

Municipal Affairs

Gouvernement du Québec

O.C. 901-2000, 26 July 2000

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

Amalgamation of the Municipalité de L'Île-aux-Coudres and the Municipalité de la Baleine

WHEREAS each of the municipal councils of the Municipalité de L'Île-aux-Coudres and the Municipalité de la Baleine 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 Municipalité de L'Île-aux-Coudres and the Municipalité de la Baleine be constituted, under the following conditions:

1. The name of the new municipality is "Municipalité de L'Île-aux-Coudres".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 13 April 2000; 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 territory of the new municipality forms part of the territory of Municipalité régionale de comté de Charlevoix.

5. A provisional council shall hold office until the first general election. It shall be composed of all the elected municipal officers 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 mayors of the former Municipalité de L'Île-aux-Coudres and of the former Municipalité de La Baleine will alternate each month as mayor and deputy mayor of the provisional council. The mayor of the former Municipalité de L'Île-aux-Coudres 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 shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

If the seat that is or becomes vacant is that of a mayor, the duties of the mayor whose seat is vacant shall be exercised by a councillor chosen among and by the members of the provisional council who come from the same municipality as that mayor and the position of that councillor is deemed to be a vacant position.

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.

The mayor of the former Municipalité de L'Île-aux-Coudres and the mayor of the former Municipalité de La Baleine shall continue to sit on the council of the Municipalité régionale de comté de Charlevoix 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 council hall of the municipal building of the former Municipalité de L'Île-aux-Coudres.

7. The polling day of the first general election shall be on the first Sunday of November 2000. The polling day of the second general election shall be in 2004.

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 two general elections and for any partial election held before the general election of 2008, 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-Bernard-de-L'Isle-aux-Coudres* as it existed before it was amalgamated with *Paroisse de Saint-Louis-de-L'Isle-aux-Coudres* on 5 January 1994, shall be eligible for seats 1 and 2; 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 Saint-Louis-de-L'Isle-aux-Coudres* shall be eligible for seats 3 and 4, 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 La Baleine* shall be eligible for seats 5 and 6.

9. Madame Marcelle Pedneault, secretary-treasurer of the former *Municipalité de L'Île-aux-Coudres*, will be 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 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 by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year following the coming into force of this Order in Council, 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 year during which no separate budgets are applied.

12. The terms and conditions for the allocation of expenditures for shared services provided for in the 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 it adopted a separate budget shall be used for the benefit of all the taxable immovables of the sector made up of 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 remain charged to all the taxable immovables of the sector made up of the territory of that former municipality.

15. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality, except for the municipal building of the former *Municipalité de La Baleine*, 145, chemin Principal, which will be sold.

The product of that sale shall be for the benefit of the ratepayers of the sector made up of the territory of the former *Municipalité de La Baleine* and shall be used to repay the debts of that former municipality, excluding those resulting from loan by-laws.

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 to 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. The security contracted in favour of the *Comité au Cœur de l'action* for the gymnasium of *École Saint-Pierre* authorized by a resolution of the former

Municipalité de La Baleine shall remain charged to the ratepayers of the sector made up of the territory of that former municipality.

18 The annual repayment of the instalments in principal and interest on all the loans contracted under by-laws adopted by a former municipality before the coming into force of this Order in Council shall remain charged to 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 new municipality decides to amend the taxation clauses in those by-laws in accordance with the law, such amendments may affect only the taxable immovables located in the sector made up of the territory of that former municipality.

19. 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 L'ÎLE-AUX-COUDRES, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE CHARLEVOIX

The current territory of the municipalities of La Baleine and L'Île-aux-Coudres, in the Municipalité régionale de comté de Charlevoix, comprising in reference to the cadastres of the Paroisse de Saint-Louis-de-L'Île-aux-Coudres, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the centre line of the branch of the St. Lawrence River passing to the northwest of Île aux Coudres with the northwestern extension of the southwestern line of lot 1062; thence, successively, the following lines and demarcations: southeasterly, the said extension; in general easterly and southwesterly directions, the low-tide mark in the St. Lawrence River to the apex of the southern angle of lot 988; southeasterly, the extension of the southwestern line of the said lot over a distance of 1432.59 metres; southwesterly, a straight line following an astronomical azimuth of 227°00'00" and measuring 6950 metres; northwesterly, a straight line following an astronomical azimuth of 317°00'00" to the centre line of the branch of the St. Lawrence River passing to the northwest of Île-aux-Coudres; finally, in a general northeasterly direction, the said centre line to the starting point.

The said limits define the territory of the new Municipalité de L'Île-aux-Coudres, in the Municipalité régionale de comté de Charlevoix.

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

Charlesbourg, 13 April 2000

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

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Gouvernement du Québec

O.C. 966-2000, 16 August 2000

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

Corrections to Order in Council 901-2000 dated 26 July 2000 concerning the amalgamation of Municipalité de L'Île-aux-Coudres and Municipalité de La Baleine

WHEREAS, by Order in Council 901-2000 dated 26 July 2000, the Government authorized the amalgamation of the municipalities of L'Île-aux-Coudres and La Baleine;

WHEREAS there is an error in writing and an obvious omission in the Order in Council;

WHEREAS, under section 214.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Government may correct an error in writing or supply an obvious omission in an order made under the Act;

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

THAT the following corrections be made to Order in Council 901-2000 dated 26 July 2000:

— section 1 of the operative part and the title and second paragraph of the territorial description are amended by substituting "L'Île-aux-Coudres" for "L'Île-aux-Coudres"; and

— section 7 of the operative part is amended by substituting "the fourth month following the month in which