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**Summary**

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**Municipal Affairs**

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## Municipal Affairs

Gouvernement du Québec

### **O.C. 793-2002, 26 June 2002**

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Canton de Sutton and Ville de Sutton

WHEREAS Canton de Sutton and Ville de Sutton are concerned by Volet I of the Politique de consolidation des communautés locales ;

WHEREAS, on 5 July 2001, the Minister of Municipal Affairs and Greater Montréal asked the Commission municipale du Québec to carry out a study into the advantages and disadvantages of an amalgamation of Canton de Sutton and Ville de Sutton ;

WHEREAS the Commission municipale du Québec held a public hearing on 12 January 2002 and made a report to the Government recommending the amalgamation and giving reasons ;

WHEREAS the Commission municipale du Québec has forwarded its report to the Minister of Municipal Affairs and Greater Montréal ;

WHEREAS the Government may, under the Act respecting municipal territorial organization (R.S.Q., c. O-9), order the constitution of local municipalities resulting from amalgamations, in particular as a means of achieving greater fiscal equity and providing citizens with services at lower cost or better services at the same cost ;

WHEREAS it is expedient to order the constitution of a local municipality pursuant to section 125.11 and 125.27 of that Act ;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal :

THAT a local municipality resulting from the amalgamation of Canton de Sutton and Ville de Sutton be constituted, on the following conditions :

#### **CHAPTER I CONSTITUTION OF THE MUNICIPALITY**

1. The name of the new municipality shall be “Ville de Sutton”.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 6 June 2002; that description appears as a schedule to this Order in Council.

3. The new municipality shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The territory of the new town shall be part of the territory of municipalité régionale de comté de Brome-Missisquoi.

5. The town shall be deemed recognized in accordance with section 29.1 of the Charter of the French language (R.S.Q., c. C-11). It shall maintain that recognition until, at its request, the recognition is withdrawn by the Government for the purposes of section 29.1 of that Charter.

6. Until the majority of the candidates elected at the first general election begin their terms, a provisional council formed of all the members of the council of the former municipalities in office at the time of coming into force of this Order in Council shall administer the new town.

An additional vote on the provisional council shall be allotted to the mayor of the former municipality on whose council there is a vacancy at the time of coming into force of this Order in Council, as well as for any seat on the provisional council that subsequently becomes vacant and that had been until that time filled by a member of the council of the former municipality. If the vacancy is a mayor's seat, the mayor's votes shall devolve upon the councillor who acted as acting mayor of the former municipality in question before the coming into force of this Order in Council.

A majority of the members of the provisional council in office at any time shall constitute a quorum.

7. The mayor of the former Ville de Sutton and the mayor of the former Canton de Sutton shall act respectively for the term of the provisional council as mayor and acting mayor of the new municipality until the last day of half the period left between the coming into force of this Order in Council and the polling day for the first general election, when they shall alternate roles until the mayor elected in the first general election begins his or her term.

Until then, the mayors of the two former municipalities shall continue to sit on the council of *Municipalité régionale de comté de Brome-Missisquoi* and they shall have the same number of votes as they had before the coming into force of this Order in Council.

8. Throughout the term of the provisional council, the members of the council shall continue to receive the salary that they received before the amalgamation.

Any member of the council of a former municipality whose term is shortened following the amalgamation shall continue to receive, for his or her term, the remuneration that he or she received. The member shall cease to be entitled to receive that salary if, during that period, he or she fills an office on the council of the new municipality or on the council of a municipality in the territory of Québec.

Expenses relating to the remuneration of members who are not on the provisional council or the new elected council shall be charged to the new town as of 1 January 2003.

9. The first sitting of the provisional council shall be held on 19 July 2002 at 7:30 p.m. at the town hall of *Ville de Sutton*.

10. The polling for the first general election shall take place on 3 November 2002 and the polling for the second general election shall be held in 2005.

11. For the first general election and for any by-election held before the second general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the council members of the former *Canton de Sutton* shall be eligible for the councillor seat in electoral districts 1 and 2 and only those persons who would be eligible under that Act if such election were an election of the council members of the former *Ville de Sutton* shall be eligible for the councillor seat in electoral districts 3 and 4. All those persons eligible in the new town shall be eligible for the councillor seat in electoral districts 5 and 6. All the electors of the new town shall elect the mayor and the six councillors.

12. Suzanne Lessard-Gilbert, secretary-treasurer of the former *Canton de Sutton*, shall act as first secretary-treasurer of the new town until the council elected in the first general election appoints a person to fill the position.

13. If a budget was adopted by a former municipality for the fiscal year during which this Order in Council comes into force

(1) that budget shall remain applicable;

(2) the expenditures and revenues of the new town for the remainder of the fiscal year during which this Order in Council comes into force shall continue to be accounted for separately on behalf of each of the former municipalities as if the amalgamation had not taken place;

(3) an expenditure recognized by the new municipal council as resulting from the amalgamation shall be charged on behalf of each former municipality on the proportion of its standardized property value to the total standardized property values of the former municipalities as they appear in the financial statements of the former municipalities for the fiscal year preceding the fiscal year in which this Order in Council comes into force;

(4) the amount paid for the first year of the amalgamation under the *Programme d'aide financière au regroupement municipal (PAFREM)*, less the expenditures recognized by the council under paragraph 3 and financed with that amount, shall constitute a reserve that is paid to the general fund of the new town for the first fiscal year for which it adopts a budget for all its territory.

14. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect before the coming into force of the amalgamation order shall apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

15. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality. It may be used to carry out public works in the sector, reduce taxes applicable to all the taxable immovables in that territory or repay the debts charged to that sector.

16. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted separate budgets shall be charged to all the taxable immovables in the sector made up of the territory of that municipality.

17. The working fund of the new town shall be constituted of the amounts that the former municipalities borrowed from their respective working fund, at the end of the last fiscal year for which they adopted separate budgets. Those amounts shall be repaid to the working fund of the new town in accordance with section 569 of the Cities and Towns Act.

The unborrowed portion from the working fund of a former municipality, at the end of the last fiscal year for which separate budgets were adopted, shall be paid to the surplus of that municipality and dealt with in accordance with section 15.

18. Subject to the apportionments made among the former municipalities under the existing intermunicipal agreements, the annual payment of the instalments in principal and interest on loans contracted under the by-laws adopted by a former municipality before the coming into force of this Order in Council shall remain charged to a sector or part of a sector made up of the territory of the former municipality that contracted them in accordance with the taxation clauses of those by-laws.

However, the council of the new town may burden all of the taxable immovables of the new town for infrastructures that benefit all the ratepayers of the new town and amend the taxation clauses of the by-laws referred to in the first paragraph.

## **CHAPTER II**

### **SPECIAL FISCAL PROVISIONS**

#### **DIVISION I**

##### **INTERPRETATION AND GENERAL**

19. For the purpose of this Chapter, the territory of each of the former municipalities shall constitute a sector.

20. Where, under any of the provisions of this Chapter, the revenues of the former Canton de Sutton or the former Ville de Sutton for a given fiscal year must be compared to the revenues of the town for the following fiscal year, the estimated revenues provided in each budget adopted for those two fiscal years shall be taken into account.

However, where a statement comparing the estimated revenues in the budget for the given fiscal year and those which, according to a later estimate, will constitute the revenues for that fiscal year make it necessary to update the budget estimates, the updated estimates shall be taken into account provided that the statement is filed before the town adopts a budget for the following fiscal

year. If several successive statements are filed, the most recent one shall be taken into account.

