

Municipal Affairs

Gouvernement du Québec

O.C. 85-2001, 7 February 2001

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

Amalgamation of Ville d'Alma and Municipalité de Delisle

WHEREAS Ville d'Alma and Municipalité de Delisle are in the census division of Alma;

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 1077-2000 dated 13 September 2000, authorized the Minister of Municipal Affairs and Greater Montréal to require those municipalities to submit a joint application for amalgamation;

WHEREAS on 14 September 2000, the Minister required that those municipalities submit a joint application for amalgamation within 90 days and the Minister appointed Roger Pépin as conciliator to help them;

WHEREAS each of the municipal councils of Ville d'Alma and Municipalité de Delisle 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;

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

Ville d'Alma and Municipalité de Delisle, on the following conditions:

1. The name of the new town shall be "Ville d'Alma". As soon as possible after the coming into force of this Order in Council, the provisional council shall contact the Commission de toponymie in order to have the toponyms "Delisle" and "Saint-Coeur-de-Marie" attributed to the sectors of the new town that correspond to the territory of the former municipalities of Delisle and Saint-Coeur-de-Marie.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 20 December 2000; that description is attached as a Schedule 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 de Lac-Saint-Jean-Est.

5. Until the majority of the candidates elected in the first general election begin their mandate, the new town shall consist of nine electoral districts and it shall be governed by a provisional council composed of a mayor and ten councillors.

For the purposes of the first paragraph, each councillor of a district of the former Ville d'Alma shall remain the councillor of that district and the territory of the former Municipalité de Delisle shall constitute an electoral district of which the mayor and the councillor in seat number six of that municipality shall be the representatives.

For any councillor's seat on the council of a district of the territory of the former Ville d'Alma that is vacant at the time of coming into force of this Order in Council, and for each vacant seat on the provisional council after that coming into force, that seat shall be filled in accordance with the provisions of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2).

If the mayor's seat and councillor's seat number six of the former Municipalité de Delisle are vacant at the time of coming into force of this Order in Council or if, within the provisional council, a councillor's seat in the district made up of the territory of that former municipality becomes vacant, another councillor of that former

municipality shall act as representative for that district, determined in the following order: the councillor in seat number 4 and, if necessary, the councillor in seat number 5.

6. The mayor of the former Ville d'Alma shall be mayor of the new town until the mayor elected in the first general election begins his mandate. The mayor of the former Municipalité de Delisle shall act as deputy mayor for the same period.

If the seat of deputy mayor becomes vacant on the provisional council, the nomination policy in effect for the municipal council of the former Ville d'Alma shall apply.

Until the date of the first general election, the mayor of Ville d'Alma, the three representatives appointed by the municipal council of the former Ville d'Alma and the mayor of Municipalité de Delisle shall continue to sit on the council of Municipalité régionale de comté de Lac-Saint-Jean-Est.

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

8. The first sitting of the provisional council shall be held at the town hall of the former Ville d'Alma.

9. By-law 370 respecting the remuneration of the elected officers of the former Ville d'Alma shall apply to the members of the provisional council until it is amended by the council of the new town.

10. Jean Paradis shall act as first clerk of the new town.

11. Voting in the first general election shall be held on the first Sunday in November 2003 and voting in the second general election in 2007.

12. For the purposes of the first general election, the territory of the new town shall be divided into eight electoral districts in accordance with the Act respecting elections and referendums in municipalities.

13. 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.

14. A municipal housing bureau is incorporated under the name "Office municipal d'habitation de la Ville d'Alma".

That municipal bureau shall succeed those of the former municipalities. 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 town as if it had been incorporated by letters patent under section 57 of that Act, also amended by section 273.

Until the majority of the candidates elected in the first general election begins their mandate, the members of the bureau shall be the members of the municipal housing bureau of the former Ville d'Alma, plus one additional member appointed by the board of directors of the municipal housing bureau of the former Municipalité de Delisle from among its members.

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

(1) that 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 their standardized property value in relation to the total of those of the former municipalities as they appeared in the financial statements of those former 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 adopts a budget with respect to all of its territory.

16. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted, except for the future provisions referred to in section 18, shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality, namely 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 29.

17. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted, except the future provisions referred to in section 18, shall be charged to all the taxable immovables of the sector made up of the territory of that former municipality.

18. The future provisions, entered in the accounting books of each of the former municipalities on 1 January 2000, following the coming into force of the new accounting standards contained in the Manuel de la présentation de l'information financière municipale, shall become charged or credited to all the taxable immovables of the new town.

