

Municipal Affairs

Gouvernement du Québec

O.C. 20-99, 20 January 1999

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

Amalgamation of the Village de Philipsburg and of the Municipalité de Saint-Armand

WHEREAS each of the municipal councils of the Village de Philipsburg and of the Municipalité de Saint-Armand has 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 has been sent to the Minister of Municipal Affairs;

WHEREAS objections have been sent to the Minister of Municipal Affairs and Greater Montréal, and she 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;

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 Village de Philipsburg and the Municipalité de Saint-Armand be constituted, under the following conditions:

1. The name of the new municipality shall be "Municipalité de Saint-Armand".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 30 October 1998; that description is attached as a Schedule to this Order in Council.

3. The new municipality shall be governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality shall be part of the Municipalité régionale de comté de Brome-Missisquoi.

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 shall alternate each month as mayor and deputy mayor of the provisional council. The mayor of the former Village de Philipsburg shall act as mayor of the new municipality for the first month.

Throughout the term of the provisional council, the mayors of the former municipalities shall continue to be qualified to sit on the council of the municipalité régionale de comté Brome-Missisquoi.

6. The sittings of the provisional council shall be held alternately each month in the town hall of each municipality. The first sitting of the provisional council shall be held in the town hall of the former Municipalité de Saint-Armand.

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. If the fourth month is January or February, the first general election shall be postponed until the first Sunday in April. The second general election shall be held in 2003.

8. The council of the new municipality shall be composed of 7 members, that is, a mayor and 6 councillors. The councillors' seats shall be numbered from 1 to 6.

9. 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 an election were an election of the council members of the former Village de Philipsburg shall be eligible for seats 1 and 2 and 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 Saint-Armand shall be eligible for seats 3, 4, 5 and 6.

10. Ms. Jacqueline C. Chisholm shall act as secretary-treasurer of the new municipality. Ms. Michèle Bertrand shall act as assistant secretary-treasurer of the new municipality and she shall become secretary-treasurer of the new municipality should Ms. Chisholm resign dur-

ing the year following the coming into force of this Order in Council.

11. 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 revenues and expenditures 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 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 these values appear in their respective financial statements for the fiscal year preceding the year this Order in Council comes into force.

12. The terms and conditions for apportioning the cost of the joint services provided for in the inter-municipal agreements in force prior to 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.

13. The new municipality may decide to allocate to its general fund the whole or a part of any surplus accumulated on behalf of a former municipality.

The apportionment of each of the two surpluses accumulated in any amount so allocated shall be made in accordance with the standardized real estate value established in conformity with the Regulation respecting the equalization scheme as it appears in the financial statements of the former municipalities for the fiscal year preceding the year during which this Order in Council comes into force.

Any balance in the surplus accumulated on behalf of each of the former municipalities shall be used for the benefit of the ratepayers of the former municipality on whose behalf it was accumulated; it may be used to carry out public works in the sector constituting the territory of that former 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 continue to be charged to all the taxable immovables located in the sector made up of the territory of that former municipality.

15. The annual payment of instalments in principal and interest under the loan by-laws adopted by a former municipality respecting the water supply and sewer systems, as well as the cost of operating these systems, shall be charged to the users of these systems and shall be paid by means of a compensation rate fixed annually by the new municipality.

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

16. The new municipality shall finalize the sewer system project undertaken by the former municipalities, which constituted the object of their application for a government subsidy on 7 July and 7 August 1998 under the Programme d'aide financière aux infrastructures pour les services d'eau potable et d'eaux usées, "*Les Eaux vives du Québec*".

17. For the first complete fiscal year following the coming into force of this Order in Council, an annual tax credit of \$0.30 per \$100 assessment according to the values entered on the assessment roll in effect for the year 1998 shall be granted with respect to the taxable immovables in the sector that constituted the territory of the former Municipalité de Saint-Armand.

