

Municipal Affairs

Gouvernement du Québec

O.C. 109-2002, 13 February 2002

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

Amalgamation of Municipalité de Deschambault and
Municipalité de Grondines

WHEREAS each of the municipal councils of Municipalité de Deschambault and Municipalité de Grondines 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 objections were sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS, under section 108 of the aforementioned Act, amended by section 171 of chapter 56 of the Statutes of 2000, it is expedient to grant the joint application with the amendments proposed by the Minister of Municipal Affairs and Greater Montréal that were approved by the councils of the applicant municipalities;

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

THAT Municipalité de Deschambault and Municipalité de Grondines be amalgamated according to the following conditions:

1. The name of the new municipality shall be “Municipalité de Deschambault-Grondines”.

The provisional council of the new municipality shall, as soon as possible after the coming into force of this Order in Council, apply to the Commission de toponymie du Québec to have the place-name “Grondines” assigned to the sector of the new municipality made up of the territory of the former Municipalité de Grondines and the place-name “Deschambault” assigned to the sector of the new municipality made up of the territory of the former Municipalité de Deschambault.

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 19 November 2001; that description appears 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 Portneuf includes the territory of the new municipality.

5. Until the candidates elected in the first general election begin their terms, the new municipality shall be administered 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 on the provisional council shall be allotted 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 subsequently becomes vacant on the provisional council and that had been until that time filled by a council member of that former municipality. If the vacancy is the mayor's seat, an additional vote shall be allotted to a councillor on the provisional council selected by and from among the councillors from the council of the municipality where the mayor's seat is vacant.

6. The mayor of the former Municipalité de Deschambault shall be mayor of the new municipality and the mayor of the former Municipalité de Grondines shall be acting mayor until the mayor elected in the first general election begins his or her term. Until then, they shall continue to sit on the council of Municipalité régionale de comté de Portneuf and they shall have the same number of votes as they had before the coming into force of this Order in Council.

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

8. The first sitting of the provisional council shall be held in the meeting room of Édifice P-Benoît.

9. The by-law respecting the salary of the elected members of the former Municipalité de Deschambault applies to the members of the provisional council.

10. Claire St-Arnaud shall be the first secretary-treasurer of the new municipality. Jean Gravel shall be assistant secretary-treasurer of the new municipality.

11. The polling for the first general election shall take place on 14 April 2002. The second general election shall be held in November 2005.

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

13. For the first three general elections, the only persons eligible for seats 1, 3 and 5 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 council members of the former *Municipalité de Deschambault* and the only persons eligible for seats 2, 4 and 6 shall be the persons who would be eligible under that Act if such election were an election of the council members of the former *Municipalité de Grondines*.

14. A municipal housing bureau is constituted under the name of "Office municipal d'habitation de Deschambault". 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 regarding the change of name shall be sent to the *Société d'habitation du Québec* and published in the *Gazette officielle du Québec*.

That bureau shall succeed, on the date of coming into force of this Order in Council, the municipal housing bureau of *Municipalité de Deschambault*, 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), amended by section 219 of chapter 42 of the Statutes of 2000, shall 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 consisting of seven members. Three members shall be appointed by the municipal council of *Municipalité de Deschambault-Grondines*, two members shall be elected by all the lessees of the bureau in accordance with 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 bureau which it will be succeeding.

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

The term of the board members 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 at meetings shall be a majority of the members in office.

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

(1) borrow money on the credit of the bureau ;

(2) issue bonds or other securities of the bureau and give them as security or sell them for the price and amount deemed appropriate ;

(3) hypothecate or pledge the present or future immovables or movables of the bureau, to ensure the payment of such bonds or other securities, or give only part of that security for those purposes ;

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

(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 newly constituted 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.

15. The new municipality shall adopt a budget for its entire territory for the 2002 fiscal year.

Articles 954 to 957 of the Municipal Code of Québec, adapted as required, shall apply to the procedure for the preparation and adoption of the budget, in particular :

(1) the period referred to in subsection 1 of article 954 ends on 15 March 2002 ;

(2) the time limit referred to in the first paragraph of article 955 is two weeks.

Until the budget of the new municipality is adopted, one twelfth of the total budget appropriations of each of the former municipalities for the 2001 fiscal year shall apply to the entire territory of the new municipality.

An expenditure recognized by the council of the new municipality as resulting from the amalgamation shall be paid out of the subsidy for the first year of the municipal amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM).

