

Municipal Affairs

Gouvernement du Québec

O.C. 1132-2001, 26 September 2001

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

Amalgamation of Ville de Lac-Etchemin and Paroisse de Sainte-Germaine-du-Lac-Etchemin

WHEREAS, on 25 April 2000, the Minister of Municipal Affairs and Greater Montréal published a White Paper entitled *Municipal Reorganization: Changing Our Ways to Better Serve the Public*;

WHEREAS Ville de Lac-Etchemin and Paroisse de Sainte-Germaine-du-Lac-Etchemin are concerned by Volet I of the *Politique de consolidation des communautés locales*;

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 authorized the Minister of Municipal Affairs and Greater Montréal to require those municipalities to submit a joint application for amalgamation no later than 15 April 2001;

WHEREAS in order to help the municipalities to fulfil that obligation, the Minister appointed Mr. Maurice Lebrun as conciliator;

WHEREAS the parties adopted a by-law authorizing them to submit a joint application for amalgamation and they submitted such an application to the Minister within the allotted time;

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 as the result of the amalgamation of Ville de Lac-Etchemin and Paroisse de Sainte-Germaine-du-Lac-Etchemin, on the following conditions:

1. The name of the new municipality shall be “Municipalité de Lac-Etchemin”.

As soon as possible after the coming into force of this Order in Council, the provisional council of the new municipality shall contact the Commission de toponymie so that the sectors known as “Sainte-Germaine” and “Sainte-Germaine-Station” be attributed the corresponding toponyms.

2. The description of the new municipality shall be the description drawn up by the Minister of Natural Resources on 17 September 2001; that description is attached as Schedule to this Order in Council.

3. The new municipality shall be governed by the *Cities and Towns Act* (R.S.Q., c. C-19).

4. The territory of the new municipality shall be part of the territory of *Municipalité régionale de comté des Etchemins*.

5. Until the candidates elected in the first general election begin their term, the new municipality shall be governed by a provisional council made up of all the council members of the former municipalities in office at the time of the coming into force of this Order in Council.

An additional vote shall be allotted, within the provisional council, to the mayor of the former municipality on whose council there was a vacant seat 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, that was, up to that time, held by a member of the council of that former municipality.

If the vacant seat is that of the mayor, an additional vote shall be allotted to a member of the provisional council chosen by and from among the councillors of the former municipality where the mayor’s seat became vacant.

6. The mayors of the former Ville de Lac-Etchemin and Paroisse de Sainte-Germaine-du-Lac-Etchemin shall respectively act as mayor and deputy mayor of the new municipality from the coming into force of this Order in Council until the last day of the month of such coming into force, at which time the roles shall be reversed for the following month, and so forth alternately, until the mayor elected in the first general election takes up office.

The mayors of the former Ville de Lac-Étchemin and Paroisse de Sainte-Germaine-du-Lac-Étchemin shall continue to sit on the council of Municipalité régionale de comté des Étchemins 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.

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

8. The first sitting of the provisional council of the new municipality shall be held at the municipal building on the territory of the former Ville de Lac-Étchemin.

9. The members of the provisional council shall receive the same remuneration as before the amalgamation, irrespective of the alternation in mayoral duties provided for in section 6.

10. Any council member of a former municipality whose term comes to an end solely because that municipality no longer exists may receive compensation and continue to participate in the retirement plan for elected municipal officers in accordance with sections 10 to 13.

As of the date of coming into force of this Order in Council, any right referred to in the first paragraph ceases to apply to a person for any period during which he is a council member of a municipality in the territory of Québec, as of the date of coming into force of this Order in Council.

11. The amount of the compensation referred to in section 10 is based on the remuneration paid the day before the coming into force of this Order in council under the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001) in respect of the position that the person referred to in the first paragraph of section 10 held on that day, to which applies, where applicable, any indexing of the remuneration provided for in a by-law of a former municipality.

