

Municipal Affairs

Gouvernement du Québec

O.C. 334-2002, 27 March 2002

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

Corrections to Order in Council 841-2001 dated 27 June 2001 respecting the Amalgamation of Ville de Chicoutimi, Ville de Jonquière, Ville de La Baie, Ville de Laterrière and the municipalities of Lac-Kénogami and Shipshaw, approval of agreements concluded by the transition committee of Ville de Saguenay and determination of the population of Ville de Saguenay and Municipalité de Saint-Honoré

WHEREAS Ville de Saguenay was constituted on 18 February 2002 under Order in Council 841-2001 dated 27 June 2001;

WHEREAS the Order in Council was made under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000;

WHEREAS, pursuant to section 157 of the Order in Council, the first general election was held on 25 November 2001;

WHEREAS, under section 125.30 of the Act respecting municipal territorial organization, enacted by section 143 of chapter 25 of the Statutes of 2001, the Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27 of the Act;

WHEREAS the Government amended Order in Council 841-2001 dated 27 June 2001 by Order in Council 1474-2001 dated 12 December 2001;

WHEREAS, under section 137 of Order in Council 841-2001, the transition committee of Ville de Saguenay shall conclude an agreement with Municipalité régionale de comté du Fjord-du-Saguenay on the conditions relating to the transfer of all or part of the officers and employees and part of the territory of the regional county municipality to Ville de Saguenay, as well as the conditions pertaining to the apportionment of the assets and liabilities related to the transfers;

WHEREAS, under section 138 of that Order in Council, the transition committee of Ville de Saguenay shall conclude an agreement with Canton de Tremblay and Municipalité de Saint-Honoré on the conditions for the transfer to Municipalité de Saint-Honoré and Ville de Saguenay of all or part of the township personnel, or for integrating the part of the township that is not included in the territory of Ville de Saguenay into the territory of Municipalité de Saint-Honoré and the apportionment of the assets and liabilities related thereto;

WHEREAS these sections provide that the agreements must be approved by the Government;

WHEREAS, on 6 November 2001, the transition committee and Municipalité régionale de comté du Fjord-du-Saguenay concluded the agreement on the conditions relating to the transfer of personnel and territory and the apportionment of the assets and liabilities referred to in section 137;

WHEREAS, on 11 December 2001, the transition committee, Canton de Tremblay and Municipalité de Saint-Honoré concluded the agreement on the conditions relating to the transfer of personnel and territory and the apportionment of the assets and liabilities referred to in section 138;

WHEREAS it is expedient to approve those agreements;

WHEREAS the agreement of 11 December 2001 contains three provisions that would allow Municipalité de Saint-Honoré to make a loan by-law without submitting it to the approval of the qualified voters of the territory in question;

WHEREAS no legislative provision authorizes the parties to include such provisions in the agreement;

WHEREAS, according to the amalgamation, it is necessary to determine the population of Ville de Saguenay and of Municipalité de Saint-Honoré in accordance with section 29 of the Act respecting municipal territorial organization;

WHEREAS it is expedient to constitute an electoral district with the part of Canton de Tremblay that is not included in Ville de Saguenay and is transferred to Municipalité de Saint-Honoré under the agreement of 11 December 2001;

WHEREAS, for that purpose, it is expedient to amend Order in Council 841-2001;

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

THAT the agreement of 6 November 2001 between the transition committee of Ville de Saguenay and Municipalité régionale de comté du Fjord-du-Saguenay on the conditions relating to the transfer of all or part of the officers and employees and part of the territory of the regional county municipality to Ville de Saguenay as well as the conditions pertaining to the apportionment of the assets and liabilities related to the transfers, be approved;

THAT the agreement of 11 December 2001 between the transition committee, Canton de Tremblay and Municipalité de Saint-Honoré on the conditions for the transfer to Municipalité de Saint-Honoré and Ville de Saguenay of all or part of the township personnel, or for integrating the part of the township that is not included in the territory of Ville de Saguenay into the territory of Municipalité de Saint-Honoré and the apportionment of the assets and liabilities related thereto, be approved, except for the sentence "*Ce règlement ne nécessite que l'approbation de la ministre des Affaires municipales et de la Métropole*" in the second paragraph of sections 3.2.3, 3.2.6 and 3.2.8 considering the application of section 1061 of the Municipal Code of Québec (R.S.Q., c. C-27.1);