21. The town shall be subject to the rules provided by law with regard to all the local municipalities, in particular those that prohibit setting a different general property tax rate according to the parts of the municipal territory and those that provide the use of specific revenue sources to finance the expenditures relating to the debts.

However, the town may waive those rules only where it is necessary for the purposes of any of the provisions of this Chapter.

#### **DIVISION II**

##### **TAX BURDEN INCREASE LIMIT**

22. The town shall exercise the power provided for in section 23 and, if it imposes a business tax, the power provided for in section 24, or the power provided for in section 29.

23. The town may set any general property tax rate for a fiscal year in such manner that, in relation with the preceding fiscal year, the increase of the tax burden borne by all the units of assessment in a sector and in respect of which all or part of the rate applies is not greater than 5%.

The tax burden shall consist of

(1) the revenues derived from the general property tax that result from applying all or part of a rate of that tax;

(2) the revenues derived from other taxes, including the taxes imposed on the basis of the rental value of immovables and compensations considered by the applicable legislation to the taxes, in particular the taxes used to finance services such as the drinking water supply, waste water purification, snow removal, waste disposal and residual materials recovery;

(3) the revenues taken into account in establishing the aggregate taxation rate and derived from the compensations and modes of tariffing not referred to in subparagraph 2;

(4) the revenues derived from the amounts in lieu of taxes that must be paid in respect of immovables by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act or by the Crown in right of Canada or by one of its mandataries; and

(5) the revenues of which the town was deprived by granting a credit in respect of any source of revenue referred to in any of subparagraphs 1 to 3 for the purpose of carrying out section 15 with respect to the allocation of the credit from a surplus.

However, the revenues referred to in the second paragraph that are used to finance debt-related expenditures shall be excluded from the tax burden.

The rate specific to the category provided for in section 244.36 of the Act respecting municipal taxation does not constitute one of the general property tax rates referred to in the first paragraph and subparagraph 1 of the second paragraph. For the purposes of subparagraphs 2 and 3 of the second paragraph, the word “immovables” means the business establishments where the business tax or the amount in lieu thereof is referred to.

24. The town may set the business tax rate for a fiscal year in such a manner that, in relation to the preceding fiscal year, the increase in revenues from that tax in respect of all the business establishments in a sector shall not be greater than 5%.

The revenues derived from the amounts in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or the second paragraph of section 254 and the first paragraph of section 255 of that Act or the amounts that must be paid by the Crown in right of Canada or by one of its mandataries shall be included in those revenues.

25. If the town exercises the power provided for in sections 23 and 24, it may replace the maximum percentage increase in that section by another maximum percentage increase, which must be the same for all the sectors in question and less than 5%.

26. If the increase under section 23 or 24 does not result solely from the constitution of the new town, the maximum shall apply only in respect of the portion of the increase that results from the constitution.

27. If the town exercises the power provided for in sections 23 and 24, it shall, subject to any regulation made under the second paragraph, prescribe the rules to determine whether the increase under that section results solely from the constitution of the town and, if not, to establish the portion resulting from the constitution.

The Government may, by regulation, define situations in which the increase is deemed not to result from the constitution of the town.

If the town exercises the power provided for in section 23 and imposes a surtax or tax on non-residential immovables for any of the fiscal years referred to in that section, it shall prescribe the rules to enable the appropriate correspondences to be made to obtain the same results, for the purposes of that section, as if the town imposed the general property tax for that fiscal year under section 244.29 of the Act respecting municipal taxation, with a rate specific to the category described in section 244.33 of the Act.

28. For the purposes of establishing the percentage increase referred to in section 23 for the first fiscal year for which the new town adopted a budget in respect of all its territory, where the former municipality whose territory constitutes the sector in question has appropriated as revenue for the 2002 fiscal year all or part of its surpluses from preceding fiscal years in an amount exceeding the average of the amounts it appropriated for the 1996 to 2000 fiscal years, the difference obtained by subtracting from that excess amount the sum that the municipality did not have to pay by the operation of sections 90 to 96 of chapter 54 of the Statutes of 2000 for the special local activities financing fund shall be included in the tax burden borne by the aggregate of the units of assessment in the sector for the 2002 fiscal year.

29. The town may prescribe the rules enabling it to grant an abatement for a fiscal year in such manner that, in relation to the preceding fiscal year, any increase in the tax burden borne by a unit of assessment or a business establishment is not greater than 5%.

The last three paragraphs of section 23 and sections 24 to 28 apply, adapted as required, for the purposes of the increase limit under the first paragraph.

If the town exercises the power provided for in that paragraph, it shall prescribe the rules for adapting to each unit of assessment or business establishment considered individually in the provisions among the rules referred to in the second paragraph that take into account aggregates of units or of establishments.

### **DIVISION III**

#### **TAX BURDEN DECREASE LIMIT**

30. The town may set any general property tax rate for a fiscal year in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by the aggregate of the units of assessment in a sector in respect of which all or part of the rate applies is not greater than the percentage set by the town that is the same for all sectors in question.



The last three paragraphs of section 23, the third paragraph of section 27 and section 28 apply, adapted as required, for the purposes of the decrease limit provided for in the first paragraph.

31. The town may set the business tax rate for a fiscal year in such manner that, in relation to the preceding fiscal year, the decrease in revenues from that tax in respect of all the business establishments in a sector is not greater than the percentage set by the town that is the same for all the sectors in question.

The revenues derived from the amounts in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or the second paragraph of section 254 and the first paragraph of section 255 of the Act or by the Crown in right of Canada or by one of its mandataries shall be included in those revenues.

32. If the town does not exercise the power provided for in sections 30 and 31, it may prescribe the rules enabling it to require a supplement for a fiscal year in such a manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by any unit of assessment or any business establishment is not greater than the single percentage that the town sets for its entire territory.

The last three paragraphs of section 23, the third paragraph of section 27 and section 28, in the case of a unit of assessment, or the second paragraph of section 31, in the case of a business establishment, apply, adapted as required, for the purposes of the decrease limit provided for in the first paragraph.

If the town exercises the power provided for in that paragraph, it shall prescribe the rules for adapting to each unit of assessment or business establishment considered individually the rules in the provisions among those referred to in the second paragraph that take into account aggregates of units or of establishments.

#### **DIVISION IV MISCELLANEOUS**

33. The town may exercise the powers provided for in Division III.1 of Chapter XVIII of the Act respecting municipal taxation in respect of one sector without doing so in respect of another sector, or it may exercise the powers in a different manner according to each sector.

Where, under section 244.29 of the Act respecting municipal taxation, the town imposes the general property tax with a rate specific to a category described in

section 244.36 of the Act, the town may, for each fiscal year from 2002 to 2006, set a number of such rates that vary according to each sector; this also applies to the rate of the surtax if the town imposes instead the surtax on vacant land.

34. Where, under section 244.29 of the Act respecting municipal taxation, the town sets, for a fiscal year prior to the one in which the first assessment roll drawn up specifically for the town comes into force, a general property tax rate specific to any of the categories provided for in sections 244.34 and 244.35 of the Act, the coefficient referred to in section 244.44 or section 244.47 of the Act is the coefficient established on the basis of the comparison of the last two property assessment rolls of the municipality among the former municipalities that has the largest population for 2002.

