

Municipal Affairs

Gouvernement du Québec

O.C. 1653-95, 20 December 1995

Amalgamation of the Village de Sainte-Félicité and the Paroisse de Sainte-Félicité

WHEREAS each of the municipal councils of the Village de Sainte-Félicité and the Paroisse de Sainte-Félicité 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;

WHEREAS objections were sent to the Minister of Municipal Affairs, and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

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

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

THAT the application be granted and that a local municipality be constituted through the amalgamation of the Village de Sainte-Félicité and the Paroisse de Sainte-Félicité, under the following conditions:

(1) The name of the new municipality is "Municipalité de Sainte-Félicité".

(2) The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 26 May 1995; that description is attached as Schedule A to this Order in Council.

(3) The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

(4) The new municipality will be part of the Municipalité régionale de comté de Matane.

(5) A provisional council will remain in office until the first general election. It will be composed of all the

members of the two councils existing at the time of the coming into force of this Order in Council. The quorum will be half the members holding office, plus one. The two mayors will alternate as mayor of the provisional council for equal periods. A drawing of lots at the first meeting of the provisional council will determine which of the two mayors will serve as mayor first.

(6) The first general election will be held on the first Sunday of the fourth month following the month of the coming into force of this Order in Council. If that date falls on the first Sunday in January, July or August, the first general election shall be postponed until the first Sunday of the following month. The second general election will be held on the first Sunday in November, 1999.

(7) The council of the new municipality will be composed of 7 members, that is, a mayor and 6 councillors. From the first general election, the councillors' seats will be numbered from 1 to 6.

For the first 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 Village de Sainte-Félicité, will be eligible for seats 1, 2 and 3, and only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Paroisse de Sainte-Félicité, will be eligible for seats 4, 5 and 6.

(8) The resolutions adopted by the former municipalities relative to section 45 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, c. 37) will continue to apply to the new municipality as if it had adopted them.

(9) Mrs. Denise Banville-Otis, secretary-treasurer of the former Paroisse de Sainte-Félicité, will act as assistant secretary-treasurer until the council formed by persons elected in the first general election decides otherwise in accordance with the Act.

(10) Any budget adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force will continue to be applied by the council of the new municipality, and the expenditures and revenues will have to be accounted for separately as if those municipalities had continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation will be charged to the budgets of each of the former municipalities in proportion to their standardized real estate values, established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Order in Council 719-94 dated 18 May 1994), as appearing in the financial reports of those municipalities for the last fiscal year ended before the coming into force of this Order in Council.

The terms and conditions for apportioning the cost of the joint services provided for in the intermunicipal agreements in force before the coming into force of this Order in Council will continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

(11) The working capitals of the former Village de Sainte-Félicité and of the former Paroisse de Sainte-Félicité will be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. The amounts of those working capitals that are not committed at that date will be added to the surplus accumulated on behalf of each of the respective former municipalities and will be treated in accordance with the provisions of section 12.

(12) Once the operation provided for in section 11 has been carried out, any surplus accumulated on behalf of each of the former municipalities at the end of the last fiscal year for which the former municipalities adopted separate budgets will be used in the following manner:

— an amount of \$10 000 will be used to create the working capital of the new municipality; each of the former municipalities will make an equal contribution, that is, \$5 000 each, for the creation of that working capital. If the amount of the surplus accumulated on behalf of one of those municipalities is insufficient to allow the payment of such contribution, a special property tax will be imposed on all the taxable immovables of the sector formed of the territory of that former municipality, on the basis of their value as it appears on the assessment roll in force each year, to cover the difference.

(13) Once the operation provided for in section 12 has been carried out, should funds continue to be available in the surplus accumulated on behalf of the former municipalities, the new municipality will pay a maximum amount of \$10 000 in its general fund in accordance with the following terms and conditions:

(a) an amount of \$5 000 will come from the balance of the surplus accumulated on behalf of the former Village de Sainte-Félicité;

(b) an amount of \$5 000 will come from the balance of the surplus accumulated on behalf of the former Paroisse de Sainte-Félicité.

If the balance of either surplus accumulated is under \$5 000, the new municipality will take from each balance an amount equal to the lowest balance.

(14) If, after the operation provided for in section 13, funds remain available in the surplus accumulated on behalf of a former municipality, those funds will continue to be available for the benefit of the ratepayers of the sector formed of the territory of the former municipality on whose behalf the surplus was accumulated. The funds may be used for the carrying out of public works in the sector formed of the territory of that former municipality.

