

Municipal Affairs

Gouvernement du Québec

O.C. 1609-97, 10 December 1997

Amalgamation of Village de Kingsey Falls and Municipalité de Kingsey Falls

WHEREAS the municipal councils of Village de Kingsey Falls and Municipalité de Kingsey Falls 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 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 the officers and employees of the applicant municipalities shall, without any reduction in their remuneration, officers and employees of the new municipality, keep their seniority and fringe benefits and may not be laid off or dismissed on the sole basis of the amalgamation;

WHEREAS the new municipality shall succeed to the rights, obligations and responsibilities of the applicant municipalities and become, without continuance of suit, a party to any proceeding in the place and stead of those municipalities;

WHEREAS the by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the applicant 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 application;

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 resulting from the amalgamation of Village de

Kingsey Falls and Municipalité de Kingsey Falls be constituted, under the following conditions:

1. The name of the new municipality is "Municipalité de Kingsey Falls".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 11 November 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 is part of the Municipalité régionale de comté d'Arthabaska.

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 of the members in office plus one. The current mayors shall alternate as mayor of the provisional council for equal periods. The mayor of the former Municipalité de Kingsey Falls shall serve the first term as mayor.

If a seat is vacant at the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote shall be allotted to the mayor, or to the deputy mayor, if applicable, of the municipality of origin of the council member whose seat has become vacant.

For the term of the provisional council, the elected municipal officers shall continue to receive the same remuneration as they received before the coming into force of this Order in Council.

6. The first general election shall be held on the first Sunday of the fourth month following the month in which this Order in Council comes into force. If that date falls on the first Sunday in January, the first general election shall be postponed to the first Sunday in February. The second general election shall be held on the first Sunday in November 2002.

7. 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 shall be numbered from 1 to 6.

8. 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 Kingsey Falls, shall be eligible for seats 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 Municipalité de Kingsey Falls, shall be eligible for seats 4, 5 and 6.

9. The assistant secretary-treasurer of the former Village de Kingsey Falls shall act as assistant secretary-treasurer of the new municipality. The secretary-treasurer of that former village shall act as administrative secretary of the new municipality.

10. Any budget adopted by each of 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 continued to exist. Notwithstanding the foregoing, 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 to their standardized real estate value 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, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in the financial statement of those former municipalities for the last fiscal year ended before the coming into force of this Order in Council.

11. The terms and conditions for apportioning the cost of shared 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.

12. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted a separate budget shall remain for the benefit of the ratepayers in the sector made up of the territory of that former municipality; it may be allocated to work in that sector.

The amounts reserved for specific purposes in that accumulated surplus by resolution of the council shall be used for the planned purposes, unless the council of the new municipality decides to reallocate them in whole or in part for other purposes, for the benefit of the ratepayers of the former municipality on behalf of which

the reserved amounts were accumulated, in accordance with the provisions of the first paragraph.

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

14. The working fund of the former Village de Kingsey Falls shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. The available balance shall be added to the surplus accumulated on behalf of that former municipality.

15. The fund reserved for parks, playgrounds and natural sites by a former municipality, at the end of the last fiscal year for which it adopted a separate budget, shall be added to the surplus accumulated on behalf of that former municipality.

16. The annual repayment of the instalments in 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 remain charged to the sector made up of the territory of the former municipality that made the loans, in accordance with the taxation clauses in those by-laws. The new municipality may amend those taxation clauses in accordance with the law; notwithstanding the foregoing, such amendments may affect only the taxable immovables in the sector made up of the territory of the former municipality that adopted the by-law.

17. Considering that the new municipality is composed of an urban sector, equipped with water supply, sewer and water treatment services, and of a rural sector without such services, the new municipality shall take into account the benefits derived by the urban sector in apportioning the cost of those services.

Notwithstanding the extension that may be given to the meaning of the expression "benefits derived" under section 244.3 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the new municipality may not impose the compensation rate for the water supply service on the owners who do not take their water from the municipal water supply service and who do not use the municipal sewer networks.

18. A tax credit shall be granted to the owners of all the taxable immovables of the sector made up of the territory of the former Village de Kingsey Falls as follows:

— for the first fiscal year following the one during which this Order in Council comes into force, the rate of the credit shall be \$0.30 per \$100 of assessment;

— for the second fiscal year, the rate shall be \$0.25 per \$100 of assessment;

— for the third fiscal year, the rate shall be \$0.20 per \$100 of assessment;

— for the fourth fiscal year, the rate shall be \$0.15 per \$100 of assessment;

— for the fifth fiscal year, the rate shall be \$0.10 per \$100 of assessment;

— for the sixth fiscal year, the rate shall be \$0.05 per \$100 of assessment.

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

20. 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 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 (R.S.Q., c. E-2.2), by the qualified voters of the whole territory of the new municipality.

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

22. In accordance with the Order in Council concerning the amendment to the agreement respecting the Cour municipale de Victoriaville to be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de Victoriaville shall have jurisdiction over the territory of the new municipality.

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

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Gouvernement du Québec

O.C. 1655-97, 17 December 1997

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

Amalgamation of the Village de Saint-François-du-Lac and the Paroisse de Saint-François-du-Lac

WHEREAS each of the municipal councils of the Village de Saint-François-du-Lac and the Paroisse de Saint-François-du-Lac 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 no objection was 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 Saint-François-du-Lac and the Paroisse de Saint-François-du-Lac, on the following conditions:

1. The name of the municipality is "Municipalité de Saint-François-du-Lac".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 30 October 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 is a part of the Municipalité régionale de comté de Nicolet-Yamaska.