35. The town may establish a program for the purpose of granting, in the circumstances referred to in the second paragraph, a credit applicable in respect of the amount of the general property tax imposed, for any fiscal year as of the fiscal year referred to in paragraph 1 of that paragraph, on any unit of assessment in a sector belonging to a group provided for in section 244.31 of the Act respecting municipal taxation.

The credit may be granted when all the following conditions are met:

(1) the business tax shall not be imposed for a given fiscal year in respect of the sector, individually or within the entire territory of the town, or if it is, the revenues provided for in respect of the sector shall be less than those of the preceding fiscal year;

(2) the business tax was imposed in respect of the sector, for the fiscal year preceding the fiscal year referred to in subparagraph 1, without being imposed in respect of the entire territory of the town; and

(3) the revenues derived from the general property tax provided for in respect of the sector for the fiscal year referred to in subparagraph 1 and derived from the application of all or part of one of the rates specific to the categories provided for in sections 244.33 and 244.34 of the Act respecting municipal taxation shall be higher than what they would have been if there was no loss or decrease of revenues from the business tax.

The credit shall decrease the amount payable of the general property tax imposed on any unit of assessment referred to in the first paragraph and in respect of which all or part of the rate referred to in subparagraph 3 of the second paragraph applies. The amount of the credit shall be established according to the rules prescribed by the program.

The cost of all the credits granted in respect of the units of assessment in the sector shall be charged to all the units located therein and belonging to the group referred to in the first paragraph.

If the town exercises the power provided for in the first paragraph and imposes the surtax or the tax on non-residential immovables, it shall prescribe the rules to enable the appropriate correspondences to obtain the same results, for the purposes of the first four paragraphs, as if the town imposed the general property tax with rates specific to the categories including the units of assessment subject to the surtax or the tax on non-residential immovables.

For the purposes of the first five paragraphs, any tax or surtax also means the amount in lieu of the tax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or by the Government in accordance with section 254 and the first paragraph of section 255 of the Act or by the Crown in right of Canada or by one of its mandataries.

36. Where a former municipality has exercised the power provided for in section 253.27 of the Act respecting municipal taxation in respect of its assessment roll that came into force on 1 January 2001, the town may, no later than on the day on which the budget for the 2002 fiscal year is adopted, provide that the averaging of the variation in the taxable values resulting from the coming into force of the roll will continue for that fiscal year in respect of the sector in question.

37. Sections 19 to 36 apply for the first ten fiscal years for which the new town adopted a budget in respect of its entire territory.

### CHAPTER III MISCELLANEOUS

38. Any debt or gain that may result from legal proceedings in respect of an act performed by a former municipality shall be charged to or used for the benefit of all the taxable immovables in the sector made up of the territory of that municipality.

39. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and

sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new town to replace all the zoning and subdivision by-laws applicable to its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the entire territory of the new town, provided that such a by-law comes into force within four years of the coming into force of the amalgamation order.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the entire territory of the new town.

40. A municipal housing bureau is hereby constituted under the name of "Office municipal d'habitation de la Ville de Sutton". The name of the bureau may initially be changed by a simple resolution of the board of directors in the year following its constitution. A notice of the change in name must be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

That municipal bureau succeeds, on the date of coming into force of this Order in Council, the municipal housing bureau of the former Ville de Sutton which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) apply to the new municipal housing bureau as though it had been constituted by letters patent under section 57 of that Act.

The bureau shall be administered by a board of directors consisting of seven members. Three members shall be appointed by the municipal council of the new town, two members shall be elected by all the lessees of the bureau in accordance with the Act respecting the Société d'habitation du Québec, and two members shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socioeconomic groups of the bureau's territory.

Until all the members of the board of directors are appointed in accordance with the third paragraph, the members of the board of directors of the bureau shall be the members of the municipal housing bureau which it succeeds.

The directors shall elect from among themselves a chair, vice-chair and any other officer they deem necessary to appoint.

The term of the board of directors is three years and is renewable. The board members shall remain in office until reappointed or replaced even though their terms expire.

A majority of the members in office shall constitute a quorum at meetings.

The directors may, from the coming into force of this Order in Council,

- (1) borrow money on the credit of the bureau ;
- (2) issue bonds or other securities of the bureau and give them as security or sell them for the price and amount deemed appropriate ;
- (3) hypothecate or pledge the present or future immovables or movables of the bureau to ensure the payment of such bonds or other securities, or give only part of that security for those purposes ;
- (4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of security, to ensure the payment of loans contracted other than by the issue of bonds, as well as the payment or execution of any other debt, contract and liability of the bureau ; and
- (5) subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, adopt any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureau that has been dissolved shall become, without reduction in salary, employees of the bureau and shall retain their seniority and fringe benefits.

Within 15 days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a member or director.

The budget of the bureau dissolved shall remain applicable for the remainder of the current fiscal year.

41. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## SCHEDULE

### OFFICIAL DESCRIPTION OF THE TERRITORIAL BOUNDARIES OF THE NEW VILLE DE SUTTON, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE BROME-MISSISQUOI

The territory of the new Ville de Sutton, in municipalité régionale de comté de Brome-Missisquoi, following the amalgamation of Canton de Sutton and Ville de Sutton, comprising all the lots of the cadastre of Canton de Sutton, travelways, hydrographic and topographic entities, built-up places or parts thereof included in the perimeter starting at the apex of the northeastern angle of Lot 1510 and that follows, successively, the following lines and demarcations : southerly, the dividing line between the cadastres of Canton de Sutton and Canton de Potton crossing Chemin de la Vallée-Missisquoi, Rivière Missisquoi, Chemin Burnett and the railway right-of-way (Lot 1519) that it meets ; westerly, part of the Canada/United States border to the apex of the southeastern angle of Lot 24 of the cadastre of Canton de Sutton ; in reference to that cadastre, northerly, the broken line bordering to the east lots 24, 25, 181, 180, 303, 302 and 486, that line crossing Chemin Ingalls and Chemin du Pinnacle Est that it meets ; westerly, the line bordering to the north lots 486 and 492 crossing the railway right-of-way (Lot 1517), Rivière Sutton and Route 139 Sud that it meets ; successively northerly, westerly and southerly, part of the eastern line, the northern line and part of the western line of Lot 495 to the apex of the northeastern angle of Lot 497 ; westerly, the northern line of Lot 497 ; northerly, part of the eastern line of Lot 498 to the apex of its northeastern angle ; westerly, the northern line of lots 498, 499, 500, 501, 505, 506 and 508 ; northerly, successively, part of the dividing line between the cadastre of Canton de Sutton and the cadastres of Paroisse de Saint-Armand-Est and Canton de Dunham, the western limit of the right-of-way of a public road (Chemin Miltimore) bordering to the east lots 37, 44, 45, 50, 51 and 60 of the cadastre of Canton de Dunham to its meeting point with the extension, across the said road, of the northern line of Lot 1365 of the cadastre of Canton de Sutton ; finally, easterly, successively, the said extension, part of the dividing line between the cadastres of Canton de Sutton and Canton de Brome, the southern limit of the right-of-way of a public road shown on the original in front of lots 1005 and 1004 of the cadastre of Canton de Brome, part of the dividing line between that cadastre and the cadastre of Canton de

Sutton then the southern limit of the right-of-way of a public road bordering to the north lots 1497, 1499, 1500, 1501, 1502, 1504, 1505, 1506, 1509 and 1510 of the cadastre of Canton de Sutton to the starting point.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Québec, 6 June 2002

Prepared by: JEAN-FRANÇOIS BOUCHER,  
*Land surveyor*

S-169/1

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Gouvernement du Québec

### **O.C. 794-2002, 26 June 2002**

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Ville de Portneuf and Paroisse de Notre-Dame-de-Portneuf

WHEREAS the municipal councils of Ville de Portneuf and Paroisse de Notre-Dame-de-Portneuf each adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objections were sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS it is expedient, under section 108 of the aforementioned Act, to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality resulting from the amalgamation of Ville de Portneuf and Paroisse de Notre-Dame-de-Portneuf be constituted, on the following conditions:

1. The name of the new town shall be "Ville de Portneuf".

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 11 April 2002; that description appears as Schedule A to this Order in Council.

