



for any fiscal year, the user charge rate applicable to serviced premises in Categories 1, 2 and 3(a) calculated by dividing the general cost base by the total area of all serviced premises shown in the definitive inventory of serviced premises as of 31 March of the previous fiscal year;

"local services":

the composite of services of a community or municipal nature actually provided or made available, directly or indirectly, by the Band to or in respect of persons or premises within the perimeter of the Category IA lands of the Band. Local services comprise the following elements:

- (i) General Government Services;
- (ii) Maintenance of Public Buildings and Equipment;
- (iii) Public Safety and Fire Protection;
- (iv) Road and Walkway Maintenance;
- (v) Environmental Health;
- (vi) Public Health.

"occupant":

a person, physical or moral, including Her Majesty the Queen in right of Canada or of Quebec and any agent thereof, or any group or association of persons, owning, using, leasing or occupying serviced premises in any manner;

"serviced premises": a structure of any kind, or portion or dependence thereof, including any office, store or self-contained unit, as well as a mobile home or trailer, located within the perimeter of the Category IA lands of the Band and in respect of which structure, or the occupant thereof, the Band provides or makes available local services, excluding:

- (i) any warehouse or storage area, basement or attic which is not finished to a degree of habitability substantially comparable with that of the rest of the structure or mobile home in which it is situated or to which it is attached;
- (ii) any structure, or portion thereof, owned or occupied by the Band and used in the provision of any element of local services; and
- (iii) any structure, or portion thereof, owned or occupied by the Cree Nation Government and used for its services or activities.



Serviced premises shall be classified in the following categories:

- Category 1: serviced residential premises occupied by Band member
- Category 2: serviced premises occupied by persons accepted by the Band as members of the community;
- Category 3(a): serviced premises other than those comprised in Categories 1, 2 and 3(b);
- Category 3(b): commercial and residential serviced premises occupied by retail businesses owned by non-natives;

"special cost base": for any fiscal year, the total anticipated cost of operating and maintaining local services, including 30% of the cost of General Government Services (less bad debts and grants to community organizations), but excluding capital costs of local services not funded by the general operating fund;

"special rate" for any fiscal year, the user charge rate applicable to serviced premises in Category 3(b), calculated by dividing the special cost base by the total area of all serviced premises as shown in the definitive inventory of serviced premises as of 31 March of the previous fiscal year.

PART III. LOCAL SERVICES

3. In any fiscal year, the Band shall maintain and operate the local services and provide such services in such forms and combinations as it deems advisable.

PART IV. ANNUAL USER CHARGE AND USER CHARGE RATE

4. An annual user charge for local services is hereby imposed upon, and is payable by, the occupant of every serviced premises.

5. For each fiscal year, the Band shall, by by-law, prescribe:

- (a) the general rate applicable to serviced premises comprised in Categories 1, 2 and 3(a); and
- (b) the special rate, applicable to serviced premises comprised in Category 3(b).



6. For each fiscal year, the annual user charge for local services, in respect of any serviced premises, shall be the amount representing the product obtained by multiplying the area of such serviced premises, as shown upon the definitive inventory mentioned in section 31, by the user charge rate for the fiscal year applicable to the category of serviced premises to which such serviced premises belong.

PART V. SUPPLEMENTARY USER CHARGE AND USER CHARGE RATE

7. In case of financial necessity resulting from increases, which could not reasonably be anticipated, in the cost of maintaining and operating local services in any fiscal year, a supplementary user charge may be imposed upon, and, if so imposed, shall be payable by, the occupant of every serviced premises, and such supplementary user charge shall be calculated in the same manner as the annual user charge.

8. Whenever the Band imposes a supplementary user charge, it shall, by by-law, specify the supplementary general and special rates relating thereto applicable to the relevant categories or serviced premises.

PART VI. ADJUSTMENTS

9. The user charges otherwise imposed and payable in respect of any serviced premises shall be adjusted in proportion to any permanent addition or reduction in the area of such premises for that portion of the fiscal year after which such addition or reduction occurs. No such adjustment shall affect the user charge rates applicable during that fiscal year.