18. The new municipality shall succeed to the rights, obligations and responsibilities of the former municipalities. It shall become, without continuance of suit, a party to any proceeding in place of the former municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of the former municipalities shall remain in force in the territory for which they were drawn up until they are amended, cancelled or revoked, insofar as they are compatible with this Order in Council.

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

20. Any debt or gain that may result from legal proceedings concerning an act performed by a former municipality shall be charged or credited to all the taxable immovables in the sector that constituted the territory of that former municipality.

21. In accordance with the Order in Council concerning the amendment of the agreement respecting the Ville de Bedford municipal court, which is to be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Ville de Bedford municipal court shall have jurisdiction over the territory of the new municipality.

22. 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 SAINT-ARMAND, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE BROME-MISSISQUOI

The current territory of the Municipalité de Saint-Armand and of the Village de Philipsburg, in the municipalité régionale de comté de Brome-Missisquoi, comprising part of Lac Champlain (Baie Missisquoi) without cadastral designation and, in reference to the cadastres of the Paroisse de Saint-Armand-Ouest and of the Village de Philipsburg, the lots and parts of lots and their present and future subdivisions as well as the roads, routes, streets, railway rights-of-way, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northeastern angle of lot 383 of the cadastre of the Paroisse de Saint-Armand-Ouest; thence, successively, the following lines and demarcations: southerly, the dividing line between the cadastres of the parishes of Saint-Armand Ouest and Saint-Armand-Est, that line crossing Chemin des Sapins, Chemin de Saint-Armand and Chemin des Ormes that it meets; westerly, part of the Canada/United States border up to the east shore of Lac Champlain (high water mark), that line crossing Chemin des Érables, Route 235, Benoit, Bradley and Luke roads, Rivière de la Roche, a disused railway right-of-way (lot 385 of the cadastre of the Paroisse de Saint-Armand-Ouest), Autoroute 35 as well as other public roads and watercourses that it meets; northerly, the east shore of the said lake up to its meeting point with the south line of the cadastre of the Village de Philipsburg; in Lac Champlain, westerly, the extension of the south line of the said cadastre over a distance of 182.88 metres; northwesterly, a straight line up to a point situated at a distance of 108.817 metres measured with a bearing of 273°56'27" from the apex of the northwest angle of lot 135 of the said cadastre, the said point being equally situated 15.24 metres west of the wharf; northerly, a straight line up to its meeting point with the westerly extension of the north line of the cadastre of the Village de Philipsburg, 182.88 metres from the east shore of Lac Champlain; easterly, the said extension; successively northerly and westerly, the east shore and the north shore of the said lake up to its meeting point with the dividing line between the cadastres of the parishes of Saint-Armand Ouest and Saint-Georges-de-Clarenceville, that line joining the east and west banks of the Rivière aux Brochets at its mouth;

northeasterly, the said dividing line between the cadastres; finally, easterly, the dividing line between the cadastres of the Paroisse de Saint-Armand-Ouest and the Canton de Stanbridge up to the starting point, that line crossing Rivière aux Brochets, Route 133, Chemin du Moulin, Chemin Marier, Chemin du Rang Saint-Henri, a disused railway right-of-way (lot 385 of the cadastre of the Paroisse de Saint-Armand-Ouest), chemin Pelletier Nord, route 235, chemin du rang des Maurice, chemin Ridge as well as other public roads and watercourses that it meets; the said limits define the territory of the new Municipalité de Saint-Armand.

In this description, the bearing refers to the SCOPQ coordinates NAD 83 (Zone 8) and the distances are given in metres (SI).

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 30 October 1998

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

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Gouvernement du Québec

O.C. 21-99, 20 January 1999

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

Amalgamation of the Village de Sainte-Agathe and the Paroisse de Sainte-Agathe

WHEREAS each of the municipal councils of the Village de Sainte-Agathe and the Paroisse de Sainte-Agathe 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 Greater Montréal, 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;