of section 286, no contract is valid or binding upon the Regional Government unless the ordinance authorizing the work has provided for the appropriation of the moneys required for paying the costs of the same.

1978, c. 87, s. 359.

360. The person to whom such work is awarded must give security to the satisfaction of the council for the due performance thereof and for the payment of all damages, interest and costs.

1978, c. 87, s. 360.

361. In addition to the other powers which it has under this Act, the Regional Government may

(a) make ordinances for its internal management and the conduct of its affairs;

(b) establish courses and training programs for its officers;

(c) undertake public information and education programs; and

(d) carry out such studies as it deems necessary for the exercise of its competence whether such studies deal with the Territory or with any other territory.

1978, c. 87, s. 361; 1987, c. 91, s. 39; 1996, c. 2, s. 1095.

361.1. Every convention by which the Regional Government makes a financial commitment for a period exceeding three years must, to be binding on it, be previously authorized by the Minister of Municipal Affairs, Regions and Land Occupancy, except in the case of a convention requiring it to pay fees for professional services or a work contract.

1984, c. 38, s. 178; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2008, c. 18, s. 118; 2009, c. 26, s. 109.

DIVISION II

LOCAL ADMINISTRATION

362. The Regional Government must take the necessary measures to discharge the duties and responsibilities that this Act confers on it and, in particular

(1) examine the municipal annual returns prepared under section 62;

(2) make recommendations, under section 112, to the councils of municipalities for the filling of vacancies;

(3) decide upon matters in the place and stead of councils of municipalities, where such matters must be referred to it under section 123;

(4) make suggestions, under section 107 when it receives a notice of contestation of an election, section 151 when it receives a notice of correction or 162 when it receives notice of a request for the quashing of a by-law or a part of a by-law.

1978, c. 87, s. 362; 1992, c. 61, s. 636; 1996, c. 2, s. 1105.

362.1. The Regional Government may provide a northern village with any form of assistance on any matter within the jurisdiction of the municipality.

1982, c. 63, s. 268; 1996, c. 2, s. 1096.

363. The Regional Government may, by ordinance, prepare minimum standards

(1) for the construction of houses and buildings in the Territory; such standards may vary in different parts of the Territory according to the geography and nature of the regions;

(2) to ensure the sanitary condition of public and private property;

(3) to prevent the pollution of the waters in the territories of or adjacent to the territories and to provide for the cleansing and purification of municipal waters; and

(4) to regulate the sewerage of the municipalities.

The municipalities in the Territory shall retain their competence in these matters until the Regional Government exercises its competence respecting such matters and to the extent that the Regional Government has refrained from doing so.

Any by-law of any municipality in the Territory shall be in conformity with the ordinances of the Regional Government respecting these matters.

No by-law of a municipality in the Territory respecting such matters shall validly impose standards which are inferior to those mentioned in the ordinance of the Regional Government.

1978, c. 87, s. 363; 1996, c. 2, s. 1097.

364. From the coming into force of an ordinance of the Regional Government made under section 363, every by-law of a municipality in the Territory making, amending or repealing a by-law of such municipality and dealing with matters contemplated in such ordinance must be submitted to the Regional Government for approval.

The Regional Government shall assure itself that the by-law so submitted conforms to section 363.

1978, c. 87, s. 364; 1996, c. 2, s. 1105.

365. *(Repealed).*

1978, c. 87, s. 365; 1979, c. 25, s. 143; 1982, c. 2, s. 52; 1985, c. 27, s. 121.

366. The Regional Government shall be a municipality for the purposes of the Act respecting the Société d'habitation du Québec (chapter S-8), which applies with the necessary modifications.

Notwithstanding the provisions of paragraph *p* of section 2, any ordinance passed by the Regional Government under this section shall apply in the whole Territory and its application shall not be limited to the municipalities under its jurisdiction.

1978, c. 87, s. 366; 1996, c. 2, s. 1098.

DIVISION III

TRANSPORT AND COMMUNICATIONS

367. The Regional Government may make ordinances to establish and administer

(1) regional and intermunicipal community radio and television aerials for the needs of those wishing to make use thereof and regulate the installation, maintenance, number and height of television and radio aerials; and

(2) regional and intermunicipal public transportation services and facilities.

1978, c. 87, s. 367.

