

Gouvernement du Québec

O.C. 169-2000, 1 March 2000

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

Amalgamation of Village de Beaulac and Canton de Garthby

WHEREAS each of the municipal councils of Village de Beaulac and Canton de Garthby 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 be constituted through the amalgamation of Village de Beaulac and Canton de Garthby, on the following conditions:

1. The name of the new municipality shall be "Municipalité de Beaulac-Garthby".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 15 November 1999; 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 Municipalité régionale de comté de L'Amiante.

5. A provisional council shall hold office until the first general election. It shall be composed of the mem-

bers of both councils in office 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 as mayor and deputy mayor each month. The mayor of the former Village de Beaulac shall serve as mayor of the provisional council 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, an additional vote shall be allotted to the mayor of the 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 elected members of the former Village de Beaulac were receiving before the coming into force of this Order in Council.

The mayors of both councils at the time of the coming into force of this Order in Council shall continue to receive their remuneration as mayor for the period in which they act as deputy mayor of the provisional council.

The mayor of the former Village de Beaulac and the mayor of the former Canton de Garthby shall continue to sit on the council of Municipalité régionale de comté de L'Amiante until the first general election and they shall have the same number of votes as before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held in the basement of the church of the former Village de Beaulac.

7. The first general election shall be held on the first Sunday of the fourth month following the coming into force of this Order in Council. The second general election shall be held on the first Sunday of November 2003.

The council of the new municipality shall be composed of seven members, that is, a mayor and six councillors. The councillors' seats shall be numbered from 1 to 6 from the first general election.

8. For the first two general elections and for any other by-election held before the general election of November 2007, the only persons eligible for seats 1, 3 and 5 shall be 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 members of the council of the former Village de Beaulac and the only persons eligible for seats 2, 4 and 6 shall be persons who would be eligible under that Act if such election were an election of the members of the council of the former Canton de Garthby.

9. Claude Jacques, secretary-treasurer of the former Village de Beaulac, shall act as secretary-treasurer of the new municipality.

Julie Gagné, secretary-treasurer of the former Canton de Garthby, shall act as deputy secretary-treasurer of the new municipality.

Jean-Marc Goulet, municipal inspector, public pound-keeper, rural inspector and officer referred to in paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) and officer responsible for the issue of a permit provided for in section 4 of the Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r. 8) of the former Canton de Garthby shall have the same duties within the new municipality and shall carry out any other mandate and task that the municipality may require.

Robert Nadeau, municipal inspector and public pound-keeper of the former Village de Beaulac, shall act as assistant to the municipal inspector, public pound-keeper, officer covered by paragraph 7 of section 119 of the Act respecting land use planning and development and officer responsible for the issue of a permit provided for in section 4 of the Regulation respecting waste water disposal systems for isolated dwellings of the new municipality and shall carry out any other mandate and task that the municipality may require.

10. The 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 must 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 property 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 statements of the former municipalities for the fiscal year preceding the one in which this Order in Council comes into force.

11. If section 10 applies, the portion of the subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year following the amalgamation, less the expenditures recognized by the council as resulting

from the amalgamation and directly financed with that portion of the subsidy, shall constitute a reserve to be paid into the general fund of the new municipality.

12. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect 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.

13. 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 as follows:

— an amount of \$20 000 shall be deducted from each accumulated surplus and shall be paid into the general fund of the new municipality; if the accumulated surplus is less than \$20 000, the amount deducted from each surplus shall be equal to the lowest surplus or zero where one of the two former municipalities has no accumulated surplus;

— any balance of the surplus accumulated on behalf of a former municipality shall be used for the benefit of the ratepayers of the sector made up of the territory of that former municipality. It may be used to carry out public works in the sector, to reduce taxes applicable to all the taxable immovables in that sector or to repay debts charged to that sector.

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 will continue to be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

15. The amounts payable to the Société québécoise d'assainissement des eaux by the former Village de Beaulac, under the agreement signed on 22 March 1985, shall remain charged to the users of the water and sewer system of the sector of the territory made up of that former municipality and they shall be repaid by means of a compensation rate that the council of the new municipality shall fix annually.

16. For the first fiscal year following the last one for which the former municipalities adopted separate budgets, a portion of the financial assistance from the Programme d'aide au regroupement municipal (PAFREM) shall be used to grant a general property tax credit of \$0.02 per \$100 of assessment to all the taxable immovables of the new municipality.

17. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

18. 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 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.

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

20. The new municipality shall continue the discussions begun between the former Canton de Garthby and the Minister of Municipal Affairs and Greater Montréal about resort roads, in order to find a satisfactory solution for everyone.

21. 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 MUNICIPALITÉ DE BEAULAC-GARTHBY, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE L'AMIANTE

The current territory of Canton de Garthby and Village de Beaulac, in Municipalité régionale de comté de L'Amiante, comprising in reference to the cadastres of Canton de Garthby and Village de Beaulac, 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 15 of Rang 4 of the cadastre of Canton de Garthby; thence, succes-

sively, the following lines and demarcations: in reference to that cadastre, southeasterly, the northeastern line of Lot 15 in ranges 4, 5 and 6, that line crossing Chemin 5^e Rang that it meets; southerly, part of the dividing line between ranges 6 and 7 to the apex of the northwestern angle of Lot 13B of Rang 7; easterly, the northern line of the said lot and its extension to the centre line of Lac Aylmer, that line crossing Route 112 and a railway right-of-way (Lot 127) that it meets; in general southerly and southwesterly directions, the centre line of the said lake to the meeting point with the southeasterly extension of the dividing line between the cadastre of Canton de Garthby and the cadastres of Canton de Weedon and Village du Lac-Weedon; northwesterly, the said extension and the dividing line between the said cadastres to the apex of the western angle of Lot 1 of Rang A of the cadastre of Canton de Garthby, that line crossing the former Route 1, a railway right-of-way (Lot 126 of the cadastre of Canton de Garthby) and Route 112 that it meets; successively, northeasterly and northwesterly, part of the broken dividing line between the cadastres of the townships of Garthby and Ham-Sud to the apex of the southwestern angle of Lot 26 of Rang 2 Sud of the cadastre of Canton de Garthby; in reference to that cadastre, northerly, successively, the western line of the said lot, the western line of Lot 26 of Rang 1 Sud extended across Lac Coulombe, a straight line across Route 161 joining the apex of the northwestern angle of the said lot to the apex of the southwestern angle of Lot 26 of Rang 1 Nord, then the western line of Lot 26 in ranges 1 Nord and 2 Nord, that latter line crossing Chemin Route du 2^e Rang that it meets; southeasterly, successively, the northeastern line of lots 26 and 27 of Rang 2 Sud then part of the northeastern line of Lot 28 of the said range to the apex of the western angle of Lot 1 of Rang 4; finally, northeasterly, part of the dividing line between ranges 4 and 3 to the starting point.

The said limits define the territory of Municipalité de Beaulac-Garthby, in Municipalité régionale de comté de L'Amiante.

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

Charlesbourg, 15 November 1999

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