3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The territory of the new town shall be part of the territory of Municipalité régionale de comté de Portneuf.

5. Until the majority of the candidates elected at the first general election begin their terms, a provisional council formed of all the members of the council of the former municipalities in office at the time of coming into force of this Order in Council shall administer the new town.

An additional vote on the provisional council shall be allotted to the mayor of the former municipality on whose council there is a vacancy at the time of coming into force of this Order in Council, as well as for any seat on the provisional council that subsequently becomes vacant and that had been until that time filled by a member of the council of the former municipality.

If the vacancy is a mayor's seat, the mayor's votes shall devolve upon the councillor who acted as acting mayor of the former municipality in question before the coming into force of this Order in Council unless that councillor's seat is also vacant, in which case the votes shall devolve upon a councillor chosen by and from among the members of the provisional council who were members of the council of the municipality in question.

6. The mayor of the former Paroisse de Notre-Dame-de-Portneuf and the mayor of the former Ville de Portneuf shall act respectively as mayor and acting mayor of the new town until the last day of the month of the coming into force; then they shall alternate each month until the mayor elected in the first general election begins his or her term. Until then, they shall continue to sit on the council of Municipalité régionale de comté de Portneuf and they shall have the same number of votes as they had before the coming into force of this Order in Council.

7. A majority of the members of the provisional council in office at any time shall constitute a quorum.

8. The first sitting of the provisional council shall be held at the town hall of the former Paroisse de Notre-Dame-de-Portneuf.

9. The members of the provisional council shall continue to receive the same remuneration and expense allowance as they were receiving before the coming into force of this Order in Council and each mayor shall receive the remuneration and expense allowance paid to them as mayors.

10. Jacques Chevalier, secretary-treasurer of the former Paroisse de Notre-Dame-de-Portneuf, shall act as first clerk of the new town until the council composed of the persons elected during the first general election decide otherwise in accordance with the law.

11. The polling for the first general election shall take place on 3 November 2002.

The second general election shall be held in 2005.

12. The council of the new town shall be composed of seven members among which are one mayor and six councillors.

13. For the first general election and for any by-election held before the second general election, the territory of the new town shall be divided into six electoral districts as numbered and delimited in the description in Schedule B attached to this Order in Council.

14. For the first general election and for any by-election held before the second general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the council members of the former Ville de Portneuf shall be eligible for the councillor seat in electoral districts 1, 2 and 3 and only those persons who would be eligible under that Act if such election were an election of the council members of the former Paroisse de Notre-Dame-de-Portneuf shall be eligible for the councillor seat in districts 4, 5 and 6.

15. If a budget was adopted by a former municipality for the fiscal year during which this Order in Council comes into force

(1) that budget shall remain applicable;

(2) the expenditures and revenues of the new town shall continue to be accounted for separately on behalf of each of the former municipalities as if the amalgamation had not taken place until the end of the fiscal year during which this Order in Council comes into force;

(3) an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budget

of each of the former municipalities in proportion, for each municipality, to its standardized property value in relation to the total of the standardized property values of the former municipalities, as they appear in the financial statement of the former municipalities for the fiscal year preceding the fiscal year during which this Order in Council comes into force; and

(4) the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), less the expenditures recognized by the council under paragraph 3 and the provisions of section 22, shall constitute a reserve that shall be paid into the general fund of the new town for the first fiscal year for which it adopts a budget for all its territory.

16. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality, to carry out public works in that sector, reduce taxes applicable to all the taxable immovables in that sector or to repay debts charged to that sector.

17. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be charged to all the taxable immovables of the sector made up in the territory of that former municipality.

18. The working fund of each former municipality as it existed at the end of the last fiscal year for which separate budgets were adopted shall constitute the working fund of the new town.

19. Subject to sections 20 and 21, the annual payment of the instalments in principal and interest on the loans made by a former municipality shall remain charged to the taxable immovables in the sector made up of the territory of that former municipality, in accordance with the taxation clauses in those by-laws. If the new town decides to amend the taxation clauses in accordance with the law, such amendments may affect only the taxable immovables located in the sector made up of the territory of the former municipality for which the council adopted the by-law.

20. From the first fiscal year for which the new town adopts a budget with regard to all its territory, all the taxable immovables of the territory of the new town shall be subject to the special tax on the basis of their value as it appears on the property assessment roll in force for the repayment of loans By-laws 245, 251, 255,

257 and 262 (infrastructure work in the industrial park), 261 (fire truck) and 327 (recreation-nautical park) of the former Ville de Portneuf and By-law 209 (233) for Parc Lauralco of the former Paroisse de Notre-Dame-de-Portneuf.

21. The balance in principal and interest of the debt accumulated by the former Paroisse de Notre-Dame-de-Portneuf for water purification work and repaid to the Société québécoise d'assainissement des eaux, in accordance with the agreement entered into between the Gouvernement du Québec and the former Paroisse de Notre-Dame-de-Portneuf on 21 December 1993, shall remain charged to the sector made up of the territory of that former municipality in accordance with the taxation clauses. If the new town decides to amend the taxation clauses in accordance with the law, such amendments may affect only the taxable immovables located in the sector made up of the territory of that former municipality.

The balance in principal and interest of the debt accumulated by the former Ville de Portneuf for water purification work and repaid to the Société québécoise d'assainissement des eaux, in accordance with the agreement entered into between the Gouvernement du Québec and the former Ville de Portneuf on 21 January 1994, shall remain charged to the sector made up of the territory of that former municipality in accordance with the taxation clauses. If the new town decides to amend the taxation clauses in accordance with the law, such amendments may affect only the taxable immovables located in the sector made up of the territory of that former municipality.

22. For each of the first five full fiscal years following the coming into force of this Order in Council, the new town shall affect, each year, to its budget 20% of the total subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) even if the sums paid annually by the Government are unequal.

The amount thus apportioned each year shall be affected in a proportion of 50% to the capital expenditures and 50% to reduce the general property tax.

23. For each of the first two full fiscal years following the coming into force of this Order in Council, the new town shall maintain the rates for operating the water purification facilities as agreed to in the intermunicipal agreement entered into on 31 May 1993 relating to the construction and operation by services from the former Ville de Portneuf of a common waste water purification system. Meanwhile, the council of the new town shall study various rate systems for water purification facili-

ties based on the principle of the paying user that shall be fair for all users. In light of the study results, the council of the new town shall be able to revise the existing rate.

