

## Municipal Affairs

Gouvernement du Québec

### O.C. 1047-2001, 12 September 2001

#### Amalgamation of Municipalité des Éboulements and Village de Saint-Joseph-de-la-Rive

WHEREAS each of the municipal councils of Municipalité des Éboulements and Village de Saint-Joseph-de-la-Rive 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 des Éboulements and Village de Saint-Joseph-de-la-Rive, on the following conditions:

1. The name of the new municipality shall be “Municipalité des Éboulements”.

As soon as possible after the coming into force of this Order in Council, the provisional council shall contact the Commission de toponymie du Québec in order to have the toponym “Village de Saint-Joseph-de-la-Rive” attributed to the sector of the new municipality that corresponds to the territory of the former Village de Saint-Joseph-de-la-Rive.

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 13 June 2001; that description appears as a Schedule to this Order in Council.

3. The new town 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 Charlevoix 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 made up of nine council members of the former municipalities in office at the time of the coming into force of this Order in Council, that is, five members representing the former Municipalité des Éboulements and four members representing the former Village de Saint-Joseph-de-la-Rive.

The mayor and the councillors on seats 1, 2, 3 and 4 of the former Municipalité des Éboulements shall be the representatives of that former municipality. The mayor and the councillors on seats 1, 3 and 5 of the former Village de Saint-Joseph-de-la-Rive shall be the representatives of that former municipality.

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

Where one of the mayors' seats is vacant, the votes of the latter shall devolve on the councillor who acted as deputy mayor of the former municipality in question before the coming into force of this Order in Council, except if the councillor's seat is also vacant. In such a case, the votes shall devolve on a councillor chosen by and among the members of the provisional council who were members of the council of the former municipality in question.

6. The mayor of the former Municipalité des Éboulements and the mayor of the former Village de Saint-Joseph-de-la-Rive shall act respectively as mayor and deputy mayor of the new municipality until the last day of half of the period to run between the coming into force of this Order in Council and the day of the first general election, at which moment the roles will be reversed to the moment when the mayor elected in the first general election begins his term. Until that moment, they shall continue to sit on the council of Municipalité régionale de comté de Charlevoix and they shall have the same number of votes as before the coming into

force of this Order in Council. They shall retain the qualities required to act as warden or deputy warden, to take part in any committee and to perform any other duty within that regional county municipality.

7. The majority of members in office at any moment 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 *Municipalité des Éboulements*.

9. The members of the provisional council shall receive the same salary as before the coming into force of this Order in Council and each mayor shall receive the same remuneration that was paid to him as mayor.

10. Linda Gauthier, director general and secretary-treasurer of the former *Municipalité des Éboulements*, shall act as director general and secretary-treasurer of the new municipality. Huguette Verreault, secretary-treasurer of the former *Village de Saint-Joseph-de-la-Rive*, shall act as deputy secretary-treasurer of the new municipality.

11. The first general election shall be held on the first Sunday of December 2001 and the second general election shall be held in 2005.

12. For the first and second general elections and for any by-election held before the third general election, the only persons eligible for seats 1, 2, 3 and 4 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 des Éboulements* and the only persons eligible for seats 5 and 6 shall be the persons who would be eligible under that Act if such election were an election of the members of the council of the former *Village de Saint-Joseph-de-la-Rive*.

13. The terms and conditions for apportioning the cost of shared services provided for in an intermunicipal agreement 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 are adopted.

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

(a) that budget shall remain applicable;

(b) 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 former municipality as if the amalgamation had not taken place;

(c) an expenditure recognized by the council of the new municipality as resulting from the amalgamation shall be charged to each of the former municipalities in proportion, for each municipality, to its standardized property value in comparison with the total of the standardized property values of the former municipalities as they appear in the financial statements of those former municipalities for the fiscal year preceding the one during which this Order in Council comes into force; and

(d) 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 c and financed directly from that amount, shall constitute a reserved amount to be paid into the general fund of the new municipality for the first fiscal year for which the new municipality adopts a budget with respect to all its territory.

15. 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 as follows:

(a) any accumulated surplus shall be allocated to the purposes contemplated;

(b) the excess of an accumulated surplus allocated to actual needs shall be considered an accumulated surplus that was not allocated; and

(c) any accumulated surplus that was not allocated shall be used for the benefit of the sector made up of the territory of the former municipality that accumulated it to carry out public work in that sector, to reduce taxes applicable to all the taxable immovables of that sector or to repay debts charged to all that sector.

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

17. As of the first fiscal year for which a budget is adopted by the new municipality with respect to all its territory, all the taxable immovables in the territory of the new municipality shall be subject to the special tax used to repay the loans contracted by the former *Municipalité des Éboulements*, before the coming into force of this Order in Council, under its loan by-law 208 and to repay the amounts owed by that former municipi-

pality under the credit commitment made under its resolution 167-12-97 amended by resolution 43-03-98. The loans and that credit commitment concern respectively the construction of the Maison des loisirs et des jeunes and the purchase of a telephone system for the fire protection service. Any taxation clause related to those loans shall be amended accordingly.

18. In accordance with the taxation clauses of by-laws 199, 215 and 227 of the former Municipalité des Éboulements, only the immovables covered by those clauses shall be subject to the special tax used to repay loans contracted and to be contracted under those by-laws. The loans concern respectively alterations made to the municipal building, the construction of a municipal waterworks and sewer system and urbanisation work, as well as the construction of water supply lines to improve the quality of water and other related work. In the event that the council of the new municipality wishes to amend the special taxes, only the immovables located in the sector made up of the territory of the former Municipalité des Éboulements shall be subject to the special taxes. Moreover, the decisions related to the work ordered by those three by-laws, for the period included between the coming into force of this Order in Council and the day of the third general election, pass to the members representing the territory of the former Municipalité des Éboulements.

