

Gouvernement du Québec

**O.C. 8-2000, 12 January 2000**

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

Amalgamation of the Paroisse de Sainte-Emmélie and the Village de Leclercville

WHEREAS each of the municipal councils of the Paroisse de Sainte-Emmélie and the Village de Leclercville 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 and Greater Montréal;

WHEREAS no objection was 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, 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 Paroisse de Sainte-Emmélie and the Village de Leclercville be constituted, under the following conditions:

1. The name of the new municipality is "Municipalité de Leclercville".
2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 4 October 1999; that description is attached as Schedule A 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 Lotbinière.
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 each month. The mayor of the former Village de Leclercville shall serve as mayor for the first 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, 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 mayors of the former municipalities shall continue to sit on the council of the Municipalité régionale de comté de Lotbinière and they shall have the same number of votes as before the coming into force of this Order in Council.

Throughout the term of the provisional council, the elected municipal officers shall receive the same remuneration as before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held at the municipal hall of the former Village de Leclercville.

7. The first general election shall be held on the second 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 Village de Leclercville, shall be eligible for seats 1, 2 and 3; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Paroisse de Sainte-Emmélie shall be eligible for seats 4, 5 and 6.

9. Ms. Francine Demers, secretary-treasurer of the former Paroisse de Sainte-Emmélie, shall act as the secretary-treasurer of the new municipality until the council composed of officers elected in the first general election appoints someone to the position.

Ms. Rachel Héroux, secretary-treasurer of the former Village de Leclercville, shall act as the deputy secretary-treasurer of the new municipality until the council composed of officers elected in the first general election appoints someone to the position.

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 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 property 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 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 to be paid into the general fund of the new municipality for the first fiscal year for which the new municipality does not apply separate budgets.

12. The terms and conditions for the allocation of expenditures for shared services provided for in intermunicipal agreements in force before the coming into force of the Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. 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.

14. The subsidy granted by the Government under the Programme d'aide financière au regroupement municipal (PAFREM), except \$20 000 included in the first payment and that will be paid into the general fund of the new municipality in accordance with section 11, shall be apportioned as follows:

- former Paroisse de Sainte-Emmélie: 52.19 %;
- former Village de Leclercville: 47.81 %.

The part of the subsidy attributable to the former Paroisse de Sainte-Emmélie shall be paid in full into the reserve created in the name of that former municipality in accordance with section 15. The part of that subsidy attributable to the former Village de Leclercville shall be paid in full into the reserve created in the name of that former municipality in accordance with section 16.

15. 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 constitute a reserve created for the benefit of ratepayers in the sector made up of the territory of that former municipality and it shall be used as follows:

(a) former Paroisse de Sainte-Emmélie:

A tax reduction applicable to all the taxable immovables in the sector made up of the territory of that former municipality on the basis of their values, as appearing on the assessment roll in force each year, shall be granted from the first fiscal year for which the new municipality does not apply separate budgets.

The following amounts shall be deducted from that reserve and shall be used to reduce real estate taxes:

- \$7 137 for the first full fiscal year following the coming into force of this Order in Council;
- \$4 282 for the second fiscal year;
- \$8 564 for the third fiscal year;
- \$6 000 for the fourth fiscal year;
- \$5 000 for the fifth fiscal year.

Any available balance of that reserve may be used to further reduce the taxes applicable to all the taxable immovables in the sector made up of the territory of the former Paroisse de Sainte-Emmélie, to repay debts charged to all that sector or to carry out municipal works in that sector.

(b) former Village de Leclercville:

The amounts accumulated in that reserve shall be used as a priority to carry out improvement or repair works on the municipal water system serving the ratepayers of the former Village de Leclercville.

16. A reserve intended to financially contribute to future infrastructure works on the sewer and waste water treatment system shall be created for the benefit of the ratepayers in the sector made up of the territory of the former Village de Leclerville, except for the owners of assessment units whose file numbers appear in Schedule B, from the first fiscal year for which the new municipality does not apply separate budgets.

In order to constitute that reserve, an annual compensation of \$100 per taxable immovable shall be required from each owner in the sector made up of the territory of the former Village de Leclerville, except for those referred to in Schedule B, for five years from the first fiscal year for which the former municipalities do not adopt separate budgets. No work on the sewer and waste water treatment system may be undertaken during that period.

If the new municipality, during the sixth, seventh or eighth fiscal year following the last fiscal year for which separate budgets are applied, adopts a loan by-law to cover the cost of the works referred to in the first paragraph, the loan shall, during those three years, be repaid in whole by the sector benefiting from the works. On the other hand, as of the ninth fiscal year, with respect to such loan or any later loan by-law adopted for the same purposes, at least 12 % in the proportions of the loan shall be repaid by the sectors mentioned in the fourth paragraph, according to the sharing provided for therein.

As for the portion of the loan which, in accordance with the third paragraph, is not to be repaid by the sector benefiting from the works, one third shall be repaid by the sector made up of the former Village de Leclerville and two thirds by the sector made up of the territory of the former Paroisse de Sainte-Emmélie.

If, on the expiry of 10 years following the coming into force of this Order in Council, the amount accumulated in the reserve provided for in the first paragraph has not been used for the prescribed purposes, it may be used to reduce the general property taxes applicable to the taxable immovables covered by the compensation mentioned in the second paragraph.

