

Municipal Affairs

Gouvernement du Québec

O.C. 976-97, 6 August 1997

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

Amalgamation of the municipalities of Paspébiac and Paspébiac-Ouest

WHEREAS each of the municipal councils of the municipalities of Paspébiac and Paspébiac-Ouest 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 2 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 municipalities of Paspébiac and Paspébiac-Ouest, on the following conditions:

1. The name of the new municipality is “Municipalité de Paspébiac”.

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 27 March 1997 and attached 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 Bonaventure.

5. A provisional council will remain in office until the first general election. It will be composed of all the members of the 2 councils existing at the time of the coming into force of this Order in Council. The quorum will be 8 members. The 2 current mayors will alternate as mayor and acting mayor of the provisional council for equal periods.

The mayor of the former Municipalité de Paspébiac will serve as mayor of the provisional council for the first period, and the mayor of the former Municipalité de Paspébiac-Ouest will serve as mayor of the new municipality for the second period.

For the duration of the term of the provisional council, the elected municipal officers will continue to receive the same remuneration the members of the council of the former Municipalité de Paspébiac were receiving on the date of the coming into force of this Order in Council.

If a position is vacant upon the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote per vacant position shall be allotted to the mayor of the former municipality of origin of the council member whose position has become vacant.

6. The first general election will be held on the first Sunday in November 1997. The second general election will be held on the first Sunday in November 2001.

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.

Within 24 months of the coming into force of this Order in Council, the council of the new municipality shall analyze the pros and cons of dividing the territory of the new municipality in electoral districts. The council shall then decide whether to divide the territory of the new municipality in electoral districts for the purposes of the second general election in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2).

7. Ms. Céline Poirier Berthelot will act as assistant secretary-treasurer of the new municipality until the council composed of the persons elected at the first general election decides otherwise in accordance with the law.

8. 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 have to 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 Orders in Council 719-94 dated 18 May 1994 and 502-95 dated 12 April 1995), as appearing in the financial reports of those former municipalities for the last fiscal year ending prior to the fiscal year during which they adopted separate budgets.

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.

9. A working capital of \$200 000 shall be constituted for the new municipality, taken from the surplus accumulated on behalf of each of the former municipalities at the end of the last fiscal year for which separate budgets were applied.

A percentage of 86.5 % of the \$200 000 amount shall come from the surplus accumulated on behalf of the former Municipalité de Paspébiac and 13.5 % from the surplus accumulated on behalf of the former Municipalité de Paspébiac-Ouest.

If the surplus accumulated on behalf of a former municipality is insufficient, the new municipality shall, for the purpose of paying the balance, impose a special tax on the taxable immovables in the sector made up of the territory of that former municipality, on the basis of their value as it appears on the assessment roll in force each year.

10. Once the operation provided for in section 9 has been carried out, the balance of the surplus, if any, accumulated on behalf of a former municipality shall be used for the benefit of the ratepayers in the sector of the territory of the former municipality that accumulated it; it may be allocated to the carrying out of public works in that sector, to tax reductions applicable to all the taxable immovables located in that sector or to the repaying of debts chargeable to it.

11. 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 territory of that former municipality.

12. The taxes imposed under a loan by-law of either former municipality and that were charged to all the taxable immovables in the territory of that former municipality shall become chargeable to all the taxable immovables of the new municipality.

The taxation clauses in those by-laws shall be amended accordingly.

13. The amounts due to the Société québécoise d'assainissement des eaux under agreements entered into by the Gouvernement du Québec and each of the former municipalities shall become chargeable to all the taxable immovables of the new municipality.

Therefore, a special tax shall be imposed and levied on all the taxable immovables of the new territory on the basis of their value as it appears on the assessment roll in force each year.

14. 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.

15. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Municipalité de Paspébiac".

That municipal bureau shall replace the municipal housing bureaus of the former Municipalité de Paspébiac and of the former Municipalité de Paspébiac-Ouest, 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 municipal housing bureau of the new municipality as if it had been incorporated by letters patent under section 57 of that Act.

The members of the Office shall be the members of the municipal housing bureaus of the former municipalities. Notwithstanding the foregoing, unless supplementary letters patent are issued under subsection 5 of section 57 of the Act respecting the Société d'habitation du Québec, the number of members of the Office, from the first general election held in the new municipality, shall be 7, including 3 representatives appointed by the municipal council, 2 representatives appointed by tenants and 2 representatives from socio-economic groups ap-

pointed by the Minister responsible for the administration of the Act respecting the Société d'habitation du Québec.

16. 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 place 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.

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

18. 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 NEW MUNICIPALITÉ DE PASPÉBIAC, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE BONAVENTURE

The current territory of the municipalities of Paspébiac and Paspébiac-Ouest, in the Municipalité régionale de comté de Bonaventure, comprising, in reference to the cadastre of the Canton de Cox, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, railway rights of way, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northeastern angle of the cadastre of the Canton de Cox; thence, successively, the following lines and demarcations: the line dividing the townships of Cox and Hope southerly to the north shore of Baie des Chaleurs (high water mark); westerly, the said north shore, along the high water mark of the lagoon to the extension across the railway right of way (lot 2446) of the line dividing lots 115-3 and 116-4; the said extension and the said line dividing the lots; the line dividing lots 115-2 and 116-3 (route No. 132); the line dividing lots 115-1 and 116-2-1; part of the line dividing rang 1 Est of New-Carlisle and rang 2 Est of New-Carlisle easterly to the line dividing lots 572 and 571; a broken line dividing lots 571 and 761 and lots 572 and 760 to its northern end, which is a point on the south shore of lac Noir, that

line extended across route Cooke that it meets; a straight line joining the northern end of the preceding line to the southern end of the line dividing lots 1051 and 1052, being a point on the north shore of lac Noir; the said line dividing the lots; the line dividing lots 1051 and 1114; part of the line dividing rang 1 Ouest of Paspébiac and rang 2 Ouest of Paspébiac in an easterly direction to the line dividing lots 1220 and 1221; a broken line separating lots 1221, 1320, 1392, 1449, 1507 and 1551 from lots 1220, 1321, 1391, 1450, 1506 and 1552; part of the north line of lot 1551 to the line dividing lots 1613 and 1614; a broken line dividing lots 1614, 1614-4 and 1642 from lots 1613 and 1643, that line extended across lac Ménard and 2 other roads that it meets, to the line dividing rang 9 Ouest of Paspébiac and rang 10 Ouest of Paspébiac; part of the said line dividing the ranges easterly to the line dividing lots 1705 and 1706; a broken line separating lots 1706, 1723, 1787, 1804 and 1865 from lots 1705, 1724, 1786, 1805 and 1864, that line extended across rivière Hall that it meets, to the line dividing the townships of Cox and Garin; finally, part of the said line dividing the townships easterly to the starting point; the said limits define the territory of the new Municipalité de Paspébiac.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 27 March 1997

Prepared by: PIERRE BÉGIN,
Land Surveyor

P-198/1

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Gouvernement du Québec

O.C. 979-97, 6 August 1997

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

Amendment to the letters patent establishing the
Municipalité régionale de comté de Portneuf

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 de Portneuf on 1 January 1982;

WHEREAS the Government may amend the letters patent of that regional county municipality by order, under section 210.39 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) and section 109