

Municipal Affairs

Gouvernement du Québec

O.C. 150-2002, 20 February 2002

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

Amalgamation of Ville de Macamic and Municipalité de Colombourg

WHEREAS, by Order in Council 633-2001 dated 30 May 2001, a new Ville de Macamic was constituted by the Government through the amalgamation of Ville de Macamic and Paroisse de Macamic;

WHEREAS the provisional council of Ville de Macamic and the municipal council of Municipalité de Colombourg each 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 11 of Order in Council 633-2001 dated 30 May 2001 the first general election for Ville de Macamic was scheduled for 4 November 2001, but pursuant to section 111 of the aforementioned Act, the first general election was not held;

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 Ville de Macamic and Municipalité de Colombourg, on the following conditions:

1. The name of the new town shall be “Ville de Macamic”.

The new town council shall contact the Commission de toponymie du Québec in order to have the name “Colombourg” attributed to the sector made up of the territory of the former Municipalité de Colombourg.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 14 November 2001; that description appears as a Schedule to this Order in Council.

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

4. The territory of the new town shall be part of Municipalité régionale de comté d’Abitibi-Ouest.

5. For the purposes of this section and sections 6, 10 and 12, “Ville de Macamic” and “Paroisse de Macamic” refer to the municipalities as they existed the day before the coming into force of Order in Council 633-2001 dated 30 May 2001 and “municipality” refers to Ville de Macamic, Paroisse de Macamic and Municipalité de Colombourg.

Until a majority of the candidates elected in the first general election takes office, the new town shall be administered by a provisional council made up of seventeen council members from the former municipalities who were in office at the time of the coming into force of this Order in Council, that is, six councillors from the former Ville de Macamic, six councillors from the former Paroisse de Macamic and five councillors from the former Municipalité de Colombourg.

The mayor and the councillors for seats 1, 2, 3, 4 and 5 of the former Ville de Macamic, the mayor and the councillors for seats 1, 3, 4, 5 and 6 of the former Paroisse de Macamic and the mayor and the councillors for seats 2, 3, 5 and 6 of the former Municipalité de Colombourg shall represent these former municipalities.

If a seat on one of the councils was vacant at the time of coming into force of this Order in Council or a seat becomes vacant during the term of the provisional council, an additional vote on the provisional council 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 votes shall be allotted to the councillor who was acting mayor of the same former municipality before the coming into force of this Order in Council; should the acting mayor's seat also be vacant, the votes shall be allotted to a provisional council member from that former municipality designated by the other provisional council members from that municipality.

6. The mayor of the former Ville de Macamic shall act as mayor of the new town from the coming into force of this Order in Council until the mayor elected in the first general election takes office and the mayor of the former Paroisse de Macamic and the mayor of the former Municipalité de Colombourg shall alternate as acting mayor of the new town every calendar month, beginning with the mayor of the former Paroisse de Macamic for the first month. Until the mayor elected in the first general election takes office, the mayors shall continue to sit on the council of Municipalité régionale de comté d'Abitibi-Ouest and shall have the same number of votes as before the coming into force of this Order in Council. They shall continue to be eligible to act as warden or deputy warden, take part in the committees and carry out any other duties related to the regional county municipality.

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

8. The first sitting of the provisional council shall be held at the town hall of the former Ville de Macamic.

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

10. Denis Bédard, director general and secretary-treasurer of the former Ville de Macamic, shall act as director general and secretary-treasurer of the new town. Joëlle Rancourt, secretary-treasurer of the former Paroisse de Macamic, and Nicole Bouffard, director general and secretary-treasurer of the former Municipalité de Colombourg, shall both act as assistant secretary-treasurers of the new town.

11. The polling date for the first general election shall be the first Sunday of the fourth month following the month of coming into force of this Order in Council, except if it falls on the first Sunday of July or August, in which case polling shall be postponed to the third Sunday of September.

The second general election shall be held in 2005.

12. For the first general election and for any partial election held before the second general election, the new town council shall be formed of the mayor and eight councillors. The only persons eligible for seats 1, 2 5 and 6 are the persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such an election were an election of the council members of the former Ville de Macamic, the only persons eligible for seats 3 and 4 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 Macamic and the only persons eligible for seats 7 and 8 are the persons who would be eligible under that Act if such election were an election of the council members of the former Municipalité de Colombourg.

13. 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. Those intermunicipal agreements are related to the drinking water supply, recreation services, snow removal and waste management.