368. The Regional Government may make ordinances

(1) to prescribe a uniform type of highway and passageway signals to be used by all municipalities; and

- (2) to determine minimum standards for road and street construction and maintenance.

The municipalities shall retain their competence in these matters until the Regional Government exercises its competence respecting such matters and to the extent that the Regional Government has refrained from doing so.

Any by-law of any municipality in the Territory shall be in conformity with the ordinances of the Regional Government respecting these matters.

No by-law of any municipality in the Territory respecting such matters shall validly impose standards which are inferior to those mentioned in the ordinance of the Regional Government.

1978, c. 87, s. 368; 1996, c. 2, s. 1105.

DIVISION IV

POLICE

369. The Regional Government is authorized to establish by ordinance and maintain a regional police force in the Territory.

1978, c. 87, s. 369; 1996, c. 2, s. 1099.

370. If the Regional Government establishes and maintains such a regional police force, it shall be a “municipality” for the purposes of the Police Act (chapter P-13.1), which shall then apply, with the necessary modifications, subject to this division.

1978, c. 87, s. 370; 1988, c. 75, s. 242; 2000, c. 12, s. 330.

371. In addition to the duties conferred upon them by the Police Act (chapter P-13.1), it shall be the duty of the regional police force, of each member thereof and of each special constable appointed under section 108 of the said Act to prevent infringements of the ordinances and by-laws of the Regional Government and of the by-laws of the municipalities in the Territory and the laws of Québec and to seek out the offenders.

1978, c. 87, s. 371; 1996, c. 2, s. 1105; 2000, c. 12, s. 315, s. 331.

372. Subparagraph 4 of the first paragraph and the third paragraph of section 115 of the Police Act (chapter P-13.1) do not apply to the members of the regional police force who are Inuit or Naskapi beneficiaries under the Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1).

1978, c. 87, s. 372; 1979, c. 25, s. 144; 1988, c. 75, s. 243; 2000, c. 12, s. 332.

373. The director or chief of the regional police force shall be appointed by the Minister of Public Security on the recommendation of the Regional Government, and shall take the oaths prescribed in Schedules A and B of the Police Act (chapter P-13.1) before the Minister in accordance with section 107 of that Act.

1978, c. 87, s. 373; 1986, c. 86, s. 41; 1988, c. 46, s. 24; 2000, c. 12, s. 333.

374. The Regional Government shall appoint the other members of the regional police force; such appointments must be approved by the Minister of Public Security.

After such approval, each member contemplated in the first paragraph shall take the oaths prescribed in Schedules A and B of the Police Act (chapter P-13.1) before the director or chief of the regional police force, before a regional councillor or before a member of the executive committee.

Any special constable appointed under section 108 of the Police Act shall also take the same oaths before the director or chief of the regional police force, before a regional councillor or before a member of the executive committee.

1978, c. 87, s. 374; 1986, c. 86, s. 41; 1988, c. 46, s. 24; 1996, c. 73, s. 24; 2000, c. 12, s. 334; 2008, c. 18, s. 119.

375. Notwithstanding section 87 of the Police Act (chapter P-13.1), any member of the regional police force may be dismissed by any judge contemplated in section 107 of the said Act when an application to that effect is made to him by the Minister of Public Security.

1978, c. 87, s. 375; 1986, c. 86, s. 41; 1988, c. 46, s. 24; 2000, c. 12, s. 335.

376. For the purposes of this division, a reference in the Police Act (chapter P-13.1) to

- (a) the mayor of a municipality is a reference to the chairman of the executive committee;
- (b) a by-law or resolution of a municipality is a reference to an ordinance of the Regional Government;
- (c) the clerk or secretary-treasurer of a municipality is a reference to the secretary of the Regional Government.

Notwithstanding the provisions of paragraph *p* of section 2, any ordinance passed by the Regional Government under this division shall apply in the whole Territory and its application shall not be limited to the municipalities under the jurisdiction of the Regional Government.

1978, c. 87, s. 376; 1996, c. 2, s. 1100; 2000, c. 12, s. 315, s. 336.

377. The Minister of Public Security shall be responsible for the application of this division.

1978, c. 87, s. 377; 1986, c. 86, s. 38; 1988, c. 46, s. 24.

