

Municipal Affairs

Gouvernement du Québec

O.C. 258-97, 5 March 1997

Amendment to the letters patent establishing the Municipalité régionale de comté d'Antoine-Labelle

WHEREAS under section 166 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the Government established, by letters patent, the Municipalité régionale de comté d'Antoine-Labelle on 1 January 1983;

WHEREAS the process for the constitution of a regional county municipality was amended on 17 December 1993 by inserting into the Act respecting municipal territorial organization (R.S.Q., c. O-9) sections 210.30 to 210.42, which provide that henceforth the Government itself may, by order, constitute a regional county municipality;

WHEREAS under section 109 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (1993, c. 65), every regional county municipality constituted before 17 December 1993 under section 166 of the Act respecting land use planning and development shall continue to exist in accordance with the provisions of its letters patent, as if it had been constituted under section 210.30 of the Act respecting municipal territorial organization enacted by section 71 of that Act;

WHEREAS under the same provision, the letters patent of such a regional county municipality constituted before 17 December 1993 shall be regarded as its constituting order;

WHEREAS the Government may, by order, amend the letters patent of the Municipalité régionale de comté d'Antoine-Labelle;

WHEREAS an application for an amendment to those letters patent was submitted by the council of that regional county municipality;

WHEREAS it is expedient to amend the letters patent of the Municipalité régionale de comté d'Antoine-Labelle;

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

THAT the letters patent establishing the Municipalité régionale de comté d'Antoine-Labelle be amended by substituting the following for the third and fourth paragraphs of the operative part:

“The number of votes of the representative of a municipality on the council of the Municipalité régionale de comté d'Antoine-Labelle shall be determined according to the following formula:

- from 0 to 1 500 inhabitants: 1 vote;
- from 1 501 to 3 000 inhabitants: 2 votes.

The representative of any municipality having a population greater than 3 000 inhabitants shall also have one additional vote per 1 500 inhabitants in his municipality, by making the necessary adjustments in the formula established in the preceding paragraph; in addition, a veto shall be granted to the representative of Ville de Mont-Laurier.”.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

1302

Gouvernement du Québec

O.C. 259-97, 5 March 1997

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

Amalgamation of the Village de Sainte-Clotilde-de-Horton, the Paroisse de Sainte-Clothilde-de-Horton and the Municipalité de Saint-Jacques-de-Horton

WHEREAS each of the municipal councils of the Village de Sainte-Clotilde-de-Horton, the Paroisse de Sainte-Clothilde-de-Horton and the Municipalité de Saint-Jacques-de-Horton has 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 3 municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application has been sent to the Minister of Municipal Affairs;

WHEREAS no objections have been 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 the Commission de toponymie recommends that the spelling of the name of the local municipality proposed in the joint application be corrected in order that the name "Clothilde" be written "Clotilde";

WHEREAS the municipalities concerned accept that spelling correction;

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

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-Clotilde-de-Horton, the Paroisse de Sainte-Clothilde-de-Horton and the Municipalité de Saint-Jacques-de-Horton, under the following conditions:

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

(2) The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 29 October 1996; that description is attached as a schedule 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 d'Arthabaska.

(5) A provisional council will remain in office until the first general election. It will be composed of 9 members, with the mayor and 2 councillors representing each municipality. Should a mayor be unable to sit on the provisional council, he will be replaced by the acting mayor. The representatives of each municipality will be selected by a drawing of lots among all the councillors in office at the time of the coming into force of this Order in Council. The quorum will be 5 members. The current mayors will alternate as mayor and acting mayor of the provisional council for 3 equal periods. The mayor of the Paroisse de Sainte-Clothilde-de-Horton will serve

as mayor for the first period, followed by the mayor of the Village de Sainte-Clotilde-de-Horton, for the second period, and then the mayor of the Municipalité de Saint-Jacques-de-Horton, for the third period. The mayors of the Village de Sainte-Clotilde-de-Horton, the Municipalité de Saint-Jacques-de-Horton and the Paroisse de Sainte-Clothilde-de-Horton will serve successively as acting mayor for the 3 periods.

For the duration of the term of the provisional council, all the council members in office in the 3 councils at the time of the coming into force of this Order in Council will continue to receive the same remuneration they were receiving prior to the coming into force of this Order in Council, whether or not they are selected to sit on the provisional council.

(6) The first meeting of the provisional council will be held on the second juridical Monday following the coming into force of this Order in Council; it will be held at 8:00 p.m., at the Centre communautaire de Sainte-Clotilde-de-Horton.

(7) 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, the first general election will be postponed until the first Sunday in February.

(8) 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.

(9) The second general election will be held on the first Sunday in November 2001.