(15) Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted a separate budget will remain charged to all the taxable immovables in the sector formed of the territory of that former municipality.

(16) Until such time as the municipal council decides otherwise in accordance with the Act, the balance in principal and interest on loan by-laws 22, 23, 51 and 132 adopted by the former Village de Sainte-Félicité will be charged to the taxable immovables of the sector of the new municipality which, at the time of the coming into force of this Order in Council, is served by the waterworks and sewer system and will be reimbursed by means of the compensatory tariff that the new municipality will adopt each year. The taxation clauses provided for in those by-laws are amended accordingly.

(17) The balance in principal and interest on loan by-laws 87 and 114 adopted by the former Village de Sainte-Félicité will be charged to all the taxable immovables of the new municipality. To that end, a special tax will be imposed and levied on all the taxable immovables of the territory of the new municipality on the basis of their value as it appears on the assessment roll in force each year. The taxation clauses provided for in those by-laws are amended accordingly.

(18) The balance in principal and interest on loan by-law 125 adopted by the former Village de Sainte-Félicité will remain charged to all the taxable immovables of the sector formed of the territory of that former municipality.

(19) A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de Sainte-Félicité".

That municipal bureau shall replace the Office municipal d'habitation de Sainte-Félicité. 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 municipal housing bureau of the new Municipalité de Sainte-Félicité as if it had been incorporated by letters patent under section 57 of that Act.

The members of the bureau are the members of the former Office municipal d'habitation de Sainte-Félicité.

(20) Any debt or gain that may result from legal proceedings for any act performed by a former municipality will continue to be charged or credited to all the taxable immovables of the sector formed of the territory of that former municipality.

(21) The new municipality shall have the rights, obligations and responsibilities of the former municipalities. It shall become, without continuance of suit, a party to any proceeding in lieu of those former municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities shall remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, and insofar as they are compatible with this Order in Council.

(22) All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

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

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

"SCHEDULE A"

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE SAINTE-FÉLICITÉ, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE MATANE

The current territory of the Paroisse and of the Village de Sainte-Félicité, in the Municipalité régionale de comté de Matane, comprising, in reference to the cadastre

of the Paroisse de Sainte-Félicité, the lots or parts of lots and their present and future subdivisions, as well as the roads, highways, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the right bank of the St. Lawrence River (high water mark) and the line dividing lots 213 and 214 of the cadastre of the paroisse de Sainte-Félicité; thence, successively, the following lines and demarcations: in reference to the cadastre of the said parish, the line dividing lots 213 and 214, that line extended across the public road that it meets; southwesterly, part of the line dividing ranges 1 and 2 of the canton de Cherbourg; the line dividing lots 232 and 233; southwesterly, part of the line dividing ranges 2 and 3 of the canton de Cherbourg; the line dividing lots 471 and 472; southwesterly, part of the line dividing ranges 3 and 4 of the canton de Cherbourg; the line dividing lots 491 and 620 from lots 492 and 619; southwesterly, part of the line dividing the cadastres of the canton de Cherbourg and of the paroisse de Sainte-Félicité; northwesterly, part of the line dividing the townships of Cherbourg and Saint-Denis; in reference to the cadastre of the paroisse de Sainte-Félicité, southwesterly, the line dividing ranges 5 and 6 of the canton de Saint-Denis; the line dividing lots 395 and 394; southwesterly, part of the line dividing the seigneurie de Matane from the canton de Saint-Denis, that line extended across the lake that it meets; the centre line of lot 131; northerly, a line to a point located on the line dividing lots 65 and 66 to the northwest at a distance of 117 metres from the line dividing claims 3 and 4 of the seigneurie de Matane, a distance measured along the said line dividing the lots; part of the said line dividing lots 65 and 66 and part of the northwest line of lots 66 to 72 northeasterly; the line dividing lot 47 from lots 48 and 49, that line extended across the public road that it meets; southwesterly, part of the line dividing claims 1 and 2 of the seigneurie de Matane; the line dividing lots 10 and 11, that line extended across the public road that it meets, to the right bank of the St. Lawrence River (high water mark); finally, the said bank of the river upstream to the starting point; the said limits define the territory of the Municipalité de Sainte-Félicité.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 26 May 1995

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