19. The working fund of the new town shall be constituted from the working fund of the former Ville d'Alma as it existed at the end of the last fiscal year for which separate budgets were applied. The amounts borrowed shall be repaid into the working fund of the new town in accordance with section 569 of the Cities and Towns Act.

20. From the first fiscal year for which a budget was adopted by the new town with respect to all of its territory, all the taxable immovables of the territory of the new town shall be subject to a special tax the purpose of which is to repay a loan contracted under a by-law in force at the time of coming into force of this Order in Council and shall be imposed on all the taxable immovables located on the territory of a former municipality.

The amounts owed to the Société québécoise d'assainissement des eaux under the agreements entered into between the Gouvernement du Québec and each of the former municipalities shall also be charged to all the taxable immovables of the new town.

21. Notwithstanding section 119 of the Act respecting municipal territorial organization, the new town shall use the values entered on the property assessment rolls in force for the 2001 fiscal year for each of the former municipalities kept up to date and adjusted from the coming into force of this Order in Council.

The adjustment shall be made as follows: the values entered on the property assessment roll of the former Municipalité de Delisle are divided by the median proportion of such roll and multiplied by the median proportion of the roll of the former Ville d'Alma; the median proportion used is that established for the 2001 fiscal year.

The roll in force in the former Ville d'Alma for the 2001 fiscal year and the roll of the former Municipalité de Delisle amended in accordance with the second para-

graph of this section shall constitute the roll of the new town for the first fiscal year of the new town. The median proportion and the comparative factor of the roll shall be those of the former Ville d'Alma. The first fiscal year of the new town shall be the first year in which the roll is applied.

22. The application for review, provided for in section 130 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) with respect to an entry on the roll of the former Ville d'Alma, must be filed before 1 July 2001.

23. For the first three fiscal years for which the new town adopts a budget with respect to all of its territory, the rate of the general property tax imposed on the taxable immovables of the sector made up of the territory of the former Municipalité de Delisle and that are served by the waterworks and sewer system shall be higher than the rate fixed with respect to the taxable immovables of the sector made up of the territory of the former Ville d'Alma in accordance with the following:

the rate shall be increased by:

— \$0.10 per \$100 of assessment for the first fiscal year;

— \$0.10 per \$100 of assessment for the second; and

— \$0.02 per \$100 of assessment for the third.

24. For the first three fiscal years for which the new town adopts a budget with respect to all of its territory, the rate of the general property tax imposed on the taxable immovables of the sector made up of the territory of the former Municipalité de Delisle and that are served by the waterworks only shall be lower than the rate fixed with respect to the taxable immovables of the sector made up of the territory of the former Ville d'Alma in accordance with the following:

the rate shall be lowered by:

— \$0.15 per \$100 of assessment for the first fiscal year;

— \$0.10 per \$100 of assessment for the second; and

— \$0.05 per \$100 of assessment for the third.

25. For the first three fiscal years for which the new town adopts a budget with respect to all of its territory, the rate of the general property tax imposed on the taxable immovables of the sector made up of the territory of the former Municipalité de Delisle and that are not served by the waterworks or sewer system shall be

lower by \$0.34 per \$100 of assessment than the rate fixed with respect to the taxable immovables of the sector made up of the territory of the former Ville d'Alma.

For the subsequent years, the rate of the property tax for the sector made up of the territory of the former Municipalité de Delisle shall be increased by \$0.05 per \$100 of assessment each year until it reaches the rate of the general property tax of the new town; standardization of the rate of that tax may not take longer than six years.

26. For the first fiscal year for which the new town adopts a budget with respect to all of its territory, the rate of the property tax imposed on the non-residential immovables of the sector made up of the territory of the former Municipalité de Delisle shall be \$0.35 per \$100 of assessment. For the second, third, fourth and fifth fiscal years, the rate imposed on the non-residential immovables of the sector shall be respectively 51%, 67%, 84% and 100% of the rate of the property tax imposed by the new town on the non-residential immovables of the sector made up of the territory of the former Ville d'Alma.

27. The amounts accumulated in a special fund constituted by a former municipality for the purpose of parks, playgrounds and natural areas under division II of chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., c. A-19.1) shall be paid into a special fund constituted for that purpose by the new town and used for its benefit.

The amounts accumulated in a sinking fund by a former municipality for the purposes of repaying the long term debt shall be used for the benefit of the new town.

28. 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 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 on the whole territory of the new town, 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 town.

29. 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 of the sector made up of the territory of that former municipality.

