

Municipal Affairs

Gouvernement du Québec

O.C. 17-2001, 17 January 2001

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

Amalgamation of Ville de Saint-Jean-sur-Richelieu, Ville d'Iberville, Ville de Saint-Luc, Municipalité de L'Acadie and Paroisse de Saint-Athanase

WHEREAS for several years, Ville de Saint-Jean-sur-Richelieu, Ville d'Iberville, Ville de Saint-Luc, Municipalité de L'Acadie and Paroisse de Sainte-Athanase have been negotiating the amalgamation of the territory of their municipalities;

WHEREAS those local municipalities make the census division of Saint-Jean-sur-Richelieu;

WHEREAS under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, c. 27), the Government, by Order in Council 1274-2000, authorized on 1 November 2000 the Minister of Municipal Affairs and Greater Montréal to require those municipalities to submit a joint application for amalgamation;

WHEREAS on 23 November 2000, the Minister required that those municipalities submit a joint application for amalgamation no later than 3 December 2000 and the Minister appointed Jean-Paul Boucher as conciliator to help them;

WHEREAS the Minister did not receive the joint application for amalgamation within the time prescribed;

WHEREAS the conciliator submitted a status report to the Minister;

WHEREAS it is expedient, under section 125.11 of the Act respecting municipal territorial organization, enacted by section 1 of chapter 27 of the Statutes of 2000, to order the constitution of a local municipality;

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

THAT Ville de Saint-Jean-sur-Richelieu, Ville d'Iberville, Ville de Saint-Luc, Municipalité de L'Acadie and Paroisse de Saint-Athanase be amalgamated on the following conditions:

1. The name of the new town shall be "Ville de Saint-Jean-Iberville".
2. The description of the new town shall be the description drawn up by the Minister of Natural Resources on 19 December 2000; that description is attached as Schedule A to this Order in Council.
3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).
4. The new town shall be part of Municipalité régionale de comté du Haut-Richelieu.
5. Until the majority of the candidates elected in the first general election begins their mandate, the new town shall be governed by a provisional council made up of 16 members.

The mayor and seven councillors from the former Ville de Saint-Jean-sur-Richelieu, the mayor and three councillors from the former Ville de Saint-Luc, the mayor and one councillor from the former Ville d'Iberville, the mayor of the former Municipalité de L'Acadie and the mayor of the former Paroisse de Saint-Athanase shall be the members of the provisional council.

Each councillor who is to become a member of the provisional council shall be chosen by and from among the members of the council of the former municipality which he represents.

A councillor of the former Municipalité de L'Acadie and a councillor of the former Paroisse de Saint-Athanase shall be chosen in accordance with the preceding paragraph if the office of mayor is vacant in those former municipalities.

If one of the former municipalities does not choose its councillors before the coming into force of this Order in Council, the Minister of Municipal Affairs and Greater Montréal shall designate the councillors who shall be members of the provisional council for the former municipality in default.

The mayor of the former Ville de Saint-Jean-sur-Richelieu shall act as mayor and the mayor of the former Ville de Saint-Luc shall act as deputy mayor from the coming into force of this Order in Council.

The mayors of the former municipalities who wish to act as mayor of the provisional council shall declare their interest in that office from the beginning of the first sitting of the council.

During the first sitting of the provisional council, the mayor and deputy mayor shall be chosen by secret ballot by the members of the council. If there is a tie vote, the mayor and deputy mayor shall be chosen by the five mayors of the former municipalities.

6. If there is a vacant seat on the provisional council, an additional vote shall be allotted within the provisional council to the mayor of the former municipality of the council where there is a vacancy.

If the seat that has become vacant is that of a mayor, an additional vote shall be allotted to a councillor of the provisional council chosen by and from among the former councillors from the council of the former municipality where there is a vacancy.

For the purposes of the eighth paragraph of section 5, in the case of a tie vote, if a mayor's seat is vacant, the latter shall be replaced by the councillor chosen under the preceding paragraph.

If the vacant seat is that of a councillor of the former Municipalité de L'Acadie or of a councillor of the former Paroisse de Saint-Athanase chosen under section 5, the Minister of Municipal Affairs and Greater Montréal shall designate a councillor of the former municipality to fill the vacancy.

7. The majority of members in office at any time shall constitute the quorum of the provisional council.

8. Decisions shall be made by majority vote and if necessary by an absolute majority where required by law. In the case of a tie vote, the mayor shall have a casting vote.