DIVISION V

WORKFORCE TRAINING AND UTILIZATION

2007, c. 3, s. 72.

378. The functions, powers and duties of the Regional Government include those of receiving proposals from the municipalities for vocational training programs and advising the responsible authorities of Québec

- (a) in all matters pertaining to the effective utilization and development of workforce resources in the Territory;
- (b) on all measures deemed appropriate to facilitate vocational training, placing in employment, reclassification, retraining, rehabilitation, change of employment and mobility of workforce;
- (c) on all matters dealing with qualitative and quantitative workforce requirements and the preparation and coordination of training programs; and
- (d) on all measures to insure the establishment of employment bureaus in the Territory.

1978, c. 87, s. 378; 1996, c. 2, s. 1101; 2007, c. 3, s. 72.

379. The Minister of Employment and Social Solidarity shall be responsible for the application of this division.

1978, c. 87, s. 379; 1981, c. 9, s. 34; 1982, c. 53, s. 57; 1994, c. 12, s. 65; 1996, c. 29, s. 38; 1997, c. 63, s. 126; 2001, c. 44, s. 30.

TITLE VI

FINANCIAL PROVISIONS

CHAPTER I

GENERAL PROVISIONS

380. The fiscal year of the Regional Government shall begin on 1 January and end on 31 December of each year and the taxes and yearly assessments shall be payable at the dates determined by the council.

1978, c. 87, s. 380.

381. The Regional Government shall prepare and adopt its budget each year and maintain a balance between the revenues and expenditures provided for therein.

1978, c. 87, s. 381.

382. The executive committee shall draw up the budget of the Regional Government for the ensuing fiscal year; it shall deposit such budget with the secretary who, not later than 15 December, shall send to each member of the council a copy of such budget, and all the recommendations of the executive committee.

1978, c. 87, s. 382; 1982, c. 63, s. 269; 2009, c. 26, s. 102.

383. The budget must be adopted by the council not later than 31 December at a special meeting called for that purpose.

If the council is not able to adopt the budget within the applicable period, it shall set the date of the meeting at which the budget is to be adopted. That date must allow compliance with the requirement under section 269 as to the notice of convocation for the meeting. As soon as possible after the adoption of the resolution by which the council sets the date, the secretary shall send a certified true copy to the Minister.

Where, on 1 January, the budget is not adopted, 1/12 of each appropriation provided for in the budget of the previous fiscal year is deemed to be adopted. The same rule applies at the beginning of each subsequent month if, at that time, the budget has not yet been adopted.

1978, c. 87, s. 383; 1982, c. 63, s. 270; 1984, c. 38, s. 179; 2009, c. 26, s. 103; 2016, c. 17, s. 136.

384. During a fiscal year, the Regional Government may adopt any supplementary budget which it deems necessary.

1978, c. 87, s. 384.

384.1. The secretary shall transmit to each municipality in the Territory a copy of the adopted budget or supplementary budget.

1987, c. 91, s. 40; 1996, c. 2, s. 1105.

385. The expenses of the Regional Government or part thereof may be supported by the municipalities in the Territory and shared between them in proportion to

- (a) their population,
- (b) the number of their ratepayers,
- (c) the area of their territory,
- (d) the value of the taxable immovable properties located in their territory, or

(e) all or any combination of the foregoing factors.

1978, c. 87, s. 385; 1996, c. 2, s. 1105.

386. Upon adopting its budget or a supplementary budget, the Regional Government may, by ordinance, for the purpose of paying its expenses or part of its expenses, determine in accordance with section 385 and require an aliquot share of such expenses or of part of such expenses to be paid by each municipality in the Territory.

In order to pay such aliquot share imposed upon it hereunder, any municipality shall have the powers mentioned in section 218.

The aliquot share shall be paid within three months following the date of the receipt by the municipality of the demand for payment of such share.

A municipality in the Territory may, by motion filed within three months after the date mentioned in the third paragraph, apply to the Commission municipale du Québec to obtain the revision of the budget or supplementary budget of the Regional Government. The Commission shall render its decision and notify the Regional Government as well as the municipalities in the Territory within three months of the filing of such motion. In rendering its decision, after having heard those desiring to be heard, the Commission may either maintain the budget or supplementary budget, or effect, in the place and stead of the Regional Government, a reduction of the expenses and an adjustment of the aliquot share accordingly, if it is convinced that the budget or supplementary budget entails a serious prejudice for the ratepayers of a municipality in the Territory. The Commission shall then fix a new period for the payment of the aliquot share. If need be, it shall also fix a period for the reimbursement of the amounts to be reimbursed by the Regional Government.