24. For the five years following the year of coming into force of this Order in Council, the new town shall agree to use the municipal immovables and equipment as follows:

— the administrative services and the town hall of the new town shall be located at 297, 1<sup>re</sup> Avenue, in the territory of the former Ville de Portneuf;

— the roads department shall be located at 1000, avenue Saint-Germain, in the territory of the former Paroisse de Notre-Dame-de-Portneuf; and

— the infrastructures of the recreation services shall be maintained on the territory of the new town. However, the recreation management services shall be joined and entrusted to the Corporation des loisirs de Portneuf-Station.

25. Until Municipalité régionale de comté de Portneuf adopts its fire safety cover plan, the new town shall maintain in operation the fire station of the former Paroisse de Notre-Dame-de-Portneuf and that of the former Ville de Portneuf and shall offer in the territory of the former municipalities an equivalent level of firefighting services. The two fire departments shall be joined and have a single commanding officer.

26. A municipal housing bureau is hereby constituted under the name of "Office municipal d'habitation de la Ville de Portneuf". The name of the bureau may initially be changed by a simple resolution of its board of directors during the year following its constitution. A notice of the change in name shall be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

That bureau succeeds on the date of coming into force of this Order in Council the municipal housing bureaus of the former Paroisse de Notre-Dame-de-Portneuf and the former Ville de Portneuf, which are dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) apply to the new municipal housing bureau as though it had been constituted by letters patent under section 57 of that Act.

The bureau shall be administered by a board of directors consisting of seven members who are also its administrators. Three members shall be appointed by the council of the new town, two members shall be elected

by all the lessees of the bureau, pursuant to the Act respecting the Société d'habitation du Québec, and two members shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socioeconomic groups of the bureau's territory.

Until a majority of the candidates elected in the first general election begin their terms, the members of the board of directors of the bureau shall be the members of the municipal housing bureaus which it succeeds.

The administrators shall elect from among themselves a chair, a vice-chair and any other officer they deem necessary to appoint.

The term of the members of the board of directors is three years and is renewable. The board members shall remain in office until reappointed or replaced even though their terms expire.

A majority of the members in office shall constitute a quorum at meetings.

The administrators may, from the coming into force of this Order in Council,

- (1) borrow money on the credit of the bureau ;
- (2) issue bonds or other securities of the bureau and give them as security or sell them for the prices and amounts deemed appropriate ;
- (3) hypothecate or pledge the present or future immovables or movables of the bureau to ensure the payment of such bonds or other securities, or give only part of that security for those purposes ;
- (4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of security, to ensure the payment of loans contracted other than by the issue of bonds, as well as the payment or execution of any other debt, contract and liability of the bureau ; and
- (5) subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, adopt any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureaus that have been dissolved shall become, without reduction in salary, employees of the bureau and shall retain their seniority and fringe benefits.

Within 15 days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a member or director.

27. The property assessment roll of the former Ville de Portneuf and the property assessment roll of the former Paroisse de Notre-Dame-de-Portneuf drawn up for the 2001, 2002 and 2003 fiscal years shall constitute the property assessment roll of the new town from the date of coming into force of this Order in Council until 31 December 2003.

Notwithstanding section 119 of the Act respecting municipal territorial organization, no adjustment of values on the rolls shall be made.

The property market conditions as they existed on 1 July 1999 are the property market conditions considered to have been taken into account for the purpose of establishing the actual value that is entered on the roll in respect of any entry on the property assessment roll of the new town for the 2002 and 2003 fiscal years.

For the purpose of determining the market conditions on 1 July 1999, information relating to property transfers before or after that date may be taken into account.

The date of 1 July 1999 must appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll or assessor's certificate issued upon the updating of the roll.

The median proportion and the comparative factor of the assessment roll of the new town for the 2002 fiscal year that must appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll or assessor's certificate issued upon the updating of the roll shall be those of the first year of application of the property assessment rolls constituting the property assessment roll of the new town.

The median proportion and the comparative factor of the assessment roll of the new town for the 2003 fiscal year that must appear, where applicable, on any notice of assessment, tax account, notice of alteration or assessor's certificate issued upon the updating of the roll shall be established at 100 and 1 respectively.

The first three-year property assessment roll of the new town shall be drawn up, in accordance with section 14 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), for the 2004, 2005 and 2006 fiscal years.

28. If, during the first eight years following the year of coming into force of this Order in Council, the new town carries out infrastructure work related to water purification in the territory of the former Ville de Portneuf that was not served and in the territory of the former Paroisse de Notre-Dame-de-Portneuf that was not served, the cost of the work, less any government subsidy pertaining to it or any contribution from the sector benefiting from it, shall be charged to the taxable immovables in the sector made up of the territory of that former municipality on which the work is carried out.

29. Any debt or gain that may result from legal proceedings in respect of an act performed by a former municipality before the coming into force of this Order in Council, including any increase in the insurance premium related to one of those acts, shall be charged to or used for the benefit of all the taxable immovables in the sector made up of the territory of that former municipality.

30. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new town to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the entire territory of the new town, provided that such by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the entire territory of the new town.

31. In accordance with the Order in Council respecting the amendment of the agreement relating to the municipal court of Ville de Donnacona that will be adopted under the Act respecting municipal courts (R.S.Q., c. C-72.01), the court of Ville de Donnacona shall have jurisdiction over the territory of the new town.

32. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## SCHEDULE A

### OFFICIAL DESCRIPTION OF THE TERRITORIAL BOUNDARIES OF THE NEW VILLE DE PORTNEUF IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE PORTNEUF

The territory of the new Ville de Portneuf, in Municipalité régionale de comté de Portneuf, following the amalgamation of Paroisse de Notre-Dame-de-Portneuf and Ville de Portneuf, comprises all the lots and blocks of the cadastre of Paroisse de Notre-Dame-de-Portneuf, an undivided part of the cadastre of Seigneurie de Perthuis, the travelways, hydrographic and topographic entities, built-up sites or parts thereof within the two following perimeters:

#### First perimeter

Starting at the meeting point of the centre line of Rivière Noire with the dividing line between the cadastre of Seigneurie de Perthuis and the cadastre of Canton de Colbert and following, successively, the following lines and demarcations: southeasterly, part of the dividing line between the cadastre of Seigneurie de Perthuis and the cadastres of Canton de Colbert and Paroisse de Saint-Raymond to the dividing line between Rang 5 Canton de Colbert and Rang C Canton de Colbert of the cadastre of Paroisse de Saint-Raymond; southwesterly, a straight line crossing Seigneurie de Perthuis to the apex of the eastern angle of Canton de Montauban, which apex also corresponds to the apex of the northern angle of Canton d'Alton; northwesterly, part of the dividing line between the cadastres of Seigneurie de Perthuis and Paroisse de Notre-Dame-des-Anges, across Rivière Noire that it meets, to the centre line of Lac Montauban; finally, in a general northeasterly direction, successively, the centre line of the said lake to its meeting point with the extension of the centre line of Rivière Noire, the said extension then the centre line of the said river, upstream and skirting to the left the islands nearest to the left bank and to the right the islands nearest to the right bank, to the starting point.

