

## Municipal Affairs

Gouvernement du Québec

### **O.C. 1444-2001, 5 December 2001**

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

Amalgamation of the villages of Yamaska and Yamaska-Est and Paroisse de Saint-Michel-d'Yamaska

WHEREAS each of the municipal councils of the villages of Yamaska and Yamaska-Est and Paroisse de Saint-Michel-d'Yamaska 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 three 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, on 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 the villages of Yamaska and Yamaska-Est and Paroisse de Saint-Michel-d'Yamaska, on the following conditions:

1. The name of the new municipality shall be "Municipalité de Yamaska".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 19 October 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 the territory of municipalité régionale de comté du Bas-Richelieu.

5. Until a majority of the candidates elected in the first general election begin their terms, a provisional council formed of all the council members of the former municipalities in office at the time of coming into force of this Order in Council shall administer the new municipality. An additional vote on the provisional council shall be allotted to the mayor of a former municipality whose council contains a vacancy at the time of coming into force of this Order in Council, as well as for each seat on the provisional council that subsequently becomes vacant and that had been until that time filled by a member of the council of that former municipality.

A majority of the members of the provisional council in office at any time shall constitute a quorum.

6. The mayors of the former municipalities shall each act respectively as mayor and acting mayor of the new municipality for one third of the period between the coming into force of this Order in Council and the polling day of the first general election.

The mayor of the former Paroisse de Saint-Michel d'Yamaska shall act as mayor of the provisional council first, followed by the mayor of the former Village de Yamaska and then the mayor of the former Village de Yamaska-Est. The latter shall continue to act as mayor until the day the mayor elected in the first general election begins his or her term. The function of acting mayor shall be filled in succession by the mayors of the former Village de Yamaska, Village de Yamaska-Est and Paroisse de Saint-Michel-d'Yamaska.

Until that time, the mayors shall continue to sit on the council of municipalité régionale de comté du Bas-Richelieu and they shall have the same number of votes as they had before the coming into force of this Order in Council.

The members of the provisional council shall receive the remuneration they were paid before the coming into force of this Order in Council.

7. The first sitting of the provisional council shall be held in Salle Léo-Théroux in the territory of the former Village de Yamaska.

8. The polling for the first general election shall take place on 7 April 2002.

The second general election shall be held in 2005.

9. For the first general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if the election were an election of the council members of the former Paroisse de Saint-Michel-d'Yamaska shall be eligible for seats 1 and 2; only those persons who would be eligible under that Act if the election were an election of the council members of the former Village de Yamaska shall be eligible for seats 3 and 4; and only those persons who would be eligible under that Act if the election were an election of the council members of the former Village de Yamaska-Est shall be eligible for seats 5 and 6.

10. Brigitte Vachon, secretary-treasurer of the former Paroisse de Saint-Michel-d'Yamaska, shall act as secretary-treasurer of the new municipality. In Ms. Vachon's absence, Diane Bibeau-Desmarais, secretary-treasurer of the former Village de Yamaska-Est, shall act as interim secretary-treasurer of the new municipality until Ms. Vachon's expected return on 1 August 2002 or until 1 September 2002 if the council of the new municipality deems it necessary. Upon assuming the duties of interim secretary-treasurer of the new municipality, Ms. Bibeau-Desmarais shall be granted the same terms and conditions of employment as the secretary-treasurer of the former Paroisse de Saint-Michel-d'Yamaska. In addition, Ms. Bibeau-Desmarais shall receive an amount of \$28 582 as severance pay on one of the aforementioned dates.

France Nadeau, secretary-treasurer of the former Village de Yamaska, shall act as first assistant secretary-treasurer of the new municipality.

Isabelle Côté, assistant secretary-treasurer of the former Paroisse de Saint-Michel-d'Yamaska, shall act as second assistant secretary-treasurer of the new municipality.

If one of the persons acting as assistant secretary-treasurer no longer fills that position, an assistant secretary-treasurer position shall automatically be abolished.

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

(1) that budget shall remain applicable;

(2) the expenditures and revenues of the new municipality for the remainder 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;

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

(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 from that amount, shall constitute a reserve that shall be paid into the general fund of the new municipality for the first fiscal year for which it adopts a budget for its entire territory.

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 the former municipalities adopted separate budgets.

13. 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 of the former municipality that accumulated the surplus; it may be used to carry out public works in the sector made up of the territory of that former municipality, to reduce taxes applicable to all the taxable immovables in that territory or to pay debts charged to that territory.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted a separate budget shall remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

15. The annual payment of the instalments in principal and interest on all the loans contracted under by-laws adopted by a former municipality before the coming into force of this Order in Council shall remain charged to the municipality that contracted them pursuant to the taxation clauses of those by-laws. If the new municipality amends the taxation clauses of those by-laws according to law, the amendments shall apply to only those taxable immovables in the sector made up of the territory of that former municipality.

16. For the first two fiscal years in which the new municipality applies a budget to its entire territory, an annual tax credit of \$0.30 per \$100 of assessment shall be granted in respect of all the taxable immovables in the sector made up of the territory of the former Paroisse de Saint-Michel-d'Yamaska.

17. The new municipality shall proceed with the purchase of the immovables and facilities of the Comité des loisirs de Yamaska-Est inc. for the price of \$1 and pay all expenses relating to the sale.

The new municipality shall maintain those facilities for 20 years, failing which those immovables and facilities must revert to the Comité des loisirs de Yamaska-Est inc.

The new municipality shall pay a subsidy of \$100 per year to the Comité during that period.