10. The occupant of any serviced premises shall notify the Band in advance of any intended permanent addition or reduction in the area of such premises.

11. Notwithstanding sections 4 to 8 hereof, the user charges otherwise imposed and payable in respect of serviced premises in Categories 1 and 2 shall be reduced by a proportionate allocation of the subsidy provided by the Government of Canada pursuant to financial arrangements respecting the *Cree-Naskapi (of Quebec) Act*.

12. On or before 1 September of every year, the total actual costs of maintaining and operating local services during the preceding fiscal year shall be determined as shown in the annual audited financial statements of the Band for such fiscal year. The user charges applicable in respect of every serviced premise for local services during such fiscal year shall thereupon be revised on the basis of such total actual cost in conformity with sections 5 and 6.



13. Any difference between the original and revised user charges in respect of any serviced premises for such fiscal year shall be debited and credited, as the case may be, to the annual user charge account of the occupant of such serviced premises for the following fiscal year. This section shall not apply to the premises contemplated in section 11.

PART VII. COMPENSATION IN LIEU OF USER CHARGES

14. The Band may enter into an agreement with the Cree Nation Government respecting the payment by the Cree Nation Government of compensation to the Band in respect of costs incurred by the Band to provide local services to structures owned or occupied by the Cree Nation Government and used for its services or activities. The compensation provided for in this section stands in lieu of user charges imposed by the Band on the occupants of serviced premises.

PART VIII. PAYMENT

15. All user charges, interest and other amounts payable under this by-law, other than the compensation mentioned in section 14, shall, when payable, constitute debts due to the Band.

16. The Band Treasurer shall, on or before 1 June of each year, prepare and send an invoice to each occupant respecting his annual user charge for local services. Such invoice shall set forth:

- (a) the area of the serviced premises of such occupant;
- (b) the aggregate area of all serviced premises;
- (c)
- (d) the user charge rate applicable to the serviced premises of such occupant for that fiscal year;
- (e) any adjustment, debited or credited to such occupant's user charge account in respect of the previous fiscal year under section 13;
- (f) the annual user charge payable by such occupant;
- (g) the due dates of payment; and
- (h) any other modalities of payment,



17. Section 16 shall also apply to supplementary user charges imposed under section 7 with such modifications as the circumstances may require.

18. Any user charge which has not been paid thirty (30) days after payment is due shall bear interest at the rate of one percent (1%) per month.

19. Refusal to accept or to use any element of local services shall not affect the liability of an occupant to pay the user charge imposed upon, and payable by, such occupant in respect of local services.

20. The Band shall not be bound, under circumstances beyond its control, to warrant the provision or the proper functioning of any element of local services, and no occupant may, on the grounds of the failure to provide, or the malfunction of, any such service element, refuse to pay the user charge imposed upon, and payable by, such occupant, nor shall the Band be responsible for any damages resulting from the failure to provide, or the malfunction of, any such service element.

21. The Band may discontinue any element of local services in respect of which a user charge account is in arrears more than ninety (90) days. The cost of discontinuing or resuming such element shall be borne by the occupant. The Band shall resume a discontinued service element upon payment by the occupant of all arrears and other costs due in respect of local services.

PART IX. INVENTORY PREPARATION AND REVISION

22. On or before 1 January of every year, the Band shall cause to be prepared or revised, as the case may be, a preliminary inventory of the area of each serviced premises comprised within each category of serviced premises and of the aggregate area of all such serviced premises.

23. Subject to the provisions of this section, the areas of all serviced premises shall be measured on a consistent basis. The area of a free-standing structure shall be measured by reference to its external physical dimensions, subject to the definition of serviced premises in section 2. In all other cases, the area of a serviced premise shall be measured by reference to its internal physical dimensions.

24. On or before 15 January of every year, the Band Treasurer shall sign and deposit the preliminary inventory in the Band Office and shall post a notice in one or more public places within the Category IA lands of the Band that the inventory has been deposited in the Band Office and that any interested person may examine it there.



25. The notice provided for in section 24 shall also mention that any complaint with respect to the preliminary inventory shall be filed in the Band office within (15) days of posting of the notice of deposit of the inventory.