9. If while in office the provisional council is in fact unable to administer the affairs of the town for more than 30 days and it appears to the Minister of Municipal Affairs and Greater Montréal that it is in the public interest to put an end to that situation, although the council can validly sit, the Minister may designate a person to make essential decisions in the place and stead of the council for the period of time determined by the Minister.

10. The mayor of the provisional council shall receive a remuneration of \$61 295 per year, the deputy mayor shall receive \$25 075 and the councillors shall receive \$16 750.

Notwithstanding the foregoing, a member of the provisional council may not receive a remuneration and an expense allowance less than that which he received in the former municipality that he represents.

Any council member of a former municipality shall continue to receive, until the date on which the next general election should have been held in that former municipality, the remuneration that he was receiving.

If, during that period, he holds a position within the provisional council, the remuneration applicable for the period during which he sits on the council shall be that provided for in the first paragraph of this section.

If, during that period, he holds a position on the council elected in the first general election, the remuneration applicable on the date on which he begins his mandate shall be that in force in the new town.

The expenditures concerning the remuneration of the members who are not part of the provisional council or of the newly elected council shall be charged to the sector made up of the territory of the former municipality on whose council the member sat.

11. The mayors of the former municipalities shall continue to sit on the council of Municipalité régionale de comté du Haut-Richelieu until the mayor elected in the first general election begins his mandate and they shall have the same number of votes as before the coming into force of this Order in Council. They shall remain qualified to act as warden or deputy warden, to sit on any committee and to fill any other position within that regional county municipality.

12. The first sitting of the provisional council shall be held at the council room of the city hall of the former Ville de Saint-Jean-sur-Richelieu.

13. The first general election shall be held on 3 November 2002. The second general election shall be held in 2006.

14. For the purposes of the first general election, the territory of the new town shall be divided into 12 electoral districts in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), adapted as required, in particular as follows:

(1) sections 14 and 16 to 20 of the Act do not apply to the division;

(2) section 15 shall apply to the by-law itself;

(3) notwithstanding section 21, the by-law shall be adopted within six months of the coming into force of this Order in Council; failing that, section 31 shall apply and the Commission municipale du Québec shall carry out the division into electoral districts;

(4) the clerk shall publish the notice provided for in section 22 even if a public meeting on the draft by-law was not held;

(5) the by-law shall come into force before 1 March 2002; failing that, section 31 shall apply and the Commission municipale du Québec shall carry out the division into electoral districts.

15. The clerk of the former Ville de Saint-Jean-sur-Richelieu shall act as clerk of the new town until the council made up of persons elected in the first general election appoints someone to occupy that position.

The clerk of the former Ville d'Iberville shall act as deputy clerk of the new town until the council made up of persons elected in the first general election appoints someone to occupy that position.

16. The director general of the former Ville de Saint-Luc shall act as director general of the new town from the coming to force of this Order in Council until the first sitting of the provisional council.

At the first sitting of the provisional council, the council shall designate the director general from among the five director generals of the former municipalities. If there is a tie vote, the director general shall be designated by the five mayors of the former municipalities that sit on the provisional council.

17. The treasurer of the former Ville de Saint-Luc shall act as treasurer of the new town from the coming into force of this Order in Council until the first sitting of the provisional council.

At the first sitting of the provisional council, the council shall designate the treasurer from among the treasurers or secretary-treasurers of the former municipalities. If there is a tie vote, the treasurer shall be designated by the five mayors of the former municipalities.

18. If a budget was adopted by a former municipality for the fiscal year during which this Order in Council comes into force:

(1) the budget shall remain applicable;

(2) the expenditures and revenues of the new town, for the remaining part of the fiscal year during which this Order in Council comes into force, shall continue to be accounted for separately on behalf of each of the former municipalities as if the amalgamation had not taken place;

(3) an expenditure recognized by the council of the new town as resulting from the amalgamation shall be charged to each of the former municipalities in proportion, for each, to its standardized property value in relation to the total of those of the former municipalities as they appeared in the financial statements of those municipalities for the fiscal year preceding that during which this Order in Council comes into force;

(4) the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), less the expenditures recognized by the council under paragraph 3 and financed directly by that amount, shall constitute a reserve to be paid into the general fund of the new town for the first fiscal year for which it adopted a budget with respect to all of its territory.