The amount of the compensation shall also be based on the remuneration that the person referred to in the first paragraph of section 10 received, on the day before the coming into force of this Order in Council, directly from a mandatory body of the municipality or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers. The compensation established in accordance with the first and second paragraphs, except

for the part referred to in the fourth paragraph, may not exceed annually the maximum referred to in section 21 of the Act respecting the remuneration of elected municipal officers.

The compensation shall, if applicable, also include any amount corresponding to the provisional contribution provided for in section 26 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3) that the local municipality, mandatory body or supramunicipal body would have been required to pay with respect to the remuneration provided for in the first and second paragraphs for the person referred to in the first paragraph of section 10.

12. The compensation shall be paid by the municipality in bi-monthly instalments during the period starting on the day of coming into force of this Order in Council and ending on the date on which the first general election would have been held following the expiry of the term under way.

A person who is eligible for compensation may enter into an agreement with the municipality on any other mode of payment of the compensation.

13. The expenses that the payment of compensation represents, including, if applicable, the provisional contribution, shall constitute a debt charged to the taxable immovables located in the sector made up of the territory of the former municipality where the eligible person was a council member.

14. Marcel Lachance shall act as the first director general of the new municipality. Pierre Dallaire shall act as the clerk and assistant director general of the new municipality.

15. The first general election shall be held on 25 November 2001. The second general election shall be held in November 2005.

16. For the first two general elections, the council of the new municipality shall be made up of seven members, that is, a mayor and six council members. The councillors' seats shall be numbered from 1 to 6.

17. For the first two general elections, only those 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 council members of the former Ville de Lac-Étchemin, shall be eligible for seats 1, 3 and 5; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Paroisse de Sainte-Germaine-du-Lac-Étchemin shall be eligible for seats 2, 4 and 6.

18. 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.

19. Until the council decides otherwise, the new municipality shall appoint a rural inspector in accordance with section 110 of the Cities and Towns Act.

20. A municipal housing bureau shall be incorporated under the name of "Office municipal d'habitation de la Ville de Lac-Etchemin". The name of that bureau may be changed a first time, by a mere resolution of its board of directors within one year of its creation. A notice of that change shall be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

This municipal bureau shall succeed, on the date of coming into force of this Order in Council, to that of the former Ville de Lac-Etchemin, which is 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) shall apply to the municipal housing bureau of the new municipality as though it had been incorporated by letters patent under section 57 of that Act.

The bureau shall be administered by a board of directors formed of seven members. Three members shall be appointed by the municipal council of Municipalité de Lac-Etchemin, two shall be elected by all the lessees of the bureau in accordance with the Act respecting the Société d'habitation du Québec, and two shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socio-economic groups of the bureau's territory.

Until the majority of the candidates elected in the first general election take office, the members of the board of directors of the bureau shall be the members of the municipal bureau to which it succeeds.

The administrators shall elect from among themselves a chair, vice-chair and any other officer they deem necessary to appoint.

The term of the board of directors is three years and is renewable. Despite the expiry of their term, the board members shall remain in office until reappointed or replaced.

The quorum shall be the majority of the members in office.

The administrators may, from the coming into force of this Order in Council,

(1) secure loans on behalf of the bureau ;

(2) issue debentures or other securities of the bureau and use them as a guarantee or dispose of them for the price and amount deemed appropriate ;

(3) hypothecate or use as collateral the present or future immovables or movables of the bureau to ensure the payment of such debentures or other securities, or give only part of the guarantees for those purposes ;

(4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of surety, to ensure the payment of loans secured other than by the issue of debentures, as well as the payment or execution of other debts, contracts and commitments of the bureau ;

(5) subject to compliance with the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, adopt any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureau that has been dissolved shall become, without reduction in salary, employees of the new bureau, and shall retain their seniority and fringe benefits.

Within fifteen days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a director or administrator.

The time limit provided for in section 37 of the Pay Equity Act (R.S.Q., c. E-12.001) shall no longer apply with respect to the bureaus referred to in the second paragraph. The time limit within which to comply with this section, for the succeeding bureau, shall be 36 months from the date of determination of the last bargaining unit.