30. The municipal court of the former Ville d'Alma shall have jurisdiction over the territory of the new town, without further formality.

31. 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 NEW VILLE D'ALMA, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LAC-SAINT-JEAN-EST

The current territory of Municipalité de Delisle and Ville d'Alma, in Municipalité régionale de comté de Lac-Saint-Jean-Est, comprising in reference to the cadastres of the townships of De l'Île, Labarre, Signay and Taché, the lots or parts of lots, blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, boulevards, 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 dividing line between ranges 5 and 6 of the cadastre of Canton de De l'Île and the east side of the right-of-way of Grande ligne Taché-Delisle; thence, successively, the following lines and demarcations: southerly, the east side of the said right-of-way and the eastern line of the said cadastre according to the case to the dividing line between ranges 3 and 4 of the cadastre of Canton de Taché; in reference to that cadastre, easterly, part of the dividing line between the said ranges to the eastern line of lot 42 of Rang 3; southerly, the dividing line between lot 42 of Rang 3 and lot 41 of ranges 3 and 2 and its extension to the low water mark of the right bank of Rivière Grande Décharge; in a general southerly direction, the low water mark line of the right bank of the said river then the centre line of Rivière Saguenay downstream to the northerly extension of the dividing line between lots 31 and 32 of Rang Saguenay of the cadastre of Canton de Labarre; in reference to that cadastre, southerly, the said extension and the dividing line between the said lots to the dividing line between Rang Saguenay and Rang 9; westerly, part of the said dividing line between the ranges to the dividing line between ranges 8 and 9; southerly, part of the said dividing line between the ranges to the dividing line between lots 26 and 25 of Rang 8, that line

crossing Route du Lac Est and Lac Tommy that it meets; westerly, successively, the dividing line between the said lots in ranges 8 and 7, the dividing line between lots 26A and 25 of Rang 6 and the dividing line between lots 26 of Rang 5, 47 of the said cadastre and 26 of Rang 4 and lot 25 of ranges 5 and 4 to the dividing line between the cadastres of the townships of Labarre and Signay, that line crossing Chemin du Moulin Sud and Boulevard Auger Sud that it meets; northerly, part of the dividing line between the cadastres of the said townships to the dividing line between ranges 7 and 6 of the cadastre of Canton de Signay; in reference to that cadastre, westerly, the dividing line between the said ranges, that line extended across Rivière Bédard that it meets; northerly, a dividing line between ranges 7, 8 and 9 and Rang 10 and its extension to the centre line of Rivière Petite Décharge, that line extended across routes du Lac Ouest and Rang Scott Ouest that it meets; in a general westerly direction, the centre line of the said river upstream and passing to the east of islands number 5 and 2 of the cadastre of Canton de De l'Île, to the northwest of island number 4 of the cadastre of Canton de Signay and to the south of islands number 2, 3, 7, 8, 9 and 11 of the cadastre of Canton de De l'Île; in a general northwesterly direction, a line passing midway between the southwest banks of Île d'Alma and northwest of Île des Cauchon (island number 5 of the cadastre of Canton de Signay) to a point located midway between the northeasternmost point of Île des Cauchon and the southwesternmost point of Île d'Alma; in Lac Saint-Jean, northwesterly, a straight line passing by the northern extremity of Île à Caron (island number 8 of the cadastre of Canton de Signay) to an irregular line parallel to and 0.62 kilometre (1 mile) from the shore of the said lake; in a general northerly direction, successively, the said irregular line parallel to and 0.62 kilometre (1 mile) from the shore then an irregular line skirting to the west islands number 18, 19, 21 to 24, 35 and 36 of the cadastre of Canton de De l'Île to a straight line in a general easterly-westerly direction and the origin of which is the northwesternmost point of Île d'Alma, the said straight line passing to the north of islands number 36 to 39 and to the south of island number 40 of the cadastre of Canton de De l'Île; in Lac Saint-Jean, successively westerly, northerly, easterly and northerly, the said straight line then a line skirting to the west of the islands of the cadastre of the said township to the southerly extension of the dividing line between the cadastres of the townships of De l'île and Taillon; northerly, the said extension and part of the dividing line between the cadastres of the said townships to the dividing line between ranges 5 and 6 of the cadastre of Canton de De l'Île, that line crossing Route 169 and Route Ulysse that it meets; finally, easterly, the dividing line between the said ranges to the starting point, that line crossing Route Sainte-Marie that it meets.

The said limits define the territory of the new Ville d'Alma, in Municipalité régionale de comté de Lac-Saint-Jean-Est.

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

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