14. A municipal housing bureau shall be incorporated under the name of "Office municipal d'habitation de la Ville de Macamic". The name of the bureau may be changed by a simple resolution of the board of directors within one year of its constitution. Notice of the name change must be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

The municipal housing bureau shall succeed on the date of coming into force of this Order in Council to the municipal housing bureaus of the former Ville de Macamic and Municipalité de Colombourg, which are 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 new municipal housing bureau 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 new town council, two 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 directors are appointed in accordance with the terms of the third paragraph, the provisional directors shall be, from the date of coming into force of this Order in Council, Lorette Brisson, chair of the municipal housing bureau of the former Municipalité de Colombourg and Daniel Rancourt and Michel Plourde, respectively chair and vice-chair of the municipal housing bureau of the former Ville de Macamic. If the town council, the lessees of the new bureau and the Minister of Municipal Affairs and Greater Montréal do not proceed before 1 June 2002 with the appointment provided for in the third paragraph, the term of the provisional directors shall end on that date.

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 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 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 ;
- (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 bureaus that have 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 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 constituted by the second paragraph. The time limit within which to comply with this section, for any succeeding bureau, shall be 36 months from the date of determination of the last bargaining unit.

The budgets for the dissolved housing bureaus shall continue to apply until the coming into force of this Order in Council. The expenditures and revenues of the new bureau, for the remaining fiscal year, shall continue to be accounted for separately on behalf of each dissolved bureau as if the amalgamation had not taken place.

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

- (1) the budget shall remain applicable ;
- (2) the expenditures and revenues of the new town, 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 ;
- (3) an expenditure recognized by the council of the new town as resulting from the amalgamation shall be charged to the former municipality, based on its standardized property value in proportion to the total values of the former municipalities, as they appear on 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 subsidy paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), after deducting the expenditures recognized by the council under paragraph 3 and financed by the subsidy, shall constitute a reserve to be paid into the general working fund of the new town for the first fiscal year for which it adopts a budget for the entire territory it covers.

16. 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 for the benefit of the ratepayers of the sector made up of the territory of the former municipality to carry out work in that sector.

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

18. The annual repayment of the instalments in principal and interest of the loans made by the former Ville de Macamic, before the coming into force of Order in Council 633-2001 dated 30 May 2001, under by-laws 91-351, 93-381 (in a proportion of 70%), 94-402-2, 95-414, 96-433-1 and 00-96, shall be charged to all the taxable immovables of the sector made up of the territory of the former municipality, in accordance with the tax clauses provided for in the by-laws. If the new town decides to amend the tax clauses in accordance with the law, the amendments may only apply to the taxable immovables located in the sector made up of the territory of the former Ville de Macamic, as it existed before the coming into force of Order in Council 633-2001 dated 30 May 2001.

The annual repayment of the instalments in principal and interest of the loans made by the former Ville de Macamic, before the coming into force of Order in Council 633-2001 dated 30 May 2001, under by-laws 137-141 and 90-334-1, shall be charged to all the taxable immovables connected with the drinking water supply system of the new town, from the first fiscal year for which the new town adopts a budget for the entire territory it covers. The tax clause provided for in the by-laws shall be amended accordingly.

The annual repayment of the instalments in principal and interest of the loans made by the former Ville de Macamic, before the coming into force of Order in Council 633-2001 dated 30 May 2001, under by-law 93-381 (in a proportion of 30%) and the amount owed to the Société québécoise d'assainissement des eaux under the agreement between the Gouvernement du Québec and the former Ville de Macamic, shall be charged to all the taxable immovables connected with the sewer and water sanitation systems of the new town, from the first fiscal year for which the new town adopts a budget for the entire territory it covers. The tax clause provided for in the by-law shall be amended accordingly.

The annual repayment of the instalments in principal and interest of the loans made by the former Ville de Macamic, before the coming into force of Order in Council 633-2001 dated 30 May 2001, under by-laws 95-415 and 99-483, shall be charged to all the taxable

immovables of the new town, from the first fiscal year for which the new town adopts a budget for the entire territory it covers. The tax clause provided for in these by-laws shall be amended accordingly.

The annual repayment of the instalments in principal and interest of the loans made by the former Municipalité de Colombourg, under by-law 01-00, shall be charged to all the taxable immovables of the sector made up of the territory of the former municipality, in accordance with the tax clauses provided for in the by-law. If the new town decides to amend the tax clauses in accordance with the law, the amendments may only apply to the taxable immovables located in the sector made up of the territory of the former Municipalité de Colombourg.

If applicable, the available balance of all the loan by-laws referred to above shall be used for the annual repayment in principal and interest of the loans, or, if the negotiable instruments were issued for a shorter term that originally determined, they shall be used to reduce the balance of the loans.