21. 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 municipality, 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 municipality 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 the one in which this Order in Council comes into force; and

(4) the amount paid by the Government 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 be equally apportioned, one half to be used for the benefit of the ratepayers in the sector made up of the territory of the former Ville de Lac-Etchemin and the other half to be used for the benefit of the ratepayers in the sector made up of the territory of the former Paroisse de Sainte-Germaine-du-Lac-Etchemin.

22. Any deficit accumulated by a former municipality at the end of the last fiscal year for which they adopted separate budgets shall continue to be charged to all the taxable immovables in the sector made up of the territory of the former municipality that accumulated it.

23. 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, either to repay loans contracted by the former municipality, to carry out work in the sector or to reduce the taxes applicable to all the taxable immovables located therein.

24. The special tax intended to repay a loan contracted under a by-law adopted before the coming into force of this Order in Council shall be charged only to the immovables referred to in the taxation clause of that by-law before the coming into force of this Order in Council and, should the council of the new municipality decide to amend that tax, it may be charged only to the immovables of the sector made up of the territory of the former municipality whose council adopted the by-law.

25. 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 for the 2002 fiscal year for each of the former municipalities, updated and adjusted from the date of coming into force of this Order in Council.

The adjustment shall be made as follows: the values entered on the assessment roll of the former Paroisse de Sainte-Germaine-du-Lac-Etchemin shall be divided by the median proportion of the roll of the former Ville de Lac-Etchemin; the median proportion used shall be that established for the 2002 fiscal year.

The roll in effect in the former Ville de Lac-Etchemin for the 2002 fiscal year and the amended roll of the former Paroisse de Notre-Dame-de-Pierreville and of the former Paroisse de Sainte-Germaine-du-Lac-Etchemin in accordance with the second paragraph of this section shall constitute together the roll of the new municipality for the first fiscal year. The median proportion and the comparative factor of the roll shall be those of the former Ville de Lac-Etchemin. The first complete fiscal year of the new municipality shall be considered to be the first fiscal year of application of the roll.

26. The working fund of the former Ville de Lac-Etchemin shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. The available balance shall be added to the surplus accumulated on behalf of the former Ville de Lac-Etchemin.

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 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, 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 entire territory of the new municipality.

28. Any debt or gain that may result from legal proceedings for any act performed by a former municipality before the coming into force of this Order in Council shall continue to be credited or charged to all the taxable immovables in the sector made up of the territory of that former municipality.

29. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

30. The proceeds of the sale of an immovable that used to belong to a former municipality shall be used primarily to repay the balance of the debt contracted by that municipality to acquire and develop the immovable. Any balance of the proceeds of the sale shall be paid into the general fund of the new municipality.

31. 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 LAC-ETCHEMIN, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DES ETCHEMINS

The current territory of Paroisse de Sainte-Germaine-du-Lac-Etchemin and Ville de Lac-Etchemin, in Municipalité régionale de comté des Etchemins, comprising, in reference to the cadastres of the townships of Cranbourne and Ware and Paroisse de Saint-Léon-de-Standon, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railroad rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the centre line of Rivière des Fleurs with the dividing line between ranges 4 and 5 of the cadastre of Paroisse de Saint-Léon-de-Standon; thence, successively, the following lines and demarcations: southeasterly, successively, part of the dividing line between the said ranges and its extension across Rivière Etchemin that it meets then part of the dividing line between ranges 5 and 6 of the cadastre of Canton de Ware to the northwestern line of lot 406 of the latter cadastre, that line crossing Rang de la Grande-Rivière that it meets in its first segment, Petite rivière Etchemin and Route du Golf that it meets in its second segment; in reference to the latter cadastre,