#### Second perimeter

Starting from the apex of the northern angle of Lot 534 of the cadastre of Paroisse de Notre-Dame-de-Portneuf and following, successively, the following lines and demarcations: southeasterly, part of the broken dividing line between the cadastres of the parishes of Notre-Dame-de-Portneuf and Saint-Basile, along the northern



limit of the right-of-way of Chemin Rang Saint-Eustache and passing through the centre line of Rivière Portneuf, then the extension of the last section of that broken line to the centre line of the public road dividing the cadastres of the parishes of Notre-Dame-de-Portneuf and Cap-Santé; in a general southwesterly direction, the centre line of the said road to its meeting point with the extension of the northeastern line of Lot 1 of the cadastre of Paroisse de Notre-Dame-de-Portneuf; in reference to that cadastre, southeasterly, the said extension, the northeastern line of the said lot, crossing Autoroute Félix-Leclerc, Route 138 and a railway right-of-way (Lot 659) it meets, then the extension of that line to the centre line of the St. Lawrence River; in a general southwesterly direction, the centre line of the river to its meeting point with the extension of the dividing line between the cadastres of the parishes of Notre-Dame-de-Portneuf and Deschambault; in a general northwesterly direction, the said extension and part of the broken dividing line between the cadastre of Paroisse de Notre-Dame-de-Portneuf and the cadastres of the parishes of Deschambault and Saint-Alban-d'Alton to the apex of the western angle of Lot 388 of the cadastre of Paroisse de Notre-Dame-de-Portneuf, that line crossing a railway right-of-way (Lot 659), Route 138, Autoroute Félix-Leclerc as well as other railway rights-of-way (lots 657 and 658) it meets; finally, in a general northeasterly direction, the broken line limiting to the northwest lots 388, 435, 465, 487 and 534 of the said cadastre, passing through the centre line between Route d'Irlande (shown in the original), Chemin Rang de la Chapelle (shown in the original) and the range lines it meets, to the starting point.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Québec, 11 April 2002

Prepared by: JEAN-FRANÇOIS BOUCHER,  
*Land surveyor*

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## SCHEDULE B

### DIVISION INTO ELECTORAL DISTRICTS

The territory of Ville de Portneuf made up of the sectors made up of the territories of the former municipalities of Paroisse de Notre-Dame-de-Portneuf and Ville de Portneuf shall be divided into six electoral districts as described and delimited hereinafter;

#### **Electoral District 1**

(Approximately 370 voters)

The electoral district comprises the majority of voters in the western part of the former Ville de Portneuf. It is bounded on the west by the municipal boundaries of Deschambault, on the north by Autoroute 40, on the east by the western section of Rue Provencher (uneven civic numbers) from the overpass of Autoroute 40 to the river. It is bounded on the south by the St. Lawrence River.

#### **Electoral District 2**

(Approximately 380 voters)

The electoral district comprises the majority of voters in the centre part of the former Ville de Portneuf. It is bounded on the far north by the intersection of Rue Notre-Dame and Rue Provencher, on the east by Rue Provencher (even civic numbers) and extends to Rue Lemay and Rue de la Grève. It is bounded on the west by Rue Notre-Dame on its entire length (uneven civic numbers).

#### **Electoral District 3**

(Approximately 370 voters)

The electoral district comprises the majority of voters in the eastern part of the former Ville de Portneuf. It is bounded on the north by Rue Du Moulin to the municipal boundaries of the former Ville de Portneuf and extends to Chemin Neuf (Lot 263), on the east by the municipal boundaries of Cap-Santé and on the south by the St. Lawrence River. It is bounded on the west by Rue Notre-Dame (uneven civic numbers) to the bridge on Ire Avenue and meets the eastern bank of Rivière Portneuf.

#### **Electoral District 4**

(Approximately 420 voters)

The electoral district comprises the majority of voters in the western part of the urbanized section of the former Paroisse de Notre-Dame-de-Portneuf. It is bounded on the far south by the intersection of Rue Du Moulin and Rue Notre-Dame of the former Ville de Portneuf, on the east by Rue Du Moulin to the municipal boundaries of the former Ville de Portneuf (Lot 249) and extends through an imaginary line that meets Rue Saint-Jean. It is bounded at the centre by Rue Saint-Jean, Rue Saint-Georges, Rue Saint-Alphonse and Rue Du Boulevard. It is bounded on the southwest by Rue Notre-Dame. An imaginary line is drawn at the intersection of Rue Provencher and Rue Notre-Dame that meets the dividing line between lots 211 and 212, that line goes northerly to the Hydro-Québec right-of-way, and then crosses Avenue Saint-Louis and extends to meet Avenue du Boulevard.

**Electoral District 5**

(Approximately 400 voters)

The electoral district comprises the majority of voters in the eastern part of the urbanized section of the former Paroisse de Notre-Dame-de-Portneuf. It is bounded on the east by Rue Du Boulevard, Rue Saint-Alphonse and Rue Saint-Georges (even civic numbers). An imaginary line is drawn from the railway crossing at Rue Saint-Charles to the municipal boundaries of the former Paroisse de Notre-Dame-de-Portneuf and extends to Rivière Portneuf. That line meets the intersection of Rue Du Moulin and Rue Saint-Charles and extends behind Rue Gauthier and Rue Saint-Germain to end at Rue du Boulevard.

**Electoral District 6**

(Approximately 370 voters)

The electoral district comprises the majority of voters of the rural section of the former Paroisse de Notre-Dame-de-Portneuf. It is bounded on the east by the municipal boundaries of Cap-Santé and Saint-Basile; therein are Rang Saint-Eustache, Rang Saint-Paul, Route Saint-Paul, Route des Pruches, Rue Bishop and Rue Saint-Charles (east of the intersection with Rue Du Moulin). It is bounded on the north by the boundaries of Municipalité de Sainte-Christine-d'Auvergne; therein are Rang de la Chapelle, Rang Saint-Julien, Rang de la Rivière Belisle, Route Saint-Gilbert, Route d'Irlande and Route Julien. It is bounded on the southwest by the right-of-way of Autoroute 40; therein are Rang du Côteau, Rang des Roches and Route du Côteau des roches. The northwestern part of the former Paroisse de Notre-Dame-de-Portneuf comprising the territory without a cadastral survey of part of Seigneurie de Perthuis is added to that district.

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Gouvernement du Québec

**O.C. 795-2002, 26 June 2002**

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Village de Métis-sur-Mer and  
Municipalité des Boules

WHEREAS, under the Act respecting municipal territorial organization (R.S.Q., c. O-9), adjacent local municipalities wishing to amalgamate their territories may apply to the Government to be constituted into a local municipality having jurisdiction over their combined territories by filing a joint application to that effect;

WHEREAS, under section 125.2 of that Act, the Government, by Order in Council 1167-2001 dated 3 October 2001, authorized the Minister of Municipal Affairs and Greater Montréal to require a joint application for the amalgamation of those municipalities;

WHEREAS on 10 October 2001, the Minister required that those municipalities file a joint application and appointed Luc Dumont as conciliator to assist the municipalities;

WHEREAS the municipal councils of Village de Métis-sur-Mer and Municipalité des Boules each adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS it is expedient, under section 108 of the aforementioned Act, to grant the joint application with the amendments proposed by the Minister of Municipal Affairs and Greater Montréal and approved by the council of the applicant municipalities;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT a local municipality resulting from the amalgamation of Village de Métis-sur-Mer and Municipalité des Boules be constituted, on the following conditions:

**CHAPTER I  
CONSTITUTION OF THE TOWN**

1. The name of the new town shall be "Ville de Métis-sur-Mer".

The council of the town shall apply to the Commission de toponymie du Québec to have the place-name "Les Boules" assigned to the sector made up of the territory of the former Municipalité des Boules.