17. For the first two fiscal years following the coming into force of this Order in Council, a special tax based on the value appearing on the assessment roll in force each year shall be imposed and levied on all the taxable immovables in the sector made up of the territory of the former Village de Leclerville.

The rate of that tax shall be determined by dividing \$6 849 by the total amount of the taxable assessment of the immovables in the sector made up of the territory of the former Village de Leclerville, according to the assessment roll in force.

18. Subject to section 15, for each of the first two fiscal years following the coming into force of this Order in Council, a tax credit shall be granted on all the taxable immovables located in the sector made up of the territory of the former Paroisse de Sainte-Emmélie.

The rate of that tax credit shall be determined by dividing \$6 849 by the total amount of the taxable assessment of the immovables in the sector made up of the territory of the former Paroisse de Sainte-Emmélie, according to the assessment roll in force.

19. The annual repayment of the instalments in principal and interest on all the loans made under by-laws adopted by a former municipality shall remain charged to the taxable immovables in the sector made up of the territory of the former municipality that contracted them, in accordance with the taxation clauses in those by-laws. If the council of the new municipality decides to amend the taxation clauses in those by-laws in accordance with the Act, such amendments may only affect the taxable immovables in the sector made up of the territory of that former municipality.

20. 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.

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

22. 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 two years following the coming into force

of the revised development plan of the Municipalité régionale de comté de Lotbinière.

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.

23. 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 MUNICIPALITÉ DE  
LECLERCVILLE, IN THE MUNICIPALITÉ RÉGIO-  
NALE DE COMTÉ DE LOTBINIÈRE

The current territory of the Paroisse de Sainte-Emmélie and of the Village de Leclercville, in the Municipalité régionale de comté de Lotbinière, comprising in reference to the cadastres of the parishes of Sainte-Emmélie and Saint-Jean-Deschaillons and of the Village de Leclercville, the lots or parts thereof and their present and future subdivisions, as well as the roads, routes, streets, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the southeast shore of the St. Lawrence River with the dividing line between the cadastres of the Village de Leclercville and the Paroisse de Saint-Louis-de-Lotbinière; thence, successively, the following lines and demarcations: southeasterly, part of the said line dividing the cadastres to the apex of the eastern angle of lot 109 of the cadastre of the Village de Leclercville, that line crossing Route 132 that it meets; southwesterly, the southeast line of lot 109 of the said cadastre and its extension to the left bank of Rivière du Chêne; in a general easterly direction, the left bank of the said river to the southwesterly extension of the dividing line between the cadastres of the parishes of Sainte-Emmélie and Saint-Edouard bordering on the southeast lot 291A of the cadastre of the Paroisse de Saint-Edouard; successively northeasterly and southeasterly, the said extension and part of the said broken line dividing the said cadastres to a point 2 748.2 metres to the northwest of the meeting point of the said dividing line between the cadastres with the back line of Rang 5 of the cadastre of the Paroisse de Sainte-Emmélie, measured along the said dividing line between the cadastres, that line crossing in its second segment Rivière Huron that it meets; southwesterly, a straight line in lot 192 of the cadastre of the Paroisse de Sainte-Emmélie to its meeting with the dividing line between the cadastres of

the parishes of Sainte-Emmélie and Saint-Jean-Deschaillons at a distance of 1 754.1 metres to the northwest of the back line of Rang 5 of the cadastre of the Paroisse de Sainte-Emmélie measured along the said dividing line between the cadastres, that line crossing Rivière Henri and Rivière du Chêne that it meets; northwesterly, part of the said dividing line between the cadastres to the apex of the eastern angle of lot 4 of the cadastre of the Paroisse de Sainte-Emmélie, that line crossing Ruisseau L'Espérance, Chemin Rang du Castor and Route 226 that it meets; southwesterly, the southeast line of lot 4 of the said cadastre being the northwest side of the right-of-way of the public road shown on the original (Route 226) bordering on the northwest lot 232 of the cadastre of the Paroisse de Saint-Jean-Deschaillons; northwesterly, part of the southwestern line of lot 4 of the cadastre of the Paroisse de Sainte-Emmélie to the centre line of the Ruisseau du Castor; in a general northwesterly direction, in the cadastre of the Paroisse de Saint-Jean-Deschaillons, the centre line of the said stream to the right bank of Petite Rivière du Chêne; finally, in a general northeasterly direction, successively, the right bank of the said river to its mouth then the southeast shore of the St. Lawrence River to the starting point, that line extended across the mouth of Rivière du Chêne that it meets.

The said limits define the territory of the Municipalité de Leclercville.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Charlesbourg, 4 October 1999

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**SCHEDULE "B"**

8958-69-1904, 8958-85-9560, 8958-86-2032, 8958-86-5051,  
8958-93-7391, 8958-94-6497, 8958-95-6070, 8958-96-0570,  
8958-96-1005, 8958-96-8015, 8959-13-5762, 8959-24-4944,  
8959-87-1009, 8959-89-0187, 8959-99-9769, 8960-70-4208,  
8960-80-4762, 9058-03-7095, 9058-04-3525, 9058-04-5590,  
9058-04-8570, 9058-05-4515, 9058-08-6071, 9058-11-3929,  
9058-14-2030, 9058-22-4161, 9058-38-6398, 9058-68-3937,  
9059-09-7128, 9059-19-1815, 9059-19-3708, 9059-27-4070,  
9059-40-7030, 9059-95-5199, 9060-13-6608, 9060-41-9065.

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