

Gouvernement du Québec

O.C. 1551-97, 3 December 1997

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

Amalgamation of Village de Saint-André-Avellin and
Paroisse de Saint-André-Avellin

WHEREAS the municipal councils of Village de Saint-André-Avellin and of Paroisse de Saint-André-Avellin adopted a by-law authorizing the filing of a joint application with the Government, requesting that it constitute a local municipality resulting from the amalgamation of those 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 no 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 recommendation of the Minister of Municipal Affairs:

THAT the application be granted and that a local municipality resulting from the amalgamation of Village de Saint-André-Avellin and Paroisse de Saint-André-Avellin be constituted, under the following conditions:

1. The name of the new municipality is "Municipalité de Saint-André-Avellin".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 16 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 Municipalité régionale de comté de Papineau.

5. A provisional council shall remain in office until the first general election. It shall 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 shall be half the number of members in office plus one.

The two mayors shall alternate each month as mayor and acting mayor of the provisional council. The mayor of the former Village de Saint-André-Avellin will serve as mayor for the first calendar month. If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, an additional vote shall be granted to the mayor of the former municipality from which the council member originated.

For the term of the provisional council, the councillors shall continue to receive the same remuneration as they were receiving before the coming into force of this Order in Council.

The mayors of the former Village de Saint-André-Avellin and Paroisse de Saint-André-Avellin shall continue to sit on the council of the Municipalité régionale de comté de Papineau until the first general election is held and will each have one vote.

Notwithstanding the mayors' alternating as provided for in the first paragraph, the mayor of the former Paroisse de Saint-André-Avellin shall continue to meet the requirements of the office of the deputy warden of the Municipalité régionale de comté de Papineau until the first general election is held.

6. The first general election shall 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 shall be postponed until the first Sunday in February. The second general election shall be held on the first Sunday in November 2002.

The council of the new municipality shall 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.

7. 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 former Village de Saint-André-Avellin, shall be eligible for seats 1, 3 and 5; 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 Saint-André-Avellin, shall be eligible for seats 2, 4 and 6.

8. Any budgets adopted by the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new municipality, and the expenditures

and revenues shall 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 shall 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, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as appearing in their financial statements for the fiscal year preceding that in which this Order in Council comes into force.

9. If section 8 applies, the portion of the subsidy granted by the Government under the Programme d'aide financière au regroupement des municipalités (PAFREM) with respect to the first year of the amalgamation, after deducting the expenditures recognized by the council as resulting from the amalgamation, and financed directly by that portion of the subsidy, shall constitute a reserve to be paid into the general fund of the new municipality in the first year in which separate budgets are not applied.

10. 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 shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

11. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year in which the former municipalities adopted a separate budget shall be used for the benefit of the ratepayers of the former municipality on behalf of which it was accumulated.

Any surplus accumulated on behalf of the former Paroisse de Saint-André-Avellin may be used for public works in the sector formed of the territory of the former parish.

Any surplus accumulated on behalf of the former Village de Saint-André-Avellin may be used to increase the amount reserved for water treatment works.

Any surplus accumulated and reserved for specific uses shall remain amounts reserved for the same purposes for the benefit of the ratepayers of the former municipality on whose behalf the amounts were accumulated.

After such amounts are used for a specific purpose, as referred to in the fourth paragraph, if the total amount reserved for that purpose is not spent, the new municipi-

pality may use the balance for other purposes for the benefit of the ratepayers of the sector formed of the territory of the former municipality on whose behalf the reserved amount was accumulated.

12. An annual tax credit will be granted to the owners of the taxable immovables of the sector formed of the territory of the former Paroisse de Saint-André-Avellin for the first five fiscal years following the coming into force of this Order in Council; the tax credit shall be computed annually by dividing the following amounts by the total amount of the taxable assessment of the sector formed of the former Paroisse de Saint-André-Avellin, in accordance with the annual assessment roll in force:

First year: an amount of \$65 396;
Second year: an amount of \$52 343;
Third year: an amount of \$39 246;
Fourth year: an amount of \$26 150;
Fifth year: an amount of \$13 096.