Any balance from the amount provided for in the program referred to in the preceding paragraph shall be paid to the general fund of the new municipality.

16. Any deficit accumulated by a former municipality at the time of coming into force of this Order in Council shall remain charged to all the taxable immovables in the sector made up of the territory of the former municipality that accumulated it.

17. Any surplus accumulated by a former municipality at the time of coming into force of this Order in Council shall be used for the benefit of the ratepayers in the sector made up of the territory of that municipality, to repay loans contracted by that municipality, to carry out work in that sector, to reduce taxes applicable to all the taxable immovables located therein or to repay any debt referred to in section 26.

18. Any balance in principal and interest on the loans contracted under the following by-laws adopted by the former Municipalité de Deschambault shall be charged to all the taxable immovables in the new municipality on the basis of their value as it appears on the assessment roll in effect each year :

By-laws	Object
148-1, 16-90 and 46-91	Acquisition of land, industrial park
25-91	Miscellaneous capital expenditures
38-91	Fire truck
41-91	Acquisition (fire hall and garage)
43-91	Waterworks – Route Dussault
55-92	Repair – 3 ^e Rang Sud
59-92	Waterworks – Route 138
66-92	Waterworks – 2 ^e Rang
69-92	Recreation centre

By-laws	Object
70-92	Édifce P.-Benôit
71-92	Renovation (fire hall and garage)
79-93	Sewer system
94-94	Waterworks – Lachevrotière 2 ^e Rang Ouest – Route Dussault
109-95	Waterworks – Route 138 – Rue Saint-Laurent
110-95	Waterworks – Villa Tremblay
53-97	Refinancing 148-1, 154-155
186-00	Extension of sewer system
193-00	Waterworks – 3 ^e Rang

19. Any balance in principal and interest on the loans contracted under the following by-laws adopted by the former Municipalité de Deschambault shall be charged to the taxable immovables covered by the taxation clauses provided for in those by-laws :

By-laws	Object
154-155, 10-90 and 26-91	Infrastructures – industrial park
59-92	Waterworks – Route 138
160-98	Water purification

If the new municipality amends those by-laws, only the taxable immovables located in the sector made up of the territory of the former Municipalité de Deschambault may be subject to the special tax that will be imposed by the amendment.

Furthermore, the decisions related to work provided for under the by-laws referred to in this section, for the period between the coming into force of the amalgamating order and the polling day for the third general election, shall be made by the majority vote of the members of the council representing the territory of the former Municipalité de Deschambault.

20. The balance in principal and interest on the loan contracted under By-law 95-56 adopted by the former Municipalité de Grondines shall continue to be charged to the taxable immovables covered by the taxation clauses of that by-law.

Notwithstanding the foregoing, if the new municipality amends the By-law, only the taxable immovables located in the sector made up of the territory of the former *Municipalité de Grondines* may be subject to the special tax that will be imposed by the amendment.

Furthermore, the decisions related to work provided for under that By-law, for the period between the coming into force of this Order in Council and the polling day for the third general election, shall be made by the majority vote of the members of the council representing the territory of the former *Municipalité de Grondines*.

21. The aliquot share that was payable to the former *Municipalité de Deschambault* in accordance with paragraph 4 of section 5 of the intermunicipal agreement on the supply of drinking water and providing services to the former *Municipalité de Grondines*, covered by By-law 127-96 and its amendments, shall continue to be charged to the taxable immovables located in the territory described in By-law 95-56 within the sector made up of the territory of the former *Municipalité de Grondines*, until the extinguishment of the debt contracted by the former *Municipalité de Deschambault*.

22. Financing for the purchase of garbage bins intended for citizens of the former *Municipalité de Grondines* shall continue to be charged to the ratepayers of the sector made up of the territory of that former municipality.

23. 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 entire 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 entire territory of the new municipality.

24. The property assessment roll of the former *Municipalité de Grondines* drawn up for the 2001, 2002 and 2003 fiscal years, together with the property assess-

ment roll of the former *Municipalité de Deschambault* drawn up for the 2000, 2001 and 2002 fiscal years, shall constitute the property assessment roll of *Municipalité de Deschambault-Grondines* for the 2002 fiscal year.

Notwithstanding section 119 of the Act respecting municipal territorial organization, there shall be no adjustment of the values entered on the rolls.