19. The working fund of the former municipality shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. The amount of the fund that is not committed on that date shall be added to the surplus accumulated on behalf of the former municipality and shall be dealt with in accordance with section 20.

20. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality, that is, to repay loans contracted by the former municipality, to carry out work in the sector, to reduce the taxes applicable to all the taxable immovables located on the territory or to settle any debt referred to in section 22.

21. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

22. The annual repayment of instalments in principal and interest of loans made under by-laws adopted by a former municipality before the coming into force of this Order in Council shall remain charged to the sector or part of the sector made up of the territory of the former municipality who contracted them in accordance with the taxation clauses provided for in those by-laws.

Notwithstanding the foregoing, the council of the new town may decide to charge the infrastructures that benefit all the ratepayers of the new town to all the taxable immovables in the new town and amend the taxation clauses of the by-laws referred to in the first paragraph.

23. The Régie d'assainissement des eaux du Haut-Richelieu shall cease to exist at the end of the last fiscal year for which the former municipalities adopted separate budgets, the new town shall succeed the rights, obligations and responsibilities of the Régie. The representatives of each former municipality who sit on the Régie's board of directors shall continue to do so until it is abolished. The employees of the Régie shall become employees of the new town.

24. 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 be applied until the end of the last fiscal year for which the former municipalities adopted separate budgets.

Notwithstanding the first paragraph of this section and the second paragraph of section 22 and that, for a period of 15 years from the date of coming into force of this Order in Council, the sharing of capital expenditures provided for in intermunicipal agreements pertaining to the drinking water supply mentioned below shall remain, in the proportion provided for in those agreements, charged to the sector made up of the territory of the former municipalities that are parties to the agreement.

The agreements referred to are the following:

— the intermunicipal agreement entered into between the former Ville d'Iberville and the former Paroisse de Saint-Athanase on 25 April 2000;

— the intermunicipal agreement entered into between the former Municipalité de L'Acadie and the former Ville de Saint-Jean-sur-Richelieu on 4 May 1992;

— the intermunicipal agreement entered into between the former Ville de Saint-Luc and the former Ville de Saint-Jean-sur-Richelieu on 22 February 1993.

All administration, operation and maintenance expenditures related to those agreements shall be charged to the new town which may adopt a rate scale with respect to all the immovables on the territory that are served by a water supply system.

25. A municipal housing bureau shall be constituted under the name "Office municipal d'habitation de la Ville de Saint-Jean-Iberville". That municipal bureau shall succeed to the municipal bureaus of the former Ville de Saint-Jean-sur-Richelieu, the former Ville de Saint-Luc and the former Ville d'Iberville, which are dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), amended by section 273 of chapter 40 of the Statutes of 1999, shall apply to the municipal housing bureau of the new Ville de Saint-Jean-Iberville as though it had been incorporated by letters patent under section 57 of that Act, also amended by section 273.

The bureau shall be composed of seven members who will be its directors. Among those members, three shall be appointed by the town's municipal council, two shall be elected from among all the lessees of the bureau and two shall be designated by the Minister responsible for the Société d'habitation du Québec after consultation with socio-economic groups.

26. Until the council decides otherwise, the library of the former Ville de Saint-Jean-sur-Richelieu shall become the principal library of the new town. For five years following the coming into force of this Order in Council, the libraries of the former Ville de Saint-Luc and the former Municipalité de L'Acadie shall continue to exist and a circulation desk shall be set up to serve the citizens of the former Ville d'Iberville and the former Paroisse de Saint-Athanase.

27. 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 town 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 town, on the condition 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 shall be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new town.

28. Upon the expiry of the contract entered into by the former Paroisse de Saint-Athanase for the collection and disposal of garbage and the recovery of materials, the new town shall take steps to include the sector made up of the territory of that former parish in that already served by Compo-Haut-Richelieu. The costs inherent to the inclusion of the parish shall be charged to all the users of the new town who are served by this organization.

29. The provisional council and the elected council of the new town may, instead of fixing a single rate in order to calculate the amount of the general property tax of a non-residential tax payable with respect to the immovables located on its territory, or of a business tax, fix a different rate for each sector made up of the territory of a former municipality.

Those different rates shall be fixed in a way that will reduce the differences between the receipts of the tax levied by each of the former municipalities before the constitution of the new town and those of the tax that would be levied by the town, if the town did not take advantage of the power provided for in the first paragraph, with respect to the immovables in the sector made up of the territory of each of the former municipalities.