1978, c. 87, s. 386; 1996, c. 2, s. 1105; 1999, c. 40, s. 331.

387. The head of each department shall be responsible for the management of the budget of his department, according to the provisions of this Act, under the supervision of the executive committee.

1978, c. 87, s. 387.

388. The executive committee may transfer from one department to another the appropriations attributed to any of them in the budget, upon the recommendation of the heads of such departments and the approval of the council.

1978, c. 87, s. 388.

389. No ordinance or resolution of the council or report or resolution of the executive committee authorizing or recommending the expenditure of moneys shall have effect without a certificate by the treasurer attesting that there are available funds.

1978, c. 87, s. 389.

390. The funds appropriated by a budget during a fiscal year for specified works shall remain available during the ensuing fiscal year for the carrying out of such work, whether it has commenced or not.

1978, c. 87, s. 390.

391. (1) All sums of money not specially appropriated shall form part of the general fund of the Regional Government.

(2) Any grant or subsidy made to the Regional Government and not specially appropriated by the ordinance ordering the works or the expenditures may be paid whole or in part to the general fund of the Regional Government.

(3) Whenever the Regional Government has collected a sum exceeding the sum required for the purposes for which such sum was raised, the surplus shall belong to the Regional Government and fall into the general fund thereof.

(4) All sums of money forming part of the general fund of the Regional Government may be employed for any purpose within the jurisdiction of the Regional Government.

1978, c. 87, s. 391.

392. The payment of the expenses of the Regional Government, including payment of interest on and amortization of its loans, shall be guaranteed by its general fund.

1978, c. 87, s. 392.

393. All fees, licences, fines, revenues, taxes, subsidies and grants accruing or belonging to or received by the Regional Government shall be paid to and received by the treasurer alone or by the officer designated by him for that purpose, and no other officer shall, under any pretext, receive them unless specially authorized by the council to do so.

1978, c. 87, s. 393.

394. The Regional Government may make such ordinances as it may deem expedient for the management and administration of its finances, and determine to what formalities payments out of the funds of the Regional Government shall be subject.

1978, c. 87, s. 394.

395. The Regional Government may deposit at interest in a Canadian chartered bank or a financial services cooperative, invest in the public funds of Canada or Québec, or loan on first hypothec, any moneys belonging to it.

The Regional Government may invest the monies belonging to it by purchasing securities in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Regional Government may invest the monies belonging to it through a mutual fund referred to in the second paragraph.

1978, c. 87, s. 395; 1996, c. 77, s. 65; 2000, c. 29, s. 683; 2006, c. 50, s. 139.

396. The treasurer shall be personally responsible for all moneys which he pays and which, to his knowledge, exceed the amount appropriated for such purpose.

1978, c. 87, s. 396.

397. The Regional Government shall not be subject to any tax for municipal purposes, but shall pay a compensation for the municipal services and local improvement works from which it benefits directly. Failing agreement on the amount of such compensation, such compensation shall be determined by the Commission municipale du Québec.

1978, c. 87, s. 397.

CHAPTER II

LOANS

398. The Minister may authorize the Regional Government, on an application made by a resolution of its council, to contract one or more loans for the term determined by the Minister and on the conditions determined by the Minister of Finance.

The conditions so determined by the Ministers shall govern such loans notwithstanding any contrary or incompatible provisions of a general law or special Act limiting the amount of loans and determining the period for their reimbursement.

Notwithstanding the first two paragraphs, the council may, by resolution and without authorization, order temporary loans for the payment of current administrative expenses and contract them on the conditions and for the term it determines.

The council may also contract such loans for the total or partial payment of expenses incurred under a loan resolution contemplated in the first paragraph. In that case, if the amount is greater than 90% of the amount of the loan contemplated in the said paragraph, the council shall obtain the prior authorization of the Minister.

1978, c. 87, s. 398; 1984, c. 38, s. 180; 1985, c. 27, s. 122; 2005, c. 50, s. 91; 2006, c. 31, s. 114.