(10) For the first and second general elections, 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 Village de Sainte-Clotilde-de-Horton, will be eligible for seats 1 and 4; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the Municipalité de Saint-Jacques-de-Horton, will be eligible for seats 2 and 5; and only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the Paroisse de Sainte-Clothilde-de-Horton, will be eligible for seats 3 and 6.

(11) Mr. Roger Boissonneault, secretary-treasurer of the Village de Sainte-Clotilde-de-Horton and Mr. Jean-Paul Fleurant, secretary treasurer of the Municipalité de

Saint-Jacques-de-Horton, will act as assistant secretary-treasurers of the new municipality until the council, made up of the persons elected at the first general election, decides otherwise.

(12) Any budgets adopted by 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 be accounted for separately as if those municipalities 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 and 502-95 dated 12 April 1995), as appearing in their financial reports for the fiscal year ending prior to the coming into force of this Order in Council.

(13) The terms and conditions for apportioning the cost of the joint services provided for in the intermunicipal agreements in force prior to 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.

(14) The working capital of the former Paroisse de Sainte-Clothilde-de-Horton will be abolished at the end of the last fiscal year for which it adopted a separate budget. The amount of the working capital that is not committed at that date will be added to the surplus accumulated on behalf of that former municipality and will be used in accordance with the provisions of sections 15 and 16.

(15) A working capital is constituted for the new municipality and all or a part of the surplus, including the amounts reserved, accumulated on behalf of a former municipality at the end of the last fiscal year for which the new municipality applies separate budgets, will be paid into it.

The amount of the working capital will be determined as follows:

1. the amount of the surplus accumulated on behalf of a former municipality that is paid into the working capital must correspond to the proportion obtained by dividing its standardized real estate value within the meaning of section 261.1 of the Act respecting municipal taxation, as it appears at the date of the deposit of the last triennial roll of the former municipalities, by the total standardized real estate value of the new municipality, at that same date.

2. the amount of the accumulated surplus paid by each of the former municipalities into the working capital of the new municipality will be equal to the maximum amount that may be paid according to the proportion established under the preceding paragraph up to an amount of \$50 000.

(16) Once the operation provided for in section 15 has been carried out, the balance of the surplus, if any, 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:

— the balance of the surplus accumulated on behalf of the former Paroisse de Sainte-Clothilde-de-Horton and the balance accumulated on behalf of the former Municipalité de Saint-Jacques-de-Horton will be used exclusively for maintenance work and road repairs in the respective sectors made up of the territory of those former municipalities.

— the balance of the surplus accumulated on behalf of the former Village de Sainte-Clothilde-de-Horton will be used to reduce the special taxes provided for in sections 9 and 10 of loan by-law No. 27 as amended by by-law No. 85. Up to the amount of the total of the surplus and of the amount of the taxes, it will be used in the following order:

(a) to reduce the special tax levied on all of the territory of the former municipality by section 9 for the 1998 fiscal year;

(b) to reduce the special tax levied by section 9 for the 1997 fiscal year;

(c) to reduce the special sector tax levied by section 10 for the 1998 fiscal year;

(d) where an unused balance remains, for the realization of work carried out in the sector made up of the territory of that former municipality.

(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 will continue to be charged to all the taxable immovables located in the sector made up of the territory of that former municipality.

(18) The balance in principal and interest on all the loan by-laws adopted by a former municipality will continue to be charged to the taxable immovables located in the sector made up of the territory of that former municipality in accordance with the taxation clauses

provided for in those by-laws. The new municipality may amend the taxation clauses provided for in those by-laws in accordance with the law; notwithstanding the foregoing, such amendments may affect only the taxable immovables located in the sector made up of the territory of the former municipality that made the by-law.

(19) For the first 9 complete fiscal years following the coming into force of this Order in Council, the costs for operating the water supply and sewer system for servicing the school, the community centre, the church and the rectory will be charged to all the taxable immovables of the new municipality.

(20) Any subsidy granted for local roads by the Gouvernement du Québec or by one of its departments, for the first 2 years following the coming into force of this Order in Council, for the sector made up of the territory of any one of the former municipalities will be used solely for works on the road network of that sector. The subsidy paid for the sector made up of the territory of the former Municipalité de Saint-Jacques-de-Horton will be used, in first order of priority, for repairing the road of range No. 10.

(21) 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 in the sector made up of the territory of that former municipality.

(22) The Régie intermunicipale des loisirs de Horton will cease to exist from the coming into force of this Order in Council.

(23) The new municipality will succeed to the rights, obligations and responsibilities of the former municipalities and of the Régie intermunicipale des loisirs de Horton. It will become, without continuance of suit, a party to any proceeding in place of those former municipalities and the Régie.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities will 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.