For the purposes of this section, "non-residential tax" means the tax and the surtax on non-residential immovables.

This section shall apply for the first six fiscal years during which the new town applies a budget with respect to all of its territory.

30. For the next five years following the coming into force of this Order in Council, the council of the new town shall ensure public use of the rooms in the city hall of the former Ville d'Iberville to maintain the vitality of the sector of the new town.

31. For at least ten years following the coming into force of this Order in Council, the existing service points, the recreational organizations and the other local organizations that are supported or subsidized by the former municipalities shall continue to be recognized and supported by the council of the new town in so far as the law and the budgets allow it.

32. From the first year of the date of coming into force of this Order in Council, the new town shall take steps in order to recognize the history and heritage of the central sector located on the territory of the former Municipalité de L'Acadie.

33. Any debt or gain that may result from legal proceedings for any act performed by a former municipality shall continue to be credited or charged to the taxable immovables in the sector made up of the territory of that former municipality. In the case of a gain, it may be dealt with in accordance with section 20. In the case of a debt, it may be dealt with in accordance with section 21.

34. 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 VILLE DE SAINT-JEAN-IBERVILLE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DU HAUT-RICHELIEU

The current territory of Municipalité de L'Acadie, Paroisse de Saint-Athanase, Ville d'Iberville, Ville de Saint-Jean-sur-Richelieu and Ville de Saint-Luc, in Municipalité régionale de comté du Haut-Richelieu, comprising in reference to the cadastres of the parishes of Saint-Athanase, Saint-Jean, Saint-Luc and Sainte-Marguerite-de-Blairfindie and to the cadastres of Ville d'Iberville and Ville de Saint-Jean, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions as well as the roads, routes, highways, streets, railway rights-of-way, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the northeastern line of lot 1 of the cadastre of Paroisse de Saint-Athanase with the right bank of Rivière Richelieu; thence, successively, the following lines and demarcations: southeasterly, successively, part of the northeastern line of lot 1 of the said cadastre then the southwest side of the right-of-way of Chemin Rang des Cinquante-Quatre (shown on the original) until it meets the southwesterly extension of the southwestern line of lot 60 of the cadastre of Paroisse de Notre-Dame-de-Bonsecours; in reference to that cadastre, in a general northerly direction, successively, the said extension then the eastern line of lots 60, 62, 63 and 65; northeasterly, the southeastern line of lots 67, 69 and 70; southeasterly, part of the southwestern line of lot 74 to the apex of its southern angle; successively southerly and southwesterly, the broken line bordering to the west and to the northwest, as the case may be, lots 40 to 49, 51, 52, 53, 55, 58, 59, 56, 64 to 71, 75, 78, 79, 80 and 81 of the cadastre of Paroisse de Saint-Grégoire, that line extended across the public road shown on the original that it meets; southeasterly, successively, the southwestern line of lots 81 and 84 of the said cadastre then