With respect to an entry on the property assessment roll of *Municipalité de Deschambault-Grondines* that precedes the first roll that the municipality shall have drawn up under section 14 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), it is considered that for the purposes of establishing the actual value entered on that roll, the conditions in the property market have been taken into account, as they existed on 1 July 2000.

For the purposes of determining the market conditions on the date referred to in the previous paragraph, information relating to property transfers before and after that date may be taken into account.

The date referred to in the third paragraph must appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll or any assessor's certificate issued upon the updating of the roll.

The median proportion and the comparative factor of the assessment roll of *Municipalité de Deschambault-Grondines* for the 2002 fiscal year that must appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll or any assessor's certificate issued upon the updating of the roll shall be established respectively at 99 and 1.01.

The municipal body responsible for the assessment shall have the first three-year property assessment roll of *Municipalité de Deschambault-Grondines* drawn up in accordance with section 14 of the Act respecting municipal taxation for the 2003, 2004 and 2005 fiscal years.

Notwithstanding the second paragraph of section 46.1 of the Act respecting municipal taxation, the assessor shall equilibrate the values entered on the roll in drawing up the first three-year property assessment roll for the 2003, 2004 and 2005 fiscal years.

25. 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 in the sector made up of the territory of that former municipality.

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

Proceeds from the sale of an immovable that belonged to a former municipality shall be used first to repay the balance of the debt contracted by that former municipality to acquire and develop the immovable. Any balance of the proceeds from the sale shall be paid into the general fund of the new municipality.

27. A service centre shall be maintained in the sector made up of the territory of the former Municipalité de Grondines in order to provide citizens with better access to municipal services. The duration of the maintenance of that service centre and the services that will be offered there shall be determined by the council on the basis of the needs expressed by the citizens of the former Municipalité de Grondines and the technical capability of providing them.

28. The new municipality shall succeed to the rights, obligations and responsibilities of the former municipalities. It shall be, without continuance of suit, a party to any proceeding in lieu and place of those former municipalities.

29. Pursuant to the Order in Council respecting the amendment to the agreement relating to the Cour municipale de la Ville de Donnacona that will be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de la Ville de Donnacona will have jurisdiction over the territory of the new municipality.

30. 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 TERRITORIAL BOUNDARIES OF MUNICIPALITÉ DE DESCHAMBAULT-GRONDINES, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE PORTNEUF

The territory of Municipalité de Deschambault-Grondines, in municipalité régionale de comté de Portneuf, following the amalgamation of the former municipalities of Deschambault and Grondines, comprises all the lots of the cadastres of the parishes of Deschambault and Grondines, thoroughfares, hydrographic and topographic entities, built-up sites or parts thereof within the perimeter that starts at the apex of the northern angle of Lot 294 of the cadastre of Paroisse de Deschambault and that runs, successively, along the following lines and

demarcations: in reference to that cadastre, southeasterly, successively, the broken line bordering to the northeast lots 294, 533, 529, 532, 524, 293A and 523 and in part Lot 1 to its northwestern line; northeasterly, the northwestern line of the said lot to its northeastern extremity; southeasterly, part of the northeastern line of Lot 1 and its extension to the centre line of the St. Lawrence River, that northeastern line crossing Autoroute Félix-Leclerc, Route 138 and a railway right-of-way that it meets; in a general southwesterly direction, the centre line of the said river, upstream, to its meeting point with a straight line that is parallel to the southwestern line of Lot 207 of the cadastre of Paroisse des Grondines and whose starting point is the southwestern extremity of Lot 206 of the said cadastre; in a general northwesterly direction, successively, that straight line to its starting point, part of the southwestern line of Lot 206 to its meeting point with the extension of the southwestern line of Lot 207 of the said cadastre, the said extension then the dividing line between the cadastres of the parishes of des Grondines and Sainte-Anne-de-la-Pérade to the apex of the western angle of Lot 410 of the first cadastre, that line crossing Route 138, Autoroute Félix-Leclerc and a railway right-of-way (Lot 477 of the cadastre of Paroisse des Grondines) that it meets; in a general northeasterly direction, the broken dividing line between the cadastres of the parishes of des Grondines and Saint-Casimir, running along the southwest and southeast boundaries of the right-of-way of the road bordering to the southwest and southeast lots 17 and 18 of the cadastre of Paroisse de Saint-Casimir, to the apex of the northern angle of Lot 476 of the cadastre of Paroisse des Grondines; in reference to that cadastre, southeasterly, the broken line bordering to the northeast the said lot by crossing a railway right-of-way (Lot 478) that it meets; southwesterly, the southeastern line of lots 476, 475, 474, 473, 472, 471 and 470 then part of the southeastern line of Lot 469 to the apex of the northern angle of Lot 311; southeasterly, the northeastern line of the said lot by crossing Chemin du 3^e Rang Est that it meets; in a general northeasterly direction, the broken line bordering to the northwest lots 301 to 306 of the cadastre of Paroisse des Grondines and lots 161, 162, 171 to 174, 178 to 184, 186 to 190, 193, 194, 196, 198, 200 to 203, 207, 209 and 210 of the cadastre of Paroisse de Deschambault, that line crossing Route Arcand and Route Dussault that it meets; in reference to that cadastre, southeasterly, part of the northeastern line of Lot 210 to the northwestern line of Lot 211; northeasterly, part of that line to the dividing line between the seigneuries of Deschambault and La Chevrotière; in Lot 371 northwesterly, part of the dividing line between the said seigneuries to the northwestern line of the said lot, that line crossing Chemin du 3^e Rang and the railway right-of-way (Lot 524) that it meets; finally, in a general northeasterly direction, the broken line bordering to the