19. For the first five fiscal years following the coming into force of this Order in Council, a special tax shall be imposed on all the taxable immovables of the sector made up of the territory of the former Ville de Macamic, such as it existed before its amalgamation with the former Paroisse de Macamic, based on the values that appear on the assessment roll in effect each year:

The rate of the special tax shall be

for the first year, \$0.42 per \$100 assessment;

for the second year, \$0.34 per \$100 assessment;

for the third year, \$0.25 per \$100 assessment;

for the fourth year, \$0.17 per \$100 assessment;

for the fifth year, \$0.08 per \$100 assessment.

20. For the first five full fiscal years following the coming into force of this Order in Council, the new town shall set up a reserve fund of \$43 400 each year, taken from the general fund, on behalf of the former Municipalité de Colombourg. The reserve shall be used for economic or tourism development projects, for improvements to the road network or for recreation purposes in the sector made up of the territory of the former Municipalité de Colombourg.

21. The business tax that applies to the territory of the former Ville de Macamic as it existed before its amalgamation with the former Paroisse de Macamic, at the end of the last fiscal year for which the former municipalities adopted separate budgets, shall apply to the sector made up of the territory of the former Paroisse de Macamic from the first full fiscal year following the coming into force of this Order in Council, where the sector made up of the territory of the former Municipalité de Colombourg is excluded. However, a business tax for the second full fiscal year shall apply to the new town in its entirety.

22. 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 town in order to replace all the zoning and subdivision by-laws applicable to the territory of the new town by a new zoning by-law and a new subdivision by-law applicable to the entire territory of the new town 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 town.

23. 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 charged or credited to all the taxable immovables of the sector made up of the territory of the former municipality. A gain shall be dealt with in accordance with section 16 and a debt shall be dealt with in accordance with section 17.

24. This Order in Council shall come into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF VILLE DE MACAMIC IN MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ABITIBI-OUEST

The territory of the new Ville de Macamic, in Municipalité régionale de comté d'Abitibi-Ouest, following the amalgamation of the former Municipalité de Colombourg with the former Ville de Macamic, includes all the lots of the cadastres of the village of Macamic and the townships of La Sarre, Palmarolle, Poularies and Royal-Roussillon, lines of communication, hydrographic and topographic features, built-up lots and the parts thereof within the perimeter starting at the apex of the northeastern angle of Lot 49B of Rang 5 of the cadastre of Canton de Royal-Roussillon; thence, successively, the following lines and demarcations: in reference to that cadastre, southerly, the line bounding to the east lots 49B of Rang 5, 49 of ranges 4 and 3, 49B and 49A of Rang 2, 49 of Rang 1 and lots 49B and 49A of Rang 10 of the cadastre of Canton de Poularies, that line extending across the railway right-of-way (Lot 79 of the cadastre of Canton de Royal-Roussillon) and crossing Route 111 and other roads that it meets; westerly, successively, part of the dividing line between ranges 10 and 9 of the cadastre of Canton de Poularies and part of the dividing line between ranges 10 and 9 of the cadastre of Canton de Palmarolle to the apex of the southwestern angle of Lot 32 of Rang 10 of that cadastre, that line crossing Rivière Lois and Route 111 that it meets in the first section and Chemin Langlois that it meets in the second section; northerly, the dividing line between Lot 32 and lots 31B and 31A of Rang 10 of the cadastre of Canton de Palmarolle and between lots 32 and 31 of Rang 1 of the cadastre of Canton de La Sarre; in reference to that cadastre, westerly, part of the dividing line between ranges 2 and 1 to the east bank of Rivière La Sarre; in a general northerly direction, the east bank of that river to the dividing line between ranges 3 and 4; easterly, part of the dividing line between the said ranges to the dividing line between lots 41 and 40 of Rang 4; northerly, the dividing line between lots 41 and 40 of Rang 4 and between Lot 41 and lots 40B and 40A of Rang 5, that line extending across the railway right-of-way (Lot 64 of the said cadastre) that it meets; easterly, part of the dividing line between ranges 4 and 5 to the dividing line between the cadastres of the townships of Royal-

Roussillon and La Sarre; northerly, part of the dividing line between the cadastres of the said townships to the apex of the northwestern angle of Lot 1 of Rang 7 of the cadastre of Canton de Royal-Roussillon, that line crossing Chemin des 6^e-et-7^e Rangs Est that it meets; in reference to that cadastre, easterly, part of the dividing line between ranges 7 and 8 and its extension into Lac Macamic to its meeting point with the southern extension of the western line of Lot 38 of Rang 9; southeasterly, in the said lake, a straight line to the northern extremity of the eastern line of Lot 46B of Rang 6; southerly, the eastern line of lots 46B and 46A of the said range, that line extending across Ruisseau Royal-Roussillon that it meets; finally, easterly, the line bounding to south lots 47A, 48B and 49A of Rang 6, extending across the said stream that it meets, to the starting point.

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

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Prepared by: (s) JEAN-PIERRE LACROIX,
Land surveyor

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