398.1. The Regional Government may, if so authorized by a northern village pursuant to section 227.1, order or contract a loan on behalf and in the name of the municipality. If so authorized by several municipalities, the Regional Government may order or contract a loan on behalf and in the name of those municipalities.

Any loan made pursuant to this section is, for all purposes in respect of third parties, deemed to be a loan contracted by the Regional Government and section 398 applies to it, with the necessary modifications.

The municipality on whose behalf and in whose name all or part of the loan is made must pay to the Regional Government, according to the terms and conditions prescribed by the latter, the sums necessary to reimburse the loan or such part of it, including interest and costs.

1982, c. 63, s. 271; 1996, c. 2, s. 1102; 1999, c. 40, s. 331.

CHAPTER III

AUDIT OF THE FINANCES OF THE REGIONAL GOVERNMENT

399. (1) The council, at its last general meeting in any year, shall appoint for the fiscal year ending on 31 December of the following year, one or more auditors for the auditing of the accounts of the Regional Government.

(2) Such auditors may be individuals or members of a partnership and may entrust the work to their employees, but then the responsibility of the auditors shall be the same as if such work had been entirely performed by the auditors themselves.

(3) They shall make a report of their examination to the council within 120 days after the expiration of the fiscal year.

(4) A copy of such report, certified by the treasurer, must be sent forthwith by the treasurer to the Minister and to each municipality in the Territory.

(5) The council may order any other examination it may deem necessary and call for a report.

1978, c. 87, s. 399; 1987, c. 91, s. 41; 1996, c. 2, s. 1105; 1999, c. 59, s. 47.

400. Any surplus or deficit for a fiscal year shall be entered as a revenue or an expenditure in the budget for the ensuing fiscal year.

1978, c. 87, s. 400; 1986, c. 41, s. 2.

401. (1) At any time of the year, if so required in writing by at least five electors of a municipality in the Territory, the council shall also order a special audit of the accounts of the Regional Government for one

or more of the last five years, provided that no such audit has already been made for the same years under this section.

(2) The costs of such audit shall be payable by the responsible officer of the Regional Government, if he has been guilty of embezzlement or if, having been found short in his accounts, he fails to repay the balance within the period fixed by subsection 5; otherwise, the costs shall be payable by the persons who demanded the audit, unless the audit is of advantage to the Regional Government.

(3) The demand for an audit under this section must be accompanied by a deposit of \$100, unless a greater amount is determined from time to time by the Minister, which shall be returned to the petitioners if the costs of the audit are not charged to them.

(4) Any auditor appointed for such purposes may be an individual or a partnership, and may entrust the work to his or its employees, but then the responsibility of such auditor shall be the same as if such work had been entirely performed by the auditor himself.

(5) Within 30 days after the notification to him of a copy of the report of the audit, the defaulting officer of the Regional Government must pay the amount of the balance which he has been found to owe, as well as the costs of the audit.

1978, c. 87, s. 401; 1996, c. 2, s. 1105; 1999, c. 40, s. 331; I.N. 2016-01-01 (NCCP).

402. All actions or claims against the treasurer resulting from his administration are prescribed by five years from the date on which the shortage of his account is reported by the auditor to the council.

1978, c. 87, s. 402.

403. The provisions of this chapter shall nowise affect the recourse of the Regional Government under the security given by the treasurer.

1978, c. 87, s. 403.

TITLE VII

PROCEEDINGS AGAINST THE REGIONAL GOVERNMENT

404. When any suit or action is commenced against the Regional Government, service therein shall be made upon the secretary or any other designated officer of the Regional Government at his office or domicile.

1978, c. 87, s. 404.

405. Any provisions of law to the contrary notwithstanding, no judgment rendered in a civil matter against the Regional Government for a pecuniary condemnation only shall be executory before the expiration of thirty days of the date thereof.

1978, c. 87, s. 405; 1990, c. 4, s. 919.

406. Whenever a copy of a judgment condemning the Regional Government to pay a sum of money has been notified at the office of the Regional Government, the treasurer shall forthwith, upon being authorized by the executive committee, pay the amount thereof out of the funds at his disposal.

1978, c. 87, s. 406; I.N. 2016-01-01 (NCCP).