northwest lots 371, 370, 369, 368, 366, 364, 363, 362, 361, 360, 359, 358, 357, 355, 354, 353, 352, 351, 350, 349, 348, 345 in declining order to 338, 333, 332, 331, 330, 329, 327, 326, 325, 324, 321, 320, 318, 317, 315, 314, 310, 309, 308, 305, 304, 301, 300, 299, 298, 297, 296, 295 and 294 to the starting point, that line crossing Route Létourneau that it meets.

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

Charlesbourg, 19 November 2001

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Gouvernement du Québec

O.C. 110-2002, 13 February 2002

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

Amalgamation of Ville de Sainte-Agathe-des-Monts, Municipalité de Sainte-Agathe-Nord and Municipalité d'Ivry-sur-le-Lac

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 municipal restructuring has begun for the metropolitan regions of Montréal, Québec, the Outaouais, Saguenay, Sherbrooke and Trois-Rivières;

WHEREAS Ville de Sainte-Agathe-des-Monts, Municipalité de Sainte-Agathe-Nord and Municipalité d'Ivry-sur-le-Lac are covered by the first phase of the policy regarding the consolidation of local municipalities;

WHEREAS, on 21 December 2000, the Minister required those municipalities to file a joint application for amalgamation and the first deadline was extended several times to end on 30 April 2001 and the Minister appointed Robert Sabourin as a conciliator to assist the municipalities;

WHEREAS the Minister did not receive the joint application for amalgamation within the time prescribed;

WHEREAS the conciliator gave a report on the situation to the Minister;

WHEREAS the Government may, under the Act respecting municipal territorial organization (R.S.Q., c. O-9), order the constitution of local municipalities resulting from amalgamations, in particular as a means of achieving greater fiscal equity and of providing citizens with services at lower cost or better services at the same cost;

WHEREAS it is expedient to order the constitution of a local municipality under section 125.11 of the Act, enacted by section 1 of chapter 27 of the Statutes of 2000;

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

1. A local municipality is hereby constituted under the name "Ville de Sainte-Agathe-des-Monts".

2. The provisional council shall contact the Commission de toponymie du Québec as soon as possible after the coming into force of the amalgamation order in order to have the toponym "Ivry-sur-le-Lac" attributed to the sector formed of the territory of the former Municipalité d'Ivry-sur-le-Lac.

3. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 5 November 2001; that description appears as a schedule to this Order in Council.

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

5. The territory of municipalité régionale de comté des Laurentides includes the territory of the new town.

6. Until the term of a majority of candidates elected in the first general election begins, the new town shall be governed by a provisional council made up of the mayor and the six councillors of the former Ville de Sainte-Agathe-des-Monts, the mayor and one councillor of the former Municipalité de Sainte-Agathe-Nord and the mayor of the former Municipalité d'Ivry-sur-le-Lac.

A councillor of the former Municipalité d'Ivry-sur-le-Lac shall be designated by and among the members of the council of that former municipality to represent it within the provisional council when the mayor of that former municipality is absent. The third paragraph applies, adapted as required by that designation.

Each councillor of the former municipalities of Sainte-Agathe-Nord and Ivry-sur-le-Lac shall be designated by