13. A special tax shall be levied and collected from the owners of the taxable immovables of the sector formed of the territory of the former Village de Saint-André-Avellin for the first five fiscal years following the coming into force of this Order in Council; the tax will be computed annually by dividing the following amounts by the total amount of the taxable assessment of the sector formed of the territory of the former Village de Saint-André-Avellin, in accordance with the annual assessment roll in force:

First year: an amount of \$65 396;
Second year: an amount of \$52 343;
Third year: an amount of \$39 246;
Fourth year: an amount of \$26 150;
Fifth year: an amount of \$13 096.

14. 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 continue to be charged to all the taxable immovables of the sector formed of the territory of that former municipality.

15. The annual repayment of the principal and interest of all the loans taken out under by-laws adopted by a former municipality before the coming into force of this Order in Council shall continue to be charged to the sector formed of the territory of that former municipality, in accordance with the taxation clauses provided for in those by-laws. If the new municipality decides to amend the taxation clauses provided for in those by-laws in accordance with the law; such amendments shall affect only the taxable immovables of the sector formed

of the territory of the former municipality that made the by-law.

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

17. 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 municipality in order 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 whole territory of the new municipality, 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 shall be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the entire territory of the new municipality.

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

19. 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 SAINT-ANDRÉ-AVELLIN, IN THE
MUNICIPALITÉ RÉGIONALE DE COMTÉ
DE PAPINEAU

The current territory of Paroisse de Saint-André-Avellin and of Village de Saint-André-Avellin, in the Municipalité régionale de comté de Papineau, comprising, in reference to the cadastre of Paroisse de Saint-André-Avellin, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the line dividing Côtes-Saint-Pierre and Sainte-Madeleine and the southeast line of the cadastre of Canton de Suffolk; thence, successively,

the following lines and demarcations: southerly, part of the said dividing line to the apex of the northwest angle of lot 585; easterly, the north line of the said lot 585 and its extension across Chemin de la Côte-Sainte-Madeleine and the north line of lot 624 to its meeting point with the eastern limit of Côte-Sainte-Madeleine; southerly, the east line of the said lot 624 crossing Petite Rivière Rouge; westerly, part of the south line of the said lot 624 to the centre line of the said river; in a general southerly direction, the said centre line of the said river downstream skirting to the left the islands nearest to the right bank and skirting to the right the islands nearest to the left bank to the north line of lot 633; easterly, part of the said line to the apex of the northeast angle of lot 633; southerly, the east line of lots 633 to 641 and part of the east line of lot 642 to the line dividing lots 646-18 and 646-17 crossing Petite Rivière Rouge; easterly, the said dividing line; northerly, the west side of the right of way of Montée Geneviève, bordering to the east lot 646-17 to the right bank of Petite Rivière Rouge; easterly, crossing the said road; successively easterly and southerly, the right bank of the said river downstream and its southwest extension to the meeting point with the centre line of Rivière de la Petite Nation; in a general south-westerly direction, the centre line of the said river downstream skirting to the left the islands nearest to the right bank and to the right the islands nearest to the left bank to the meeting point with the west line of the cadastre of Paroisse de Saint-André-Avellin; northerly, part of the said west line of the said cadastre crossing Rang Sainte-Julie, repeatedly crossing Rivière de la Petite Nation and an island designated as number 349 on the cadastre of Paroisse de Saint-André-Avellin, to the meeting point with the centre line of Rivière de la Petite Nation, on the north side of the island; successively easterly and northerly, the centre line of the said river and of Lac Simonet (Simon) to the meeting point with the extension to the southwest of the northwest line of the cadastre of Paroisse de Saint-André-Avellin; finally, northeasterly, the said extension and part of the said northwest line of the said cadastre, the northwest line extended across the public road that it meets (Route 321), to the starting point, the said limits define the territory of the Municipalité de Saint-André-Avellin.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 16 October 1996

Prepared by _____
JEAN-PIERRE LACROIX,
Land surveyor

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