In accordance with the taxation clauses of by-law 75-00 of the former Village de Saint-Joseph-de-la-Rive, only the immovables covered by those clauses shall be subject to the special tax used to repay loans contracted and to be contracted under that by-law. The loans concern construction work, that is, on the one hand, the construction of a waterworks, sanitary sewer and waste water treatment system and, on the other hand, the construction of a storm sewer system, road repairs and other related work. In the event that the council of the new municipality wishes to amend the special tax, only the immovables located in the sector made up of the territory of the former Village de Saint-Joseph-de-la-Rive shall be subject to the special tax. Moreover, the decisions related to the work ordered by the by-law, for the period included between the coming into force of this Order in Council and the day of the third general election, pass to the members representing the territory of the former Village de Saint-Joseph-de-la-Rive.

In accordance with the taxation clauses of any other by-law of one of the former municipalities, only the immovables covered by those clauses shall be subject to the special tax used to repay the loans contracted under such a by-law, before the coming into force of this Order in Council. In the event that the council of the new

municipality wishes to amend those special taxes, only the immovables located in the sector made up of the territory of the former municipality that contracted the loan in question shall be subject to the special tax.

Failing that, any available balance of any loan by-law shall be used to pay the annual instalments in principal and interest of those loans or, if the securities were issued for a term shorter than the term originally fixed, to reduce the balance of those loans.

If the available balance is used to pay the annual instalments of the loans, the rate of the tax imposed to pay those instalments shall be reduced so that the revenues of the tax are equal to the balance to be paid once the available balance has been used.

19. For each of the eight full fiscal years following the last one for which the former municipalities adopted separate budgets, a special tax shall be imposed and levied on all the taxable immovables of the sector made up of the territory of the former Municipalité des Éboulements, on the basis of their value as it appears on the assessment roll in effect each year. The rate of that special tax shall be

First year:	\$0.15 per \$100 of assessment;
Second year:	\$0.12 per \$100 of assessment;
Third year:	\$0.09 per \$100 of assessment;
Fourth year:	\$0.07 per \$100 of assessment;
Fifth year:	\$0.05 per \$100 of assessment;
Sixth year:	\$0.03 per \$100 of assessment;
Seventh year:	\$0.02 per \$100 of assessment;
Eighth year:	\$0.01 per \$100 of assessment.

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 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.

21. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, before the coming into force of this Order in Council, shall be charged or credited to all the taxable immovables of the sector made up of the territory of that former municipality. A gain may be dealt with in accordance with section 15 and a debt may be dealt with in accordance with section 16.

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 BOUNDARIES OF THE TERRITORY OF MUNICIPALITÉ DES ÉBOULEMENTS, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE CHARLEVOIX**

The current territory of Municipalité des Éboulements and Village de Saint-Joseph-de-la-Rive, in Municipalité régionale de comté de Charlevoix, comprising, in reference to the cadastre of Paroisse des Éboulements, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of Lot 900; thence, successively, the following lines and demarcations: southeasterly, the northeastern line of the said lot, that line crossing Chemin Saint-Nicolas that it meets; northeasterly, part of the northwestern line of Lot 799 and the northwestern line of lots 800 to 824 and 826 to 829; northerly, part of the western line of Lot 869 and the western line of lots 868, 867, 866 and 865; successively, northeasterly, southeasterly and again northeasterly, part of the broken dividing line between the cadastres of the parishes of Les Éboulements and Saint-Irénée then the extension of the last segment to the centre line of Ruisseau Jureux (shown on the original), that broken line crossing Chemin du Rang Saint-Antoine that it meets in its second segment; in a general easterly direction, the centre line of the said brook downstream to its meeting point

with the northwesterly extension of the northeastern line of Lot 21 of the cadastre of Paroisse des Éboulements; in reference to that cadastre, southeasterly, successively, the said extension, the northeastern line of the said lot and its extension in Lot 1006 to the northwest shore of the St. Lawrence River (southeastern limit of the said lot), that line crossing Route 362 that it meets; in a general southwesterly direction, the northwest shore of the said river to the dividing line between lots 1004 and 1005; in Lot 517, southerly, the extension of the dividing line between the said lots to the low-water mark of the St. Lawrence River (southeastern limit of Lot 517); in a general southwesterly direction, the low-water mark of the said river crossing block 2 to its meeting point with the extension, southerly and in Lot 517, of the dividing line between lots 410 and 413; northerly, the said extension to the northwest shore of the St. Lawrence River; in a general southwesterly direction, the northwest shore of the said river to the dividing line between the cadastres of the parishes of Les Éboulements et Baie-Saint-Paul; in a general northerly direction, part of the broken dividing line between the cadastres of the said parishes to the dividing line between the cadastres of the parishes of Les Éboulements and Saint-Hilarion, that broken line crossing the right-of-way of a railway (Lot 1002 of the cadastre of Paroisse des Éboulements), Route 362 (Rang Saint-Pierre) and Chemin du Rang Sainte-Marie that it meets; finally, successively, northerly and northeasterly, part of the dividing line between the cadastres of the parishes of Les Éboulements and Saint-Hilarion to the starting point, that line crossing Chemin de Saint-Hilarion that it meets.

The said boundaries define the territory of the new Municipalité des Éboulements, in Municipalité régionale de comté de Charlevoix.

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

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