

Municipal Affairs

Gouvernement du Québec

O.C. 559-99, 19 May 1999

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

Amalgamation of the Municipalité de Saint-Jules and the Municipalité de Grande-Cascapédia

WHEREAS each of the municipal councils of the Municipalité de Saint-Jules and the Municipalité de Grande-Cascapédia adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitutes 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 and Greater Montréal;

WHEREAS no objections were sent to the Minister of Municipal Affairs and Greater Montréal, and the Minister 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, amended by section 133 of Chapter 93 of the Statutes of 1997, it is expedient to grant the joint application with the amendment proposed by the Minister of Municipal Affairs and Greater Montréal, which was approved by the councils of the applicant municipalities;

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

THAT the application be granted and that a local municipality resulting from the amalgamation of the Municipalité de Saint-Jules and the Municipalité de Grande-Cascapédia be constituted, under the following conditions:

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

2. At the first general election, the council of the new municipality shall consult all the qualified voters of the

municipality by referendum in order to determine the name of the new municipality. After that consultative referendum, the council shall, if need be, apply for a change of name in accordance with the Act respecting municipal territorial organization (R.S.Q., c. O-9).

3. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 22 February 1999; 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 Bonaventure.

5. A provisional council shall hold 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 members in office plus one. The current mayors will alternate as mayor and deputy mayor of the provisional council for each one-month period beginning on the date of coming into force of this Order in Council. The mayor of the former Municipalité de Saint-Jules shall serve first as mayor of the new municipality.

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, one additional vote per vacant seat 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 receive the same remuneration as the remuneration that was in force before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held on the first juridical Monday following the coming into force of this Order in Council; it shall be held at the municipal hall of the former Municipalité de Saint-Jules.

7. 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. The second general election shall be held on the first Sunday in November 2003. The council of the new municipality shall be composed of seven members, that is, a mayor

and six 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 *Municipalité de Saint-Jules*, shall be eligible for seats 1, 3 and 5; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former *Municipalité de Grande-Cascapédia* shall be eligible for seats 2, 4 and 6.

9. Ms. Susan Legouffe, secretary-treasurer of the former *Municipalité de Saint-Jules*, will act as the secretary-treasurer of the new municipality.

10. If the former municipalities adopted budgets for the fiscal year during which this Order in Council comes into force, they 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 it appears in the financial statements of those former municipalities for the fiscal year preceding the year during which this Order in Council comes into force.

11. If section 10 applies, the part of the subsidy granted by the Government 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 by that part shall constitute a reserved amount from the surpluses of the former municipalities for the benefit of the new municipality.

12. A working fund shall be constituted for the new municipality and, as the case may be, all or part of the surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the new municipality has applied separate budgets shall be paid into it. The amount taken from each accumulated surplus, if any, shall be \$15 000.

If the surplus accumulated on behalf of a former municipality is too small to make that payment, the new municipality shall complete it by imposing a special tax on the taxable immovables located in the sector made up of the territory of that former municipality.

13. Once the operation provided for in section 12 is carried out, any balance of the 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 carrying out of public works in the sector made up of the territory of that former municipality. If the balance is not used within two fiscal years of the amalgamation, it shall be paid into the general fund of the new municipality.

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

15. 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.

16. 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 must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new municipality.

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 NOËL DE TILLY,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE
TERRITORY OF THE NEW MUNICIPALITÉ DE
CASCAPÉDIA, IN THE MUNICIPALITÉ
RÉGIONALE DE COMTÉ DE BONAVENTURE

The current territory of the Municipalité de Grande-Cascapédia and of the Municipalité de Saint-Jules, in the Municipalité régionale de comté de Bonaventure, comprising lots A and 1 to 31 of Rang I of the original survey of the Canton d'Angers, an undivided part of that township, block A of the original survey of the Canton de Flahault and in reference to the cadastres of the townships of Maria and New Richmond, the blocks, lots or parts thereof and their present and future subdivisions, as well as the roads, routes, railway rights-of-way, lakes, islands, islets, watercourses or parts thereof, the whole included in the limits described hereinafter, namely: starting from the apex of the northern angle of lot 838 of the cadastre of the Canton de New Richmond; thence, successively, the following lines and demarcations: southeasterly, part of the dividing line between the cadastres of the townships of New Richmond and Flahault to the apex of the eastern angle of lot 865 of the cadastre of the Canton de New Richmond, that line crossing Ruisseau Blanc and Ruisseau Jonathan that it meets; in reference to that cadastre, southwesterly, the southeastern line of lots 865, 828, 744, 730 extended across the railway right-of-way (lot 901), 729 and 567, those lines linked together by segments of range lines; northwesterly, successively, the southwestern line of lots 567, 566 and 565, a straight line across a public road (shown on the original) to the meeting point of the southeastern line of lot 287 with the northeastern line of lot 397 and part of the southwestern line of lot 287 to the apex of the northern angle of lot 396; southwesterly, successively, part of the southeastern line of lot 287 and the southeastern line of lot 286; northwesterly, the southwestern line of the said lot and its extension to the centre line of Rivière Cascapédia, that line crossing route 299 that it meets; southwesterly, the centre line of the said river downstream to its meeting point with the eastern extension of the southern line of lot 8 of Block E of the cadastre of the Canton de Maria; in reference to that cadastre, westerly the said extension and the said southern line of lot 8 of Block E, that line crossing routes Dimock Creek and 132 that it meets; northerly, part of the dividing line between Block E, Rang 1 Cascapédia and Rang 2 Cascapédia to the southern line of lot 8A of Rang 2 Cascapédia; westerly, the southern line of the said lot, that line crossing Route Droken that it meets; southerly, the eastern line of lots 7C, 7B and 6D of Rang 2 Cascapédia; westerly, the southern line of lot 6D of the said range; southerly, part of the eastern line of Rang Patrickton to the southwestern line of lot 6A of the said range; northwesterly, the southwestern line of lot 6A of the said range, that line crossing Route Patrickton and

the railway right-of-way (lot 70) that it meets; southerly, part of the eastern line of Rang 3 Partie Est to the southwestern line of lot 14 of the said range; northwesterly, the southwestern line of lot 14 in ranges 3 Partie Est, 4 and 5; southwesterly, part of the dividing line between the cadastres of the townships of Angers and Maria to its meeting point with the southern extension of the dividing line between lots 17 and 18 of Rang II (projection) of the original survey of the Canton d'Angers; in reference to the original survey of that township, northerly, the said extension; westerly, the southern line of Rang II (projection) to the western line of lot 36 of the said range; northerly, successively, the said western line of lot 36, the western line of lot 31 of Rang I and the extension of the latter to the centre line of Rivière Angers; in a general easterly direction, the centre line of the said river downstream to its meeting point with the southeastern extension of the right bank of Rivière Cascapédia; in a general northwesterly direction, the said extension and the right bank of the said river to its meeting point with the southwestern extension of the northwestern line of Block A of the original survey of the Canton de Flahault; northeasterly, the said extension and the northwestern line of the said block; in a general southeasterly direction, the northeastern limit of the said block; finally, northeasterly, part of the northwestern line of the cadastre of the Canton de New Richmond to the starting point; the said limits define the territory of the new Municipalité de Cascapédia.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 22 February 1999

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