

Municipal Affairs

Gouvernement du Québec

O.C. 930-2001, 16 August 2001

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

Amalgamation of Village de Luceville and Paroisse de Sainte-Luce

WHEREAS each of the municipal councils of Village de Luceville and Paroisse de Sainte-Luce 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 with the amendments proposed by the Minister of Municipal Affairs and Greater Montréal which have been approved by the municipal councils of the applicants;

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 Village de Luceville and Paroisse de Sainte-Luce, on the following conditions:

1. The name of the new municipality shall be "Municipalité de Sainte-Luce-Luceville".

However, at the same time as the first general election is held, a consultative referendum must be held, in accordance with section 517 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), in order to consult the qualified voters on the name of the new municipality: Municipalité de Sainte-Luce or Municipalité de Luceville. The council formed of the members elected at that time shall apply for a change of name as soon as possible, in accordance with the Act

respecting municipal territorial organization, to give effect to the referendum vote. The second paragraph of section 517 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) does not apply to the referendum poll taken in accordance with this paragraph.

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 31 January 2001; 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 new municipality shall be part of Municipalité régionale de comté de La Mitis.

5. Until a majority of the candidates elected in the first general election takes office, a provisional council formed of all the municipal councillors in office at the time of coming into force of this Order in Council shall administer the new municipality. The quorum shall be half the number of members in office plus one. The current mayors shall act as mayor and deputy mayor, alternating each month for the term of the provisional council, with the mayor of the former Paroisse de Sainte-Luce acting as mayor for the first period.

If a seat on the provisional council becomes vacant at the time of coming into force of this Order in Council or becomes vacant during the term of the provisional council, an additional vote shall be granted to the mayor of the municipality of origin of the council member whose seat has become vacant. Should the vacant seat be that of the mayor, the mayor's duties shall be conferred on the councillor designated by the councillors of the former municipality where the seat was vacated.

For the term of the provisional council, the mayors of the former municipalities shall continue to sit on the council of Municipalité régionale de comté de La Mitis; they shall have the same number of votes as before the coming into force of this Order in Council.

For the term of the provisional council and until the council decides otherwise, the by-law respecting the remuneration of the elected councillors, adopted by the former Paroisse de Sainte-Luce, shall apply to the new municipality.

6. The meetings of the provisional council shall be held each month, alternating between the town halls of each municipality. The first meeting shall be held in the town hall of the former Paroisse de Sainte-Luce.

7. The first general election shall be held on 4 November 2001. The second general election shall be held in 2005.

8. Until the council decides otherwise, the council of the new municipality shall be made up of seven members, that is, a mayor and six councillors. The council seats shall be numbered from 1 to 6 starting with the first general election.

9. For the first general election and for any partial election held before the second general election, the only persons eligible for seats 1, 3 and 5 are the persons who would be eligible under the Act respecting elections and referendums in municipalities if such an election were an election of the council members of the former Village de Luceville, and the only persons eligible for seats 2, 4 and 6 are the persons who would be eligible under that Act if such election were an election of the council members of the former Paroisse de Sainte-Luce.

10. Mr. Gaétan Ross, director-general and secretary-treasurer of the former Paroisse de Sainte-Luce, shall act as the director-general and secretary-treasurer of the new municipality. Ms. Marie-Andrée Jeffrey, secretary-treasurer of the former Village de Luceville shall act as the first deputy secretary-treasurer of the new municipality.

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

(a) the budget shall remain applicable;

(b) the expenditures and revenues of the new municipality, for the remaining part of the fiscal year in 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; and

(c) an expenditure recognized by the council of the new municipality as resulting from the amalgamation shall be financed by the first amount paid as a subsidy under the Programme d'aide financière au regroupement municipal (PAFREM).

12. 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 apply until the end of the last fiscal year for which separate budgets were adopted.

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) The surplus accumulated on behalf of the former Paroisse de Sainte-Luce that was reserved for the water and sewer systems shall continue to be used for those purposes;

(b) For the purposes of the first fiscal year for which the new municipality adopted a budget for its entire territory, the new municipality shall contribute to its general fund an amount equal to 0.1% of the total values entered on the assessment roll to be deposited on 15 September 2001.

The contribution shall be deducted from the surplus accumulated on behalf of each of the former municipalities based on the proportion obtained by dividing the amount equal to the total values entered on the assessment roll for the sector made up of the territory of the former municipality by the amount equal to the total values entered on the roll for the new municipality.

If the surplus accumulated on behalf of a former municipality is insufficient to pay the contribution established in accordance with the above paragraphs, the new municipality shall make up the difference by imposing a special tax on all the taxable immovables of the sector made up of the territory of the former municipality, based on their value as it appears on the assessment roll in effect each year;

(c) The new municipality shall dissolve the working fund of the former municipalities and add it to any surplus accumulated on behalf of each former municipality;

(d) A working fund shall be constituted for the new municipality, the amount of which shall equal 0.05% of the total values entered on the assessment roll to be deposited on 15 September 2001.

That contribution shall be deducted from the surplus accumulated on behalf of each of the former municipalities based on the proportion obtained by dividing the amount equal to the total values entered on the assessment roll for the sector made up of the territory of the former municipality by the amount equal to the total values entered on the roll for the new municipality.

If the surplus accumulated on behalf of a former municipality is insufficient to pay the amount established in accordance with the above paragraphs, the new municipality shall make up the difference by imposing a special tax on all the taxable immovables of the sector made up of the territory of the former municipality, based on their value as it appears on the assessment roll in effect each year;

(e) Any balance in the surplus accumulated on behalf of a former municipality shall be used, following the calculation provided for in section 17, for the benefit of the ratepayers of the sector made up of the territory of that former municipality. It may be used to carry out public works in the sector or to repay debts charged to that municipality.