2. The description of the territory of the town shall be the description drawn up by the Minister of Natural Resources on 7 February 2002 appearing as Schedule A.

3. The town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The territory of the town shall be part of the territory of *Municipalité régionale de comté de La Mitis*.

## **CHAPTER II**

### **ORGANIZATION OF THE TOWN**

#### **DIVISION I**

##### **DIVISION OF THE TERRITORY**

5. For the exercise of certain of its fields of jurisdiction, a borough shall be constituted within the territory of the town, under the name of “*Arrondissement Mac Nider*”; that borough corresponds to the territory of the former *Village de Métis-sur-Mer*.

6. The borough shall be deemed recognized in accordance with section 29.1 of the Charter of the French language (R.S.Q., c. C-11). It shall maintain that recognition until, at its request, the recognition is withdrawn by the Government pursuant to section 29.1 of that Charter.

A public servant or an employee of the town carrying out duties or performing work within the attributions of the borough shall be deemed to be a public servant or an employee of that borough for the purposes of sections 20 and 26 of the Charter.

#### **DIVISION II**

##### **TOWN AND BOROUGH COUNCILS**

7. The affairs of the town shall be administered, in accordance with the apportionment of the powers and jurisdiction provided by this Order in Council, by the town council or by the borough council.

8. The borough council shall be, as regards the exercise of its jurisdiction, subject to the rules provided for in the *Cities and Towns Act* in respect of the council of a municipality, in particular the rules relating to the requirements that council meetings be open to the public.

9. For the first two general elections, the borough council shall be composed of the councillors for seats 2, 4 and 6 of the town council.

As of the third general election, the borough council shall be composed of three persons appointed by the municipal council, according to conditions it determines, among the persons eligible to represent the territory constituting the borough.

The chair of the borough shall be designated, by secret ballot, by the members of the borough council. If the members of the borough council are unable to designate the chair at the latest at the first sitting of the

borough council following the general election, the town council may make that designation. As long as the town council has not designated the chair, the members of the borough council may do so.

10. The town council may, on the conditions it determines, provide the borough council with a service that is under the jurisdiction of the borough; the resolution of the town council shall become effective on the date of the adoption by the borough council of a resolution accepting the services.

11. The borough council may, with respect to the borough, submit opinions and make recommendations to the town council on the budget, the establishment of budget priorities, the preparation or amendment of the planning program, amendments to planning by-laws or any other subject submitted to it by the town council.

12. The town council shall fix the annual allotment of the borough according to a formula it determines.

13. The borough council shall be responsible for administering its budget.

## **CHAPTER III**

### **TRANSITIONAL**

#### **DIVISION I**

##### **PROVISIONAL COUNCIL**

14. Until the majority of the candidates elected in the first general election begin their terms, a provisional council formed of all the members of the councils of the former municipalities in office at the time of coming into force of this Order in Council shall administer the town.

An additional vote on the provisional council shall be allotted to the mayor of the former municipality on whose council there is a vacancy at the time of coming into force of this Order in Council, as well as for any seat on the provisional council that subsequently becomes vacant and that had been until that time filled by a member of the council of that former municipality.

If a mayor's seat is vacant, the mayor's votes shall devolve upon the councillor who acted as acting mayor of the municipality in question before the coming into force of this Order in Council unless that councillor's seat is also vacant, in which case the votes shall devolve upon a councillor chosen by and from among the members of the provisional council who were members of the council of the municipality in question.

15. The mayor of Municipalité des Boules and the mayor of Village de Métis-sur-Mer shall act respectively as mayor and acting mayor of the town from the coming into force of this Order in Council until the last day of the month of that coming into force; then they shall alternate each month until the mayor elected in the first general election begins his or her term. Until then, they shall continue to sit on the council of Municipalité régionale de comté de La Mitis and they shall have the same number of votes as they had before the coming into force of this Order in Council. In addition, they shall maintain the qualifications required to act as warden or acting warden, to sit on any committee and carry out any duty on the council of that regional county municipality.

16. A majority of the members of the provisional council in office at any time shall constitute a quorum.

17. The first sitting of the provisional council shall be held in the office of Municipalité des Boules.

18. The members of the provisional council shall continue to receive the same remuneration and expense allowance as they were receiving before the coming into force of this Order in Council and each mayor shall receive the remuneration and expense allowance paid to them as mayors, irrespective of the alternation provided for in section 15.

## **DIVISION II**

### **FIRST GENERAL ELECTIONS**

19. The polling for the first general election shall be held on the first Sunday of the fourth month following the coming into force of this Order in Council, except if that Sunday is the first Sunday of January or February in which case the polling shall be postponed to the first Sunday of March. The second general election shall be held in 2005.

20. For the first two general elections and for any by-election held before the third general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E2.2) if such election were an election of the council members of the former Municipalité des Boules shall be eligible for seats 1, 3 and 5 and only those persons who would be eligible under that Act if such election were an election of the council members of the former Village de Métis-sur-Mer for seats 2, 4 and 6.

For the first two general elections and for any by-election held before the third general election, only those electors entitled to have his or her name entered on the list of electors with regard to the sector made up of the

territory of the former Municipalité des Boules shall take part in the election of the members of the council for seats 1, 3 and 5 and only those electors entitled to have his or her name entered on the list of electors with regard to the sector made up of the territory of the former Village de Métis-sur-Mer shall take part in the election of the members of the council for seats 2, 4 and 6.

## **DIVISION III**

### **FISCAL**

21. If a budget was adopted by a former municipality for the fiscal year during which this Order in Council comes into force

(1) that budget shall remain applicable;

(2) the expenditures and revenues of the town for the remainder of the fiscal year during which this Order in Council comes into force shall continue to be accounted for separately on behalf of the former municipalities as if the amalgamation had not taken place;

(3) an expenditure recognized by the town council as resulting from the amalgamation shall be charged to the budget of each former municipality on the proportion of its standardized property value to the total standardized property values of the former municipalities as they appear in the financial statements of the former municipalities for the fiscal year preceding the fiscal year during which this Order in Council comes into force;

(4) the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), less the expenditures recognized by the council under paragraph 3 and financed by those sums, as well as the sums referred to in paragraph 5, shall be paid to the general fund of the town; and

(5) the additional sums paid to the town under the Programme d'aide financière au regroupement municipal on the basis of the population of the former Municipalité des Boules, and corresponding to \$50 per head over a five-year period for a total of \$19 900, shall constitute a reserve for the benefit of part of the territory of the town that corresponds to the territory of the former Municipalité des Boules and shall be dealt with in accordance with section 22.

22. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used for the benefit of the ratepayers in the sector made up of the territory of that municipality.

23. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted separate budgets shall be charged to all the taxable immovables in the sector made up of the territory of that municipality.

24. The annual payment of the instalments in principal and interest on the loans made by the former Municipalité des Boules, before the coming into force of this Order in Council, under By-law 24 (27) shall be charged to the taxable immovables supplied by the drinking-water services of the town, from the first fiscal year for which a budget was adopted by the town with regard to all its territory. The taxation clause provided for in that by-law shall be amended accordingly.

The annual payment of the instalments in principal and interest on the loans made by the former Village de Métis-sur-Mer, before the coming into force of this Order in Council, under By-law 148 (151) shall be charged to the taxable immovables supplied by the drinking-water services of the town from the first fiscal year for which a budget was adopted by the town with regard to all its territory. The taxation clause provided for in that by-law shall be amended accordingly.