18. Any debt or gain that may result from legal proceedings in respect of an act performed by a former municipality shall be charged to or used for the benefit of all the taxable immovables in the sector made up of the territory of that former municipality.

19. 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 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 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 entire territory of the new municipality.

20. A municipal housing bureau is constituted under the name of "Office municipal d'habitation de la Municipalité de Yamaska." The name of the bureau may initially be changed by a simple resolution of the board of directors in the year following its constitution. A notice of the change of name must be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

On the date of coming into force of this Order in Council, that municipal bureau succeeds the municipal housing bureau of the former Village de Yamaska, 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) apply to the new municipal housing bureau as though it had been constituted 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 Yamaska, two members shall be elected by all the lessees of the bureau pursuant to the Act respecting the Société d'habitation du Québec, and two members shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socioeconomic groups of the bureau's territory.

Until a majority of the candidates elected in the first general election begin their terms, the members of the board of directors of the bureau shall be the members of the municipal housing bureau which it will be succeeding.

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

The term of the board of directors is three years and is renewable. The board members shall remain in office until reappointed or replaced even though their terms expire.

A majority of the members in office shall constitute a quorum.

The directors 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; and

(5) subject to 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 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 member or director.

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 bureau referred to in the second paragraph. The time limit within which the succeeding bureau must comply with that section shall be 36 months from the date of determination of the last bargaining unit.

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

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 DE  
YAMASKA, IN MUNICIPALITÉ RÉGIONALE DE  
COMTÉ DU BAS-RICHELIEU**

The current territory of Paroisse de Saint-Michel-d'Yamaska and of the villages of Yamaska and Yamaska-Est, in Municipalité régionale de comté du Bas-Richelieu, comprising, in reference to the cadastres of Paroisse de Saint-Michel and Village de Saint-Michel, the lots or parts of lots and their present and future subdivisions as well as the roads, routes, streets, railway rights-of-way, islands, islets, watercourses or parts thereof, the whole enclosed within the boundaries hereinafter described,

namely: starting from the meeting point of the line dividing the cadastres of the parishes of Saint-Michel and Sainte-Anne from the cadastre of Paroisse de Saint-François-du-Lac; thence, successively, the following lines and demarcations: southeasterly, part of the dividing line between the cadastres of the parishes of Saint-Michel and Saint-François-du-Lac, extended across Baie Saint-François and running, as the case may be, southwest of the Rang Saint-Antoine right-of-way, to the northwest line of Lot 274 of the cadastre of Paroisse de Saint-Michel, that line twice crossing Rivière Yamaska, Île Saint-Jean (Lot 764 of the said cadastre), and Route de la Rivière that it meets; in reference to the latter cadastre, southwesterly, part of the northwest line of Lot 274 over a distance of 1 286 metres (22 arpents) along the said northwest line, that line extended across Route de la Rivière that it meets; southeasterly, in lots 274, 270, 268, 267 and 266, a straight line, parallel to the dividing line between the cadastres of the parishes of Saint-Michel and Saint-François-du-Lac, to the southeast line of Lot 266 of the cadastre of Paroisse de Saint-Michel; in reference to that cadastre, southwesterly, part of the southeast line of the said lot to the apex of the western angle of Lot 147; in a general southeasterly direction, the broken line bounding on the southwest lots 147, 146, 145, 144, 143, 136, 135, 133, 132, 130, 129, 127, 125, 124, 118, 117, 113, 114, 111, 110, 109, 106, 105, 103, 102 and running, as the case may be, northeast of the Rang Sainte-Catherine right-of-way and Route 122, that line extended across Route 132 that it meets; southwesterly, successively, a straight line in Route 122 to the apex of the northern angle of Lot 165 then the northwest line of the said lot; in a general southerly direction, successively, the broken line bounding on the west lots 165 to 175, 178 and 182, a straight line in lots 223, 222 and 221 to the dividing line between lots 220 and 185 then the line bounding on the west lots 185, 187, 188 and 191, that line extended across a railway-right-of-way (Lot 769) that it meets; successively northeasterly and southeasterly, the northwest and northeast lines of Lot 208; southwesterly, the line dividing lots 208 and 209 from Lot 207, that line extended across a railway right-of-way (Lot 769) and Rang de la Rivière-David; westerly, part of the dividing line between the cadastres of the parishes of Saint-Michel and Saint-David to the left bank of Rivière David; in a general westerly direction, the left bank of the said river to the right bank of Rivière Yamaska, that line crossing Rang du Bord-de-l'Eau that it meets; southerly, the right bank of the said river to its meeting point with a straight line perpendicular to the left bank of the said river that starts at the intersection of the said left bank and the dividing line between the cadastres of the parishes of Saint-Michel and Saint-Aimé; westerly, the said perpendicular line; successively westerly and northwesterly, the broken dividing line between the said

cadastres, that line crossing the first section of Route 235 that it meets; northwesterly, the dividing line between the cadastres of the parishes of Saint-Michel and Saint-Robert, that line crossing Rivière Saint-Louis, Rang Saint-Louis, the railway (Lot 769 of the cadastre of Paroisse de Saint-Michel), Route 132 and Petite Rivière Pot au Beurre; finally, crossing Rivière Pot au Beurre, successively northwesterly and northeasterly, the broken dividing line between the cadastres of the parishes of Saint-Michel and Sainte-Anne to the starting point.

The said boundaries delineate the territory of Municipalité de Yamaska, in Municipalité régionale de comté du Bas-Richelieu.

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

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