14. For the purposes of the first fiscal year for which the new municipality adopted a budget for its entire territory, any deficit accumulated on behalf of a former municipality shall continue to be charged to all the taxable immovables of the former municipality.

15. Any debt or gain that may result from legal proceedings for any act performed by a former municipality shall continue to be charged or credited to all the taxable immovables of the former municipality.

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 the territory of the new municipality by a new-law zoning and a new subdivision by-law applicable to the entire territory of the new municipality respectively, 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 shall be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the entire territory of the new municipality.

17. The amounts accumulated in a special fund by a former municipality for parks, playgrounds and natural areas shall be paid into a special fund set up for that purpose by the new municipality and accounted for separately for the benefit of the sector made up of the territory of the former municipality.

18. A municipal housing bureau shall be incorporated under the name of "Office municipal d'habitation de la Municipalité de Sainte-Luce-Luceville."

That municipal bureau shall succeed to the municipal housing bureau of the former Village de Luceville. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) shall apply to the municipal housing bureau of the new Municipalité de Sainte-Luce-Luceville as though it had been incorporated by letters patent under section 57 of that Act.

The members of the new bureau shall be the members of the former housing bureau holding office at the time of the coming into force of this Order in Council.

19. Notwithstanding section 119 of the Act respecting municipal territorial organization, the values entered on the assessment rolls in effect with respect to the territory of the former municipalities are not adjusted upon the coming into force of this Order in Council.

For the 2001 fiscal year, the roll of the new municipality shall be made up of the combined rolls of the former municipalities.

However, for the 2002 and 2003 fiscal years, the roll of the new municipality shall be adjusted based on the values entered on the real estate assessment rolls of the former municipalities that were prepared before the coming into force of this Order in Council and were to be deposited on 15 September 2001.

The first roll of the new municipality shall be prepared for the 2004 fiscal year.

20. The annual repayment of the instalments in principal and interest of the loan made under By-law 356-93 by the former Paroisse de Sainte-Luce with respect to Promenade de l'Anse shall be charged to all the taxable immovables of the new municipality, based on their values as they appear on the assessment roll in effect each year. The by-law taxation clauses shall be amended accordingly.

Any loan by-laws not referred to in the above paragraph shall continue to be charged to the taxable immovables of the sector made up of the territory of the former municipality that made them, in accordance with the taxation clauses.

If the new municipality decides to amend the taxation clauses, the amendments may only apply to the taxable immovables located in the sector made up of the territory of the former municipality that adopted the by-law.

21. The council of the new municipality shall adopt, for the first complete fiscal year following the coming into force of this Order in Council, a by-law determining a water compensation rate, which will differ for the

users of each sector made up of the territory of the former municipality.

The rate is based on the annual expenditures that the new municipality must incur for each sector and may differ until the expenditures per user have been equalized, which may not exceed a fifteen-year period.

22. 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

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF MUNICIPALITÉ DE SAINTE-LUCE-LUCEVILLE IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LA MITIS

The current territory of Paroisse de Sainte-Luce and Village de Luceville, in Municipalité régionale de comté de La Mitis, including, in reference to the cadastre of Paroisse de Sainte-Luce, the lots or parts of lots and their present and future subdivisions as well as the roads, highways, streets, railway rights-of-way, islands, lakes, water courses or parts thereof, the whole delineated by the boundaries hereafter described, that is, starting from the apex of the northern angle of Lot 1 of the cadastre of Paroisse de Sainte-Luce; thence, successively, the following lines and demarcations: southeasterly, the dividing line between the cadastres of the parishes of Sainte-Luce and Sainte-Flavie to the apex of the eastern angle of Lot 270 of the first cadastre, that line crossing Route 132, Chemin du 2^e Rang, a railway right-of-way (Lot 200) and Chemin du 3^e Rang that it meets; in a general southwesterly direction, the broken line dividing the cadastres of the parishes of Sainte-Luce and Saint-Donat to the dividing line between the cadastres of the parishes of Sainte-Luce and Saint-Anaclet, that line crossing Route 298 and Chemin du 4^e Rang Ouest that it meets; in a general northwesterly direction, part of the broken line dividing the said cadastres to the southeastern line of Lot 142 of the cadastre of Paroisse de Sainte-Luce, that broken line passing through the southeastern boundary of the railway right-of-way shown in the original document (Chemin du 3^e Rang) and crossing Chemin du 2^e Rang and the railway right-of-way (Lot 200) that it meets; successively, southwesterly and northwesterly, part of the southeastern line of Lot 142, then, the southwestern line of the said lot, that line crossing Route 132 and Route du Fleuve that it meets; lastly, in a general northeasterly direction, the right bank of the St. Lawrence River to the starting point.

The said limits define the territory of Municipalité de Sainte-Luce-Luceville in Municipalité régionale de comté de La Mitis.

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

Charlesbourg, 31 January 2001

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L-370/1

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Gouvernement du Québec

Décret 931-2001, 22 August 2001

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

Authorization to the Minister of Municipal Affairs and Greater Montréal to require Ville de Saint-Timothée, Ville de Salaberry-de-Valleyfield and Municipalité de Grande-Île to file a joint application for amalgamation

WHEREAS under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000, the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to authorize the Minister to require Ville de Saint-Timothée, Ville de Salaberry-de-Valleyfield and Municipalité de Grande-Île to file with the Minister a joint application for amalgamation;

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

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require Ville de Saint-Timothée, Ville de Salaberry-de-Valleyfield and Municipalité de Grande-Île, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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