

Municipal Affairs

Gouvernement du Québec

O.C. 1608-97, 10 December 1997

Amalgamation of the parishes of Saint-Cuthbert and Saint-Viateur

WHEREAS each of the municipal councils of the parishes of Saint-Cuthbert and Saint-Viateur 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 resulting from the amalgamation of the parishes of Saint-Cuthbert and Saint-Viateur be constituted, under the following conditions:

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

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 12 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 de D'Autray.

5. A provisional council shall remain in office until the first general election. It shall be composed of the mayor and the councillors holding seats 1, 2, 4, 5 and 6

of the former Paroisse de Saint-Cuthbert and of the mayor and the councillor holding seat 2 of the former Paroisse de Saint-Viateur. The quorum shall be half of the members in office plus one. The mayor of the former Paroisse de Saint-Cuthbert will act as the mayor of the new municipality throughout the term of the provisional council.

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

Throughout the term of the provisional council, the elected municipal officers shall continue to receive the same remuneration that 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 November 1998. 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 shall be numbered from 1 to 6.

7. 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 Paroisse de Saint-Cuthbert, shall be eligible for seats 1, 2, 3, 4 and 5 and 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-Viateur, shall be eligible for seat 6.

8. 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 the former municipalities 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 Orders

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 the fiscal year in which this Order in Council comes into force.

9. If section 8 applies, the portion of the subsidy granted under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year of the amalgamation, less the expenditures recognized by the council as resulting from the amalgamation and financed with that portion of the subsidy, shall constitute a reserve to be paid into the general fund of the new municipality in the first year where no separate budgets are applied.

10. Any surplus accumulated on behalf of a former municipality, at the end of the last fiscal year for which the former municipalities adopted separate budgets, shall be used for the benefit of the ratepayers of the former municipality that accumulated it; it may be used to carry out public works in the sector made up of the territory of that former municipality, to reduce the taxes applicable to all the taxable immovables in that sector or to repay debts chargeable to all that sector.

11. 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 remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

12. Every tax imposed under By-laws 580 and 591 adopted by the former Paroisse de Saint-Cuthbert shall be replaced by a tax imposed on all the taxable immovables of the new municipality.

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

The taxation clauses in those by-laws are amended accordingly.

13. Subject to section 12, the annual repayment of the instalments in principal and interest on all the loans made under by-laws adopted by a former municipality before the coming into force of this Order in Council shall remain charged to the immovables in the sector formed of the territory of that former municipality, in accordance with the taxation clauses in those by-laws. If the council decides to amend those by-laws, in accordance with the law, those amendments may affect only the immovables located in the sector formed of the territory of that former municipality.

14. 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.

15. 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 4 years of the coming into force of this Order in Council.

Such a by-law must 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 municipality.

16. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de Saint-Cuthbert".

That municipal bureau shall succeed to the Office municipal d'habitation de Saint-Cuthbert, which is 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 bureau shall be the members of the Office municipal d'habitation de Saint-Cuthbert.

17. In accordance with the Order in Council amending the agreement concerning the Cour municipale de D'Autray which will be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de D'Autray shall have jurisdiction over the 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-CUTHBERT, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE D'AUTRAY

The current territory of the parishes of Saint-Cuthbert and Saint-Viateur, in the Municipalité régionale de comté de D'Autray, comprising, in reference to the cadastre of the Paroisse de Saint-Cuthbert, the lots or parts of lots and their present and future subdivisions as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 1284 of the cadastre of the Paroisse de Saint-Cuthbert; thence, successively, the following lines and demarcations: in reference to that cadastre, southeasterly, part of the northeast line of the said cadastre to the apex of the east angle of lot 1522 and its extension to the centre line of Rivière Chicot, that line crossing Chemin Rang Saint-André, the Chemin du IX^e rang and Chemin des Fourches that it meets; in a general westerly direction, the centre line of the said river downstream to the northwest extension of the northeast line of lot 345; southeasterly, the said extension and the northeast line of the said lot crossing Chemin Ligne Bel Automne, the northeast line of lots 344, 343 and 273, passing by the southwest side of Chemin Montée-Ouest, that line crossing a railway and Chemin Saint-Jean that it meets, to the south east side of the right-of-way of the said road; southwesterly, part of the southeast side of the said right-of-way and part of the southeast line of the Saint-Jean concession to the apex of the north angle of lot 272; southeasterly, part of the northeast line of the said cadastre to the normal high-water mark of the St. Lawrence River (North Channel), that line crossing Chemin York, the route of Rang Sainte-Thérèse, a railway (lot 562), route 138 and highway 40 that it meets; in a general southwesterly direction, the said normal high-water mark crossing Baie Gaillardin, to its meeting point with the dividing line between the cadastres of the parishes of Saint-Cuthbert and Berthier; northwesterly, part of the said dividing line between the cadastres to the apex of the east angle of lot 542 of the cadastre of the Paroisse de Saint-Cuthbert, crossing Rivière Chicot, route 138 and highway 40 that it meets; southwesterly, the southeast line of lot 542 and its extension to the centre line of Rivière Chicot, crossing highway 40 that it meets; easterly, the centre line of the said river downstream to the northeast extension of the southeast line of lot 543; southwesterly, the said extension and the southeast line of lots 543 and 545; in a general northwesterly direction, the irregular line dividing the cadastre of the Paroisse de Saint-Cuthbert from the cadastres of the parishes of Berthier and Saint-Norbert, that line crossing highway 40, a railway (lot 562) and another railway that it meets; finally, northeasterly, the dividing line

between the cadastres of the parishes of Saint-Cuthbert and Saint-Gabriel-de-Brandon to the starting point; the said limits define the territory of the Municipalité de Saint-Cuthbert.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 12 November 1997

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Land surveyor

C-272/1

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Gouvernement du Québec

O.C. 1659-97, 17 December 1997

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

Amalgamation of the Village de Saint-Anselme and of the Paroisse de Saint-Anselme

WHEREAS the municipal councils of the Village de Saint-Anselme and of the Paroisse de Saint-Anselme 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 the applicant municipalities be consulted;

WHEREAS the officers and employees of the applicant municipalities shall become, 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 solely because of the amalgamation;

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