northeasterly, the northwestern line of lots 406 and 435; southeasterly, the northeastern line of lots 435 to 440; southwesterly, part of the southeastern line of lot 440 to the northeastern line of lot 441; southeasterly, the northeastern line of lots 441 to 444; southwesterly, the southeastern line of lot 444; southeasterly, the northeastern line of lot 388; southwesterly, the southeastern line of lot 388; southeasterly, the northeastern line of lots 326, 327 and 328; southwesterly, the southeastern line of lot 328; southeasterly, successively, the northeastern line of lot 252, extending across Route du Détour that it meets, then the northeastern line of lot 251, the latter line crossing the right-of-way of a railroad (without cadastral designation) and Rivière Famine that it meets; southwesterly, successively, the southeastern line of lots 251 in declining order to 245 and 213 in declining order to 207 then the extension of the latter line to the centre line of a public road shown on the original (Route 277); northwesterly, the centre line of the said road to its intersection with the centre line of Rivière Famine; in a general southwesterly direction, the centre line of the said river to its meeting with the dividing line between the cadastres of the townships of Ware and Watford; northwesterly, part of the dividing line between the said cadastres to the dividing line between the cadastres of the townships of Cranbourne and Watford, that first line crossing the right-of-way of a railroad (without cadastral designation) that it meets; southwesterly, part of the dividing line between the said cadastres to the southwestern line of lot 825 of the cadastre of Canton de Cranbourne, the first line crossing Rivière à la Raquette that it meets; in reference to the latter cadastre, northwesterly, the southwestern line of lots 825 and 788, that line crossing the 14e Rang that it meets; southwesterly, part of the southeastern line of lot 722 to the dividing line between that lot and lot 723; northwesterly, successively, the dividing line between lots 722 and 723, the centre line of Traverse du 10e au 12e Rang, the dividing line between lot 577 in declining order to 572 and lot 571, the dividing line between lots 490 and 491, the extension of the latter line across 8e Rang then the dividing line between lots 444 and 443; southwesterly, part of the southeastern line of lot 351 to the dividing line between the latter lot and lot 352; northwesterly, successively the dividing line between lots 351 and 352 then the dividing line between lots 314 and 313, the latter line extended across Rivière Etchemin that it meets; northeasterly, the northwestern line of lots 314 to 316; southeasterly, part of the northeastern line of lot 316 to the northwestern line of lot 79; northeasterly, the northwestern line of the said lot; northwesterly, part of the southwestern line of lot 317 to the northwestern line of

the said lot; northeasterly, the northwestern line of lots 317 to 323, 326 to 328 and 332; northwesterly, part of the dividing line between the cadastre of Paroisse de Saint-Léon-de-Standon and the cadastre of Canton de Cranbourne to the centre line of Rivière des Fleurs; finally, in a general northeasterly direction, the centre line of the said river upstream to the starting point.

The said limits define the territory of Municipalité de Lac-Etchemin, in municipalité régionale de comté des Etchemins.

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

Charlesbourg, 17 September 2001

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4583

Gouvernement du Québec

O.C. 1134-2001, 29 September 2001

An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais
(2000, c. 56)

Correction to Order in Council 852-2001 dated 4 July 2001 concerning the description of the boundaries of the electoral districts of the new Ville de Montréal

WHEREAS by Order in Council 852-2001 dated 4 July 2001, the Government adopted the division into electoral districts prepared by the transition committee of the Ville de Montréal;

WHEREAS some clerical errors occurred in the Order in Council and it is expedient to correct them;

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

THAT paragraph 8 respecting the Rivière-des-Prairies-Pointe-aux-Trembles-Montréal-Est Borough of the operating part of Order in Council 852-2001 dated 4 July 2001 be amended by inserting the words "the boundary of Anjou Borough" after the words "Boulevard Henri-Bourassa Est" in the description of the Rivière-des-Prairies electoral district;

THAT paragraph 17 respecting the Verdun Borough be amended by substituting "Desmarchais-Crawford electoral district" for the name of the Crawford-Desmarchais electoral district;

THAT paragraph 18 respecting the Westmount Borough be amended by substituting the word "Saint" for the word "Sainte" in the name Côte Saint-Antoine electoral district.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4585