25. For each of the first eight full fiscal years following the coming into force of this Order in Council, a tax credit on the general property tax shall be granted to all the taxable immovables in the sector made up of the territory of the former Village de Métis-sur-Mer, on the basis of their value as it appears on the assessment roll in force each year.

The rate of that credit shall be as follows :

First fiscal year:	\$0.50 per \$100 of assessment;
Second fiscal year:	\$0.40 per \$100 of assessment;
Third fiscal year:	\$0.30 per \$100 of assessment;
Fourth fiscal year:	\$0.20 per \$100 of assessment;
Fifth fiscal year:	\$0.10 per \$100 of assessment;
Sixth fiscal year:	\$0.10 per \$100 of assessment;
Seventh fiscal year:	\$0.10 per \$100 of assessment;
Eighth fiscal year:	\$0.10 per \$100 of assessment.

26. The working fund of Municipalité des Boules and the working fund of Village de Métis-sur-Mer shall be abolished as of the end of the last fiscal year for which the former municipalities adopted separate budgets. The amount of the fund of either municipality not committed on that date shall be added to the surplus accumulated by that municipality and dealt with in accordance with section 22.

27. Any debt or gain that may result from legal proceedings in respect of an act performed by a former municipality shall be charged to or used for the benefit

of all the taxable immovables in the sector made up of the territory of that municipality. In the case of a gain, it shall be dealt with in accordance with section 22. In the case of a debt, it shall be dealt with in accordance with section 23.

28. Within five years following the date of coming into force of this Order in Council, any sum resulting from the sale of firefighting equipment of a former municipality shall be dealt with in accordance with section 22.

#### **DIVISION IV PLANNING BY-LAWS**

29. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the town council to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable on its entire territory, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the persons qualified to vote on the territory of the town.

#### **DIVISION V INTERMUNICIPAL AGREEMENTS**

30. The terms and conditions for apportioning the cost of shared services provided for in an intermunicipal agreement in force before the coming into force of this Order in Council apply until the end of the last fiscal year for which separate budgets were adopted. The intermunicipal agreements in question shall be, where applicable, the agreements for services for supplying drinking water, recreational services, snow removal and waste management.

#### **DIVISION VI MUNICIPAL HOUSING BUREAU**

31. A municipal housing bureau is hereby constituted under the name of "Office municipal d'habitation de la Ville de Métis-sur-Mer".

That bureau succeeds the municipal housing bureau of the former Municipalité des Boules which is dissolved. The third and fourth paragraphs of section 58 of

the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) apply to the town housing bureau as though it had been constituted by letters patent under section 57 of that Act.

Until a majority of the candidates elected in the first general election begin their terms, the members of the board of directors of the bureau shall be the members of the housing bureau of Municipalité des Boules.

The bureau shall be administered by a board of directors consisting of seven members. Three members shall be appointed by the town council, two members shall be elected by all the lessees of the bureau, in accordance with the Act respecting the Société d'habitation du Québec, and two members shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socioeconomic groups of the bureau's territory.

The administrators shall elect from among themselves a chair, a vice-chair and any other officer they deem necessary to appoint.

The term of the members of the board of directors is three years and is renewable. The board members shall remain in office until reappointed or replaced even though their terms expire.

A majority of the members in office shall constitute a quorum at meetings.

The administrators may, from the coming into force of this Order in Council,

- (1) borrow money on the credit of the bureau ;
- (2) issue bonds or other securities of the bureau and give them as security or sell them for the prices and amounts deemed appropriate ;
- (3) hypothecate or pledge the present or future immovables or movables of the bureau to ensure the payment of such bonds or other securities, or give only part of that security for those purposes ;
- (4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of security, to ensure the payment of loans contracted other than by the issue of bonds, as well as the payment or execution of any other debt, contract and liability of the bureau ; and

(5) subject to the Act respecting the Société d'habitation du Québec, the by-laws made under that Act and the directives issued by the Société, adopt any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureau that has been dissolved shall become, without reduction in salary, employees of the bureau and shall retain their seniority and fringe benefits.

#### **DIVISION VII** **SECRETARY-TREASURER**

32. Yolande Marcheterre, secretary-treasurer of Municipalité des Boules, shall act as secretary-treasurer of the town.

#### **CHAPTER IV** **FINAL**

33. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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#### **SCHEDULE A**

##### **OFFICIAL DESCRIPTION OF THE TERRITORIAL BOUNDARIES OF VILLE DE MÉTIS-SUR-MER IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LA MITIS**

The territory of Ville de Métis-sur-Mer, in Municipalité régionale de comté de La Mitis, following the amalgamation of Municipalité des Boules and Village de Métis-sur-Mer, comprises all the lots of the cadastres of the parishes of Notre-Dame-de-L'Assomption-de-MacNider and Saint-Octave-de-Métis, the travelways, hydrographic and topographic entities, built-up sites or parts thereof within the perimeter starting at the meeting point of the centre line of the St. Lawrence River with the extension of the northeastern line of Lot 88 of the cadastre of Paroisse de Notre-Dame-de-L'Assomption-de-MacNider and then, successively, the following lines and demarcations: in reference to that cadastre, southeasterly, the said extension and the line bordering to the northeast lots 88 and 127, that line crossing Route 132 and the railway right-of-way (Lot 756) that it meets; northeasterly, part of the dividing line between ranges 3 and 2 to

the apex of the northern angle of Lot 285; southeasterly, the northeast line of the said lot; northeasterly, part of the dividing line between ranges 4 and 3 to the apex of the northern angle of Lot 444; southeasterly, the northeast line of the said lot; northeasterly, part of the dividing line between ranges 5 and 4 to the apex of the northern angle of Lot 582; southeasterly, the northeast line of the said lot; southwesterly, part of the dividing line between ranges 6 and 5 to the dividing line between the cadastres of the parishes of Notre-Dame-de-L'Assomption-de-MacNider and Saint-Octave-de-Métis; northwesterly, part of that last line to the dividing line between ranges 4 and 5 of Seigneurie de Métis and the cadastre of Paroisse de Saint-Octave-de-Métis; in reference to that cadastre and Seigneurie de Métis, southwesterly, part of the dividing line between the said ranges to the apex of the southern angle of Lot 655; northwesterly, the southwest line of the said lot; northeasterly, part of the dividing line between ranges 4 and 3 to the apex of the southern angle of Lot 383; northwesterly, the line bordering to the southwest lots 383, 384, 303 and 303A, that line crossing Chemin du 3<sup>e</sup> Rang, the railway right-of-way (Lot 759) and Chemin du Rang des Écossais that it meets; southwesterly, part of the southeast line of Lot 1 to the apex of its southern angle; northwesterly, the line bordering to the southwest lots 1, 12, 17, 18, 24, 25 and 28 to the apex of the northern angle of Lot 289; southwesterly, the line bordering to the southeast lots 28, 64, 66 to 69, 74 to 84 and 87; northwesterly, the line bordering to the southwest lots 87 and 86 crossing Route 132 and Chemin Leggatt that it meets; in the St. Lawrence River, northwesterly, a straight line parallel to the southwest line of the cadastre of Paroisse de Notre-Dame-de-L'Assomption-de-MacNider to the centre line of the river; finally, in a general northeasterly direction, the centre line of the river to the starting point.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Québec, 7 February 2002

Prepared by: JEAN-FRANÇOIS BOUCHER,  
*Land surveyor*

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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