

Municipal Affairs

Gouvernement du Québec

O.C. 444-2000, 5 April 2000

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

Amalgamation of the Canton de Shenley and the
Municipalité de Saint-Honoré

WHEREAS each of the municipal councils of the Canton de Shenley and the Municipalité de Saint-Honoré 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 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, 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 Canton de Shenley and the Municipalité de Saint-Honoré be constituted, under the following conditions:

1. The name of the new municipality is “Municipalité de Saint-Honoré-de-Shenley”.

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 22 September 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 Beauce-Sartigan.

5. A provisional council shall hold office until the first general election. It shall be composed of all members of both 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 Canton de Shenley shall be the 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, 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 before the coming into force of this Order in Council.

The mayors of the former Canton de Shenley and former Municipalité de Saint-Honoré shall continue to sit on the council of the Municipalité régionale de comté de Beauce-Sartigan 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 public hall located on the territory of the former Municipalité de Saint-Honoré.

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 of November 2003.

The council of the new municipality shall be composed of seven members, that is, a mayor and six councillors.

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 Canton de Shenley, 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 Municipalité de Sainte-Honoré, shall be eligible for seats 4, 5 and 6.

9. Mr. Roger Leblond, secretary-treasurer of the former Canton de Shenley, shall act as the first secretary-treasurer of the new municipality.

10. Any budget 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 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 portion of the subsidy paid under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year of the amalgamation, less expenditures recognized by the council as resulting from the amalgamation and financed by 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 costs of 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 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:

(a) \$7 911.84 taken from the surplus accumulated on behalf of the former Municipalité de Saint-Honoré shall be paid into the accumulated surplus of the former Can-

ton de Shenley; any balance shall remain for the benefit of that former municipality and it may be used to carry out public works in that sector, to reduce the taxes applicable to all the taxable immovables in that sector or to make up for the reduction or abolition of transfer revenues in accordance with section 16;

(b) the surplus accumulated on behalf of the former Canton de Shenley shall remain for the benefit of that former municipality and it may be used to carry out public works in that sector, to reduce the taxes applicable to all the taxable immovables in that sector or to repay debts charged to it.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted a separate budget shall remain charged to all the taxable immovables of the sector made up of the territory of that former municipality.

15. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the balances in principal and interest of the loans taken under by-laws 342-90, 364-95 and 364-95 B of the former Canton de Shenley, as well as the share payable to the Société québécoise d'assainissement under the agreement signed by the Gouvernement du Québec and the former Canton de Shenley, shall become in a proportion of 75 % charged to the users of the water and sewer network of the sector made up of the territory of that former township and in a proportion of 25 % charged to 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 provided for in those loan by-laws shall be amended accordingly. The new municipality may amend those by-laws if it carries out work to extend the water and sewer networks.

16. If, during the five fiscal years following the amalgamation, the part of the financial assistance related to the territory of the former Municipalité de Saint-Honoré for taking charge of the local road network paid by the Gouvernement du Québec to the new municipality, adjusted in accordance with the agreement 34-029 reached by the Ministère des Transports and the Municipalité de Saint-Benoît-Labre, the Municipalité de Saint-Honoré, the Canton de Shenley and the Paroisse de Saint-Hilaire-de-Dorset, is reduced, 75 % of that reduction shall be charged to the sector made up of the territory of the former Municipalité de Saint-Honoré and 25 % shall be charged to 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 75 % of the reduction established in the first paragraph shall be made up for by taking an amount from the balance of the surplus accumulated on behalf of that former municipality or by imposing a special tax on all the taxable immovables in the territory made up of that former municipality, as the case may be.

17. Any available balance of the loan by-laws shall be used to pay the annual instalments in principal and interest of those loans or, if the securities were issued for a term shorter than the original, to reduce the balance of those loans.

If the available balance is used to pay the annual instalments of the loans, the rate of the tax imposed to pay the said instalments shall be reduced so that the revenues from the tax be equivalent to the balance to be paid, less the used available balance.