26. Any occupant may, within fifteen (15) days of posting of the notice of deposit of the preliminary inventory, file a written complaint in respect of such inventory by handing in such complaint or sending it by registered or certified mail to the office of the Band Treasurer.

27. Notwithstanding sections 24 to 26, on or before 15 January of every year, the Band Treasurer shall sign and send, by registered or certified mail, to the offices of the Director General of the Cree School Board and the Executive Director of the Cree Board of Health and Social Services of James Bay, at their last known addresses, a copy of:

- (a) the preliminary inventory contemplated in section 22, and
- (b) a notice stating that the Cree School Board and the Cree Board of Health and Social Services of James Bay may, within fifteen (15) days of receipt of such notice, file a written complaint in respect of such preliminary inventory by handing in such complaint or by sending it by registered or certified mail to the office of the Band Treasurer.

28. An occupant may file a complaint only in respect of the correctness, existence or absence of an entry on the preliminary inventory relating to a premises occupied by himself or another person.

29. The complaint shall briefly state the grounds invoked and the conclusions sought.

30. The Band shall decide upon each complaint within thirty (30) days of its receipt, and shall forthwith notify in writing the complainant of its decision.

31. On or before 31 March of every year, the Band shall cause to be prepared and deposited in the Band Office a definitive inventory of the area of each serviced premises comprised within each category of serviced premises and of the aggregate area of all such serviced premises.

PART X. RIGHT OF INFORMATION

32. Any occupant is entitled to consult, and upon payment of such reasonable fee as may be fixed by the Band, to obtain a copy of:



- (a) the preliminary inventory contemplated in section 24;
- (b) the definitive inventory contemplated in section 31;
- (c) the extracts of the annual budget of the Band fixing the total anticipated revenues and costs related to maintaining and operating local services for the year concerned;
- (d) the extracts of the supplementary budget, if any, of the Band fixing the total anticipated supplementary revenues and costs related to maintaining and operating local services for the year concerned; and
- (e) the extracts of the annual audited financial statements of the Band serving as the basis of revision of user charges under section 12.

PART XI. ACCESS TO PREMISES

33. Any officer, employee or agent of the Band may, after at least twenty-four (24) hours notice, on any day not a holiday, between eight and eighteen hours:

- (a) enter and have access to any immovable property, or portion thereof, situated within the perimeter of the Category IA lands of the Band, and
- (b) bring and utilize upon such immovable property any equipment or instrument,

which may be required in order to

- (c) prepare or revise the annual inventory of serviced premises, and
- (d) commence, discontinue, or resume any element of local services to or in respect of any such immovable property.

PART XII. TERRITORIAL APPLICATION

34. This by-law shall apply throughout the area situated within the perimeter of the Category IA lands of the Band. For greater certainty, this by-law shall apply to, on and in respect of the Category III lands contemplated by sections 94(a) and 95 of the *Act respecting the Land Regime in the James Bay and New Quebec Territories* (CQLR c. R-13.1).



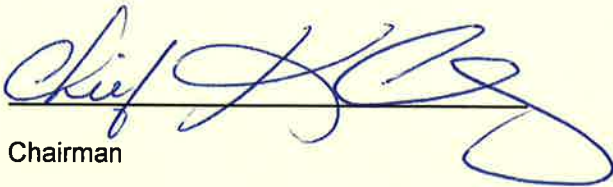
PART XIII. DELAYS

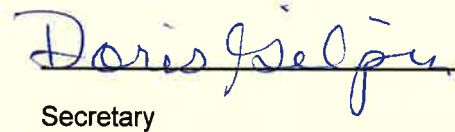
35. Non-compliance by the Band, its officers or employees with any of the dates set out in this by-law shall not invalidate the acts in respect of which such dates are specified, and, provided the delays between the various acts contemplated herein are respected, the annual user charge shall remain payable by an occupant on the date specified in the invoice.

PART XIV. REPEAL

36. The Local Services and User Charge By-law No. 117 of the Band, enacted on the 4th day of November, 2009 is hereby repealed and replaced by this by-law.

Signed this 22nd day of February 2016, in Eastmain, Quebec.


Chairman


Secretary