407. The court which rendered the judgment may, on an application, grant to the Regional Government any time which it deems necessary to levy the moneys required.

1978, c. 87, s. 407; 1999, c. 40, s. 331; I.N. 2016-01-01 (NCCP).

TITLE VIII

GENERAL PROVISIONS

408. The Regional Government shall be a municipality within the meaning of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1), the Act respecting the Commission municipale (chapter C-35), the Municipal Aid Prohibition Act (chapter I-15), the Funeral Operations Act (chapter A-5.02), the Environment Quality Act (chapter Q-2), the Act respecting municipal debts and loans (chapter D-7) and the Labour Code (chapter C-27), and the said Acts shall apply with the necessary modifications, to the Regional Government.

1978, c. 87, s. 408; 1987, c. 57, s. 819; 1988, c. 84, s. 705; 1996, c. 2, s. 1103; 1999, c. 43, s. 13; 2001, c. 60, s. 166; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2009, c. 30, s. 58; 2016, c. 1, s. 144.

408.1. The payments made to the Regional Government by the Gouvernement du Québec in accordance with section 2.5.1 of the Partnership Agreement on Economic and Community Development in Nunavik entered into on 9 April 2002 by the Gouvernement du Québec, the Makivik Corporation and the Kativik Regional Government, approved by Order in Council 645-2002 ((2002) 134 G.O. 2, 4231, in French), are not subject to any form of taxation, fee or levy.

2005, c. 46, s. 2.

PART III

FINAL PROVISIONS

409. This Act shall not prevent the constitution of municipalities in the Territory under any other general law or special Act.

1978, c. 87, s. 409; 1996, c. 2, s. 1104.

410. Except where provided otherwise in this Act, any order of the Government adopted under this Act shall be published in the *Gazette officielle du Québec* and shall come into force on the date of such publication or at any future date mentioned therein.

The foregoing paragraph shall also apply to any order or decree of the Minister made under subsection 2 of section 19, section 65, subsection 1 of section 145, paragraphs 1 and 2 of section 214, the first paragraph of section 215, section 217, the second and fourth paragraphs of section 221, subsection 3 of section 230, the first paragraph of section 281, subsection 1 of section 330, the second paragraph of section 356 and subsection 3 of section 401.

1978, c. 87, s. 410; 1996, c. 77, s. 66; 1997, c. 93, s. 171; 2004, c. 20, s. 212; 2006, c. 60, s. 122.

411. The grants made to facilitate the application of this Act will be paid, where necessary, for the fiscal years 1978/1979 and 1979/1980, out of the Consolidated Revenue Fund.

For the subsequent fiscal years, they shall be taken out of the moneys granted annually for that purpose by the National Assembly.

The grants paid for the repayment of any sum borrowed by a northern village or the Regional Government, and any interest they yield, are unseizable except in execution of a final judgment rendered by a court in favour of the lender or the holder of bonds, notes or any other security issued to finance the loan.

Any grant seized must be allocated proportionately among all the interested lenders or holders.

1978, c. 87, s. 411; 1983, c. 57, s. 147.

412. The Minister shall appoint one or more persons to discharge the duties of manager, secretary and treasurer of the Regional Government until the manager, secretary and treasurer appointed by the Regional Government have effectively taken their oath of office.

The person appointed by the Minister under the first paragraph to discharge the duties of secretary shall also preside over the first meeting of the council of the Regional Government until the speaker of the council is appointed.

The Minister may also appoint as many assistants as he deems appropriate to assist such persons.

1978, c. 87, s. 412.

413. The laws of Québec apply to the Regional Government so far as they are applicable thereto and do not derogate from this Act.

1978, c. 87, s. 413.

414. The Minister shall be responsible for the application of this Act, except Divisions IV and V of Chapter II of Title V of Part II (sections 369 to 379).

1978, c. 87, s. 414.

415. *(Omitted).*

1978, c. 87, s. 415.

416. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 87 of the statutes of 1978, in force on 1 June 1979, is repealed, except section 13 (*part*), effective from the coming into force of chapter V-6.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), the fourth paragraph of section 251 of chapter 87 of the statutes of 1978, in force on 31 December 1981, is repealed effective from the coming into force of the updating to 31 December 1981 of chapter V-6.1 of the Revised Statutes.