

## Municipal Affairs

Gouvernement du Québec

### **O.C. 564-2001, 16 May 2001**

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

Amalgamation of Municipalité de Stukely and  
Village d'Eastman

WHEREAS each of the municipal councils of Municipalité de Stukely and Village d'Eastman 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 Municipalité de Stukely and Village d'Eastman on the following conditions:

1. The name of the new municipality shall be "Municipalité d'Eastman".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 3 October 2000; 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 territory of Municipalité régionale de comté de Memphrémagog comprises the territory of the new municipality.

5. Until the term of the majority of candidates elected in the first general election begins, the new municipality shall be governed by a provisional council composed of all the council members of the former municipalities 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 mayor of the former Municipalité de Stukely and the mayor of the former Village d'Eastman shall act respectively as mayor and deputy mayor of the new municipality until the last day of half the period to run between the coming into force of this Order in Council and the polling day of the first general election, from which time the roles are reversed until the mayor elected in the first general election begins his term.

An additional vote shall be allotted, within the provisional council, to the mayor of the former municipality on whose council there is a vacancy at the time of the coming into force of this Order in Council, as well as for any seat that was previously occupied by a member of the council of that former municipality and that becomes vacant on the provisional council after that coming into force.

For the term of the provisional council, the elected municipal officers shall continue to receive the same remuneration as they were receiving before the coming into force of this Order in Council.

After the first election of the members of the council of the new municipality and from their appointment, the remuneration of the mayor and the councillors shall be the remuneration to which the mayor and the councillors of the former Village d'Eastman were respectively entitled on the day that precedes the date of coming into force of this Order in Council and it shall apply until the new council adopts a remuneration by-law or until the Act prescribes, in accordance with the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001), a remuneration greater than that payable by the former Village d'Eastman on that date.

6. The first sitting of the provisional council shall be held at the public hall of the former Village d'Eastman.

7. Élise Guertin shall act as secretary-treasurer of the new municipality until the council composed of persons elected in the first general election decides otherwise.

8. The polling day of the first general election shall be held on 4 November 2001. The second general election shall be held in 2005.

9. For the first general election, 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.

For the first two general elections, the only persons eligible for seats 1, 2 and 3 shall be the 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 *Municipalité de Stukely* and the only persons eligible for seats 4, 5 and 6 shall be the persons who would be eligible if such election were an election of the members of the council of the former *Village d'Eastman*.

10. The mayor of the former *Municipalité de Stukely* shall continue to act as warden of *Municipalité régionale de comté de Memphrémagog* even during the time where he acts as deputy mayor of the provisional council of the new municipality.

The mayor of the former *Village d'Eastman* shall act, for the time comprised between the coming into force of this Order in Council and the first general election, as substitute for the mayor of the new municipality within the council of *Municipalité régionale de comté de Memphrémagog* within the meaning of section 210.27 of the Act respecting municipal territorial organization.

11. Any 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 shall be accounted for separately as though those 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 value established in accordance with the Regulation respecting the equalization scheme, as it appears in the financial statements of the former municipalities for the fiscal year preceding the year during which this Order in Council comes into force.

12. The terms and conditions for apportioning the cost of shared services provided for in the intermunicipal agreement 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. If section 11 applies, the portion of the subsidy paid to the new municipality 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 by that portion of the subsidy, shall constitute a reserve to be paid into the general fund of the new municipality for the first fiscal year for which it does not apply separate budgets.

14. Subject to section 16, the surpluses accumulated at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be shared as follows:

(1) an amount of \$20 000 shall be subtracted from each surplus and shall be paid into the general fund of the new municipality;

(2) notwithstanding the preceding, if any of the surpluses is less than \$20 000, the amount subtracted shall be equal to the surplus or to zero where no surplus is accumulated on behalf of one of the municipalities.

The excess of the amount subtracted shall be used for the benefit of the sector made up of the territory of the former municipality on behalf of which the surplus was accumulated and may be used for carrying out public works in that sector, reducing taxes applicable to all the taxable immovables of that sector or repaying debts charged to all the sector.

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

16. The amount of the reserve for sewerage created by the former *Village d'Eastman* that was \$35 830 on 1 January 2000 and any amount that could be accumulated in the reserve for the 2000-2001 fiscal years may only be used for the benefit of the owners of the units of assessment benefiting from the sewer service and located in the sector made up of the territory of the former *Village d'Eastman*. Those amounts may be used for carrying out maintenance work of the sewer service or for reducing the annual tariff imposed for the sewer service to the owners of the units of assessment benefiting from such service.

The amount of the reserve for waterworks set up by the former Village d'Eastman that was \$69 725 on 1 January 2000 and any amount that could be accumulated in the reserve for the 2000-2001 fiscal years may only be used for the benefit of the owners of the units of assessment benefiting from the waterworks service and located in the sector made up of the territory of the former Village d'Eastman. Those amounts may be used for carrying out maintenance work of the waterworks service or for reducing the annual tariff imposed for the waterworks service to the owners of the units of assessment benefiting from such service.