18. Seventy-five per cent of the part of the amount made up of the amounts paid under the following regulations and derived from property taxes, other taxes, compensations and tariffs imposed on users of the water and sewer network of the new municipality shall be used for the exclusive benefit of those users:

— Regulation respecting the apportionment of revenues from the tax paid by operators or certain systems, made by Order in Council 1088-92 dated 22 July 1992 and amended by the Regulations made by Orders in Council 1481-93 dated 27 October 1993, 501-95 dated 12 April 1995 and 1134-97 dated 3 September 1997;

— the Regulation respecting compensations in lieu of taxes, made by Order in Council 1086-92 dated 22 July 1992 and amended by the Regulations made by Orders in Council 1055-95 dated 9 August 1995, 82-98 dated 28 January 1998 and 313-99 dated 31 March 1999;

— Regulation respecting the equalization scheme, made by Order in Council 1087-92 dated 22 July 1992 and amended by the Regulations made by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997.

For the purposes of computing them, the amounts paid under those Regulations shall continue to benefit from the Programme de neutralité financière lors d'un regroupement municipal, where applicable.

19. 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.

20. 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 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.

21. All the movable and immovable property belonging to each of the former municipalities shall become the property 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 MUNICIPALITÉ DE SAINT-
HONORÉ DE SHENLEY, IN MUNICIPALITÉ
RÉGIONALE DE COMTÉ DE BEAUCE-SARTIGAN

The current territory of Canton de Shenley and of Paroisse de Saint-Honoré, in Municipalité régionale de comté de Beauce-Sartigan, comprising in reference to the cadastres of Canton de Shenley, the lots or parts thereof and their present and future subdivisions, as well as the roads, routes, streets, islands, lakes, watercourses or parts thereof, the whole included between the two perimeters described hereinafter, namely: starting from the apex of the northeastern angle of lot 23B of Rang 8 Nord; thence, successively, the following lines and demarcations: southerly, part of the dividing line between ranges 8 Nord and 7 Nord to the apex of the southeastern angle of lot 19A of Rang 8 Nord, that line crossing Rivière Pozer and Ruisseau Georges-Beaudoin that it meets; easterly, successively, part of the northern line of lot 39B of Rang 7 Gore then, crossing Chemin 6^e Rang Nord, the northern line of lot 39B of Rang 6 Gore; southerly, successively, the dividing line between ranges 6 Gore and 5 Gore then part of the dividing line between ranges 6 Sud and 5 Sud to the apex of the northwestern angle of lot 30A of Rang 5 Sud; easterly, the northern

line of the said lot; southerly, part of the dividing line between ranges 5 Sud and 4 to the apex of the northwestern angle of lot 14B of Rang 4; easterly, the northern line of the said lot; southerly, part of the dividing line between ranges 4 and 3 to the line delimiting the cadastres of the townships of Shenley and Dorset, that line crossing Rivière Shenley, Route de Shenley Est and Rivière Toiron that it meets; westerly, part of the said line delimiting the cadastres to the apex of the southwestern angle of lot AA of Rang 9 Sud, that line crossing roads 4^e Rang Sud and 6^e Rang Sud that it meets; northerly, part of the dividing line between ranges 9 Sud and 10 Sud to the apex of the southeastern angle of lot 5A of Rang 10 Sud; westerly, the southern line of the said lot; northerly, part of the dividing line between ranges 10 Sud and 11 Sud to the apex of the southeastern angle of lot 13A of Rang 11 Sud; westerly, the southern line of lots 13A, 13B, 14A, 14B, 15A, 15B, 16, 17A, 17B and 18B of Rang 11 Sud; northerly, successively, part of the dividing line between ranges 11 Sud and 12 Sud then the dividing line between ranges 11 Gore and 12 Gore to the apex of the northwestern angle of lot 38B of Rang 11 Gore, that line crossing Route de Shenley Ouest that it meets; easterly, successively, the northern line of lots 38B in ranges 11 Gore and 10 Gore, that line crossing Chemin Le Petit-Shenley that it meets, then part of the northern line of lot 40 of Rang 9 Gore to the apex of the southwestern angle of lot 19A of Rang 9 Nord; northerly, part of the dividing line between ranges 9 Nord and 10 Nord to the apex of the northwestern angle of lot 23B of Rang 9 Nord; finally, easterly, the northern line of lots 23B in ranges 9 Nord and 8 Nord to the starting point, that line crossing Chemin 9^e Rang that it meets.

The said limits define the territory of Municipalité de Saint-Honoré de Shenley.

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

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