(24) All the movable and immovable property belonging to each of the former municipalities and to the Régie intermunicipale des loisirs de Horton become the property of the new municipality.

(25) 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

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE SAINTE-CLOTHILDE-DE-HORTON, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ARTHABASKA

The current territory of the Municipalité de Saint-Jacques-de-Horton, the Paroisse de Sainte-Clothilde-de-Horton and the Village de Sainte-Clotilde-de-Horton, in the Municipalité régionale de comté d'Arthabaska, comprising, in reference to the cadastres of the Canton de Horton, Canton de Simpson and Canton de Warwick, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the extension of the northwest line of lot 1 of the cadastre of the Canton de Horton and of the centre line of rivière Nicolet; thence, successively, the following lines and demarcations: the centre line of the said river upstream to its point of intersection with the centre line of rivière Bulstrode; the centre line of the said river upstream to its point of intersection with the extension of the line dividing ranges 2 and 3 of the cadastre of the Canton de Horton; in reference to the cadastre of that township, the said extension, part of the said line dividing the ranges and the northwest side of the right of way of the public road partially limiting lot 100 on the northwest to the extension of the northeast line of lot 96; the said extension and the northeast line of lots 96 to 99; southwesterly, part of the line dividing ranges 3 and 4 to the northeast line of lots 156 and 157; the northeast line of the said lots and its extension to the southeast side of the right of way of the public road located on the line dividing ranges 4 and 5; northeasterly, the southeast side of the said right of way to the northeast line of lot 239; the northeast and east lines of lot 239; the north line of lots 239, 279, 280 and 281; part of the line dividing the Canton de Horton and the Canton de Warwick up to the northeast line of lot 1091 of the cadastre of the Canton de Warwick; in reference to the cadastre of the said township, the northeast line of the said lot 1091; southwesterly, part of the line dividing ranges 10 and 11 to the northeast line of lot 1061, that line extended across route number 122 and rivière Nicolet that it meets; the northeast line of lots 1061 and 1062; the southeast line of lots 1062, 1063, 1066, 1067, 1070 and 1071, that southeast line extended across the public road and rivière à Pat that it meets; northwesterly, part of the line dividing the Canton de Warwick and the

Canton de Simpson to the southeast line of lot 19C of range 12 of the cadastre of the Canton de Simpson; in reference to that cadastre, the said southeast line of lot 19C, that southeast line extended across the public roads and rivière à Pat that it meets; the southeast line of lot 19 of range 11; part of the line dividing ranges 10 and 11 to the apex of the eastern angle of lot 19D of range 10; the southeast line of lot 19D of range 10; part of the line dividing ranges 9 and 10 to the apex of the eastern angle of lot 19 of range 9; the southeast line of the said lot, that southeast line extended across rivière Nicolet Sud-Ouest that it meets; northwesterly, part of the line dividing ranges 8 and 9, to the northwest line of lot 13 of range 9; the said northwest line of lot 13; northwesterly, part of the line dividing ranges 9 and 10 to the northwest line of lot 7 of range 10; the said northwest line of lot 7; southeasterly, part of the line dividing ranges 10 and 11 to the northwest line of lot 7A of range 11; the said northwest line of lot 7A, that northwest line extended across rivière Nicolet Sud-Ouest that it meets; the northwest line of lot 7A of range 12, that northwest line extended across the public road and route number 122 that it meets; northwesterly, part of the line dividing the Canton de Simpson and the Canton de Horton to the northwest line of lot 35 of the latter cadastre; in reference to the cadastre of the Canton de Horton, part of the said northwest line of lot 35 to the southeasterly extension of the southwest line of lot 3; northwesterly, the said extension, the southwest line of lot 3 and its extension to the apex of the southern angle of lot 4; the southwest line of lots 4 and 5; finally, northeasterly, part of the line dividing the Canton de Horton and the Canton de Wendover to the starting point, that line extended across the public road that it meets; the said limits define the territory of the Municipalité de Sainte-Clothilde-de-Horton.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 29 October 1996

Prepared by: PIERRE BÉGIN,
Land Surveyor

C-269/1

1303

Gouvernement du Québec

O.C. 300-97, 12 March 1997

Amalgamation of the Village d'Aston-Jonction and the Partie sud de la Paroisse de Saint-Raphaël

WHEREAS each of the municipal councils of the Village d'Aston-Jonction and the Partie sud de la Paroisse de Saint-Raphaël has 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 has been sent to the Minister of Municipal Affairs;

WHEREAS no objections have been 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 d'Aston-Jonction and the Partie sud de la Paroisse de Saint-Raphaël, under the following conditions:

(1) The name of the new municipality is "Municipalité d'Aston-Jonction".

(2) The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 10 January 1997; that description is attached as a schedule 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 Nicolet-Yamaska.

(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