17. The balance in principal and interest of loans contracted under by-law 4-91 adopted by the former Village d'Eastman shall be in a proportion of 6% charged to all the taxable immovables in the sector made up of the territory of the former Municipalité de Stukely, in a proportion of 9% charged to all the taxable immovables in the sector made up of the territory of the former Village d'Eastman and in a proportion of 85% charged to the users that are served by the works that were subject to the by-law and whose immovables are located in the sector made up of the territory of the former Village d'Eastman.

The taxation clauses provided for in those by-laws shall be amended accordingly. The council of the new municipality may amend the by-laws in accordance with the law if it carries out work to extend the system.

18. The working fund of the former Municipalité de Stukely shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets and the amount of that fund that is not committed on that date shall be added to the surplus accumulated on behalf of that former municipality and shall be dealt with in accordance with section 14.

19. 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.

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 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.

21. The time allotted to the new municipality by section 59 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) to adopt any concordance by-law after the coming into force of the revised plan shall be three years.

22. Notwithstanding section 119 of the Act respecting municipal territorial organization, the new municipality shall use the values entered on the property assessment roll in effect in the former municipalities for the 2001 fiscal year.

The rolls in effect in the former Village d'Eastman and in the former Municipalité de Stukely for the 2001 fiscal year in accordance with this section shall constitute the roll of the new municipality for the first fiscal year. The median proportion and the comparative factor of that roll shall be those of the former Village d'Eastman. The first fiscal year of the new municipality is deemed to be the first year of application of the roll.

23. Notwithstanding section 244.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the new municipality may, during the five-year period following the coming into force of this Order in Council, provide that the contributions paid for services of the Sûreté du Québec shall be financed by means of a tariff. After that period, any contribution paid for services of the Sûreté du Québec shall be financed in accordance with the provisions of the Act.

24. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN-ST-GELAIS,  
*Clerk of the Conseil exécutif*

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OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF MUNICIPALITÉ D'EASTMAN, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE MEMPHRÉMAGOG

The current territory of Municipalité de Stukely and of Village d'Eastman, in Municipalité régionale de comté de Memphrémagog, comprising, in reference to the cadastres of the townships of Bolton and Stukely, the lots or parts of lots, blocks or parts of blocks and their

present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northeastern angle of lot 1369 of the cadastre of Canton de Bolton; thence, successively, the following lines and demarcations: in reference to that cadastre, southerly, successively, the eastern line of lot 1369 crossing Chemin d'Orford-sur-le-Lac and extending across the railway (lot 1892) that it meets; in Lac Orford, a straight line joining the apex of the southeastern angle of lot 1369 to the apex of the northeastern angle of lot 1378 then the eastern line of lot 1378, that line crossing Route 112 and Autoroute 10 that it meets; westerly, successively, the southern line of lots 1378 and 1373, that latter line extended across a public road shown on the original, the southern line of lots 1284 and 1283, that latter line extended across Chemin Georges-Bonnallie shown on the original, the southern line of lots 1161, 1158 and 937, that latter line extended across Rue de la Mine-de-Cuivre, Route 245 (lot 1630 railway) and Rivière Missisquoi Nord then the southern line of lot 936 extended to the west side of the right-of-way of Chemin Rang du Rocher bordering to the west the said lot 936; northerly, successively, the west side of the right-of-way of the said road then the western line of lots 932, 931, 927 and 925, that latter line crossing Autoroute 10, Route 112 and a railway right-of-way (lot 1628) that it meets; westerly, part of the dividing line between the cadastres of the townships of Stukely and Bolton to the western line of lot 118 of the cadastre of Canton de Stukely coinciding with the east side of the right-of-way of Chemin des Quatre-Goyette, that line extended twice across a railway (lot 1628 of the cadastre of Canton de Bolton); in reference to the cadastre of Canton de Stukely, northerly, the western line of lot 118 following the east side of the right-of-way of Chemin des Quatre-Goyette to the apex of the northwestern angle of the said lot; northerly, a straight line extended across Chemin des Diligences to the apex of the southwestern angle of lot 223; northerly, successively, the western line of lots 223, 284 and 282, that latter line extended across Chemin Lefebvre, the western line of lots 281, again 282, 344, 343, 342 and 341, a straight line extended across Chemin Aimé-Dufresne to the apex of the southwestern angle of lot 401, the western line of lots 401 and 402, that latter line extended to the north side of the right-of-way of Chemin du Cinquième Rang; easterly, successively, the north side of the right-of-way of the said road, the northern line of lots 417, 418, 1102 and 421, that latter line extended across Chemin Georges-Bonnallie shown on the original and lot 1115 that it meets then the northern line of lot 422 extended across lots 1125, 1113 and in Lac Stukely to the eastern line of the cadastre of Canton de Stukely; southerly, that part of the eastern line of the said cadastre located in Lac Stukely

and continuing to the dividing line between the cadastres of the townships of Stukely and Bolton; finally, westerly, part of the dividing line between the said cadastres to the starting point.

The said limits define the territory of Municipalité d'Eastman, in Municipalité régionale de comté de Memphrémagog.

Ministère des Ressources naturelles  
Service de l'arpentage

Charlesbourg, 3 October 2000

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