the southwest side of the right-of-way of Chemin Rang Kempt (shown on the original) to the apex of the northeastern angle of lot 355 of the cadastre of Paroisse de Saint-Athanase, the southwest side of the said right-of-way and the southwestern line of the said lot 84 being connected by a straight line across Route 104; in reference to that cadastre, southerly, the eastern line of lots 355, 357 to 366 and 368, that line extended across the right-of-way of a railway (lot 485) that it meets; southeasterly, part of the northeastern line of lot 397 to the apex of its eastern angle; southwesterly, successively the southeastern line of lot 397, that line extended across the right-of-way of a railway (lot 486) and Chemin de la Grande-Ligne that it meets, then the southeastern line of lot 433; northwesterly, the southwestern line of lots 433 to 421 in declining order; southerly, successively, part of the eastern line of lot 198 and the eastern line of lot 196; westerly, successively, the southern line of lot 196 then the southern line of lot 94, those two lines connected by a straight line across Route 133 and the second being extended to the centre line of Rivière Richelieu; southerly, the centre line of the said river upstream to its meeting point with the easterly extension of the southern line of lot 19 of the cadastre of Paroisse de Saint-Jean; in reference to that cadastre, westerly, the said extension and the said southern line, that line crossing Route 223 that it meets; northerly, successively, the western line of lots 19 to 29, that line crossing Montée de la Cannerie that it meets, the western line of lots 31 to 39, that line extended across the right-of-way of a railway (lot 235) that it meets, then part of the western line of lot 40 to the southern line of lot 137; westerly, the southern line of lot 137, that line extended across Chemin Grand-Bernier that it meets; southerly, the eastern line of lots 186, 185, 184, 183, 182, 181, 179, 178, 177, 175, 171, 169 and 168, that line crossing Montée de l'Érablière that it meets; northwesterly, successively, the southwestern line of lots 168, 170, 170A, 170B, 170C, 170D, 174, 175, 176, 178, 180, 181, 182 and 183, the southwestern line of lot 113 of the cadastre of Paroisse de Sainte-Marguerite-de-Blairfindie, that line extended across Chemin des Ormes that it meets, then the southwestern line of lots 114 and 115 of the said cadastre; in reference to that cadastre, northerly, the western line of lot 115 and part of the western line of lot 116 to the southern line of lot 295; westerly, part of the southern line of the said lot to the apex of the northeastern angle of lot 296; in a general southerly direction, the eastern line of lots 296 and 298; successively westerly, southerly and easterly, the northern, western and southern lines of lot 299; southwesterly, the southeastern line of lots 300 to 305, the southeastern line of lot 305 extended across Rue Principale to the northeastern line of lot 310; successively northwesterly, southwesterly and southeasterly, the northeastern, northwestern and southwestern lines of lot 310; southwest-

erly, the southeastern line of lots 311, 312, 313, 314, 314A, 315 and 316; northwesterly, the southwestern line of lot 316 and its extension to the centre line of Rivière L'Acadie; northeasterly, the centre line of the said river downstream to its meeting point with the easterly extension of the southern line of lot 317; westerly, the said extension and the southern line of lot 317; in a general northerly direction, part of the dividing line between the cadastres of the parishes of Sainte-Marguerite-de-Blairfindie and Saint-Jacques-le-Mineur to the apex of the northeastern angle of lot 118 of the cadastre of Paroisse de Saint-Jacques-le-Mineur; northwesterly, the northeastern line of lots 118 and 117 of the said cadastre, those lines crossing Ruisseau des Noyers and Chemin Ruisseau-des-Noyers that they meet; in a general northerly direction, successively, the dividing line between the cadastre of Paroisse de Sainte-Marguerite-de-Blairfindie and the cadastres of the parishes of Saint-Philippe and Laprairie-de-la-Madeleine then the dividing line between the cadastres of the parishes of Saint-Luc and Laprairie-de-la-Madeleine to the apex of the northwestern angle of lot 214 of the cadastre of Paroisse de Saint-Luc, whose apex is located on the southwest side of the right-of-way of a public road shown on the original; in reference to that cadastre, southeasterly, successively, the southwest side of the right-of-way of the said road to the intersection of the northeastern line of lot 211 with the southeast side of the right-of-way of the said road, part of the northeastern line of lot 211 extended across Rivière L'Acadie, then the northeastern line of lots 197 and 196; northeasterly, the northwest side of the right-of-way of Chemin du Coteau-de-Trèfle Sud (shown on the original) to its meeting point with the northwesterly extension of the northeastern line of lot 70; in a general southeasterly direction, successively, the said extension, the northeastern line of lots 70 to 79 then part of the northeastern line of lot 80 to the western line of lot 57; successively northerly and northeasterly, the western line of lots 57 to 61 then the northwesterly line of lots 61 to 69 to the southwest side of Chemin de la Grande-Ligne, that line crossing Autoroute de la Vallée-des-Forts that it meets; successively southeasterly and easterly, the southwest and south sides of the right-of-way of the said road to the west side of the right-of-way of Route 223; northerly, the west side of the said right-of-way to its meeting point with the westerly extension of the northern line of lot 226; easterly, successively, the said extension and the northern line of the said lot extending across Canal de Chambly (lot 232) to the left bank of Rivière Richelieu; northeasterly, a straight line in the said river passing by the northeasternmost point of lot 236-1 to the centre line of the said river; southerly, the centre line of the said river upstream to its meeting point with a straight line perpendicular to the right bank of the said river and whose point of origin is the apex of the northwestern

angle of lot 1 of the cadastre of Paroisse de Saint-Athanase; finally, easterly, the said straight perpendicular line to the starting point.

The said limits define the territory of Ville de Saint-Jean-Iberville.

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

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