THAT the population of Ville de Saguenay be 151 150 on 18 February 2002;

THAT the population of Municipalité de Saint-Honoré be 4 694 on 18 February 2002;

THAT Order in Council 841-2001, made on 27 June 2001 and amended by Order in Council 1474-2001 dated 12 December 2001, be further amended

1. by substituting "19 August" for "29 June" in paragraph *d* of section 101;
2. by substituting "4 April" for "14 February" in paragraph *e* of section 101;
3. by substituting "6 May" for "16 April" in paragraph *g* of section 101;

4. by substituting "7 May" for "17 March" and "18 November" for "1 September" in paragraph *i* of section 101;

5. by substituting "18 May" for "30 April" in paragraph *j* of section 101;

6. by substituting "18 February" for "1 January" in paragraph *k* of section 101;

7. by inserting the following after section 138:

"138.1. The territory described in Schedule E, corresponding to the part of Canton de Tremblay that is not included in the territory of Ville de Saguenay, forms a new electoral district of Municipalité de Saint-Honoré, for the purposes of the by-election provided for in the second paragraph and of any other by-election held before the next general election.

A by-election shall be held to elect the councillor for the electoral district provided for in the first paragraph. The returning officer of Municipalité de Saint-Honoré shall, within 30 days following the coming into force of this section, set the date for the by-election on any Sunday within the four months following the coming into force.

Any person whose name may be entered on the list of electors for the district provided for in the first paragraph and who has resided continuously or not in the district for at least 12 months on the date the notice of election is published is eligible for the office of councillor of that electoral district.

To determine whether a person is qualified as an elector or a candidate at a by-election in the district provided for in the first paragraph, any period, prior to 18 February 2002, during which the person was resident, continuously or not, in the territory described in Schedule E or was the owner of an immovable or the occupant of a business establishment situated in that territory shall be counted as if that period had run since its beginning in the district."

8. by adding the attached Schedule E to this Order in Council, after Schedule D.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE E**OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW MUNICIPALITÉ DE SAINT-HONORÉ, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DU FJORD-DU-SAGUENAY**

The territory of the new Municipalité de Saint-Honoré, in Municipalité régionale de comté du Fjord-du-Saguenay, comprises all the lots of the cadastres of the townships of Falardeau, Simard and Tremblay, the thoroughfares, hydrographical and topographical features, built-up lots or parts thereof within the perimeter that starts at the apex of the northwestern angle of Lot 48 of Rang 9 of the cadastre of Canton de Simard and that follows, successively, the following lines and demarcations: easterly, part of the dividing line between the cadastres of the townships of Simard and Falardeau to the western line of Lot 37 of Rang 1 Est of the cadastre of Canton de Falardeau; in reference to that cadastre, northerly, part of the latter line to the apex of the northwestern angle of the said lot; easterly, the northern line of the said lot; southerly, part of the western line of Lot 38 of Rang 1 Est to the dividing line between the cadastre of Canton de Tremblay and the cadastres of the townships of Falardeau and Gagné; easterly, part of the latter line to the centre line of Rivière Valin; in a general southerly direction, the centre line of the said river to the dividing line between Rang 6 and Rang 7 of the cadastre of Canton de Tremblay; in reference to that cadastre, westerly, part of the latter line to the apex of the northwestern angle of Lot 21A of Rang 6; southerly, the western line of the said lot; westerly, part of the dividing line between Rang 5 and Rang 6 to the eastern line of Lot 32 of Rang 5; southerly, the eastern line of Lot 32 of Rang 5 and Lot 32 of Rang 4; westerly, successively, part of the dividing line between ranges 3 and 4 of the cadastre of Canton de Tremblay; then, part of the dividing line between Rang 3 and Rang 4 of the cadastre of Canton de Simard to the centre line of Rivière aux Vases; in a general northerly direction, the centre line of the said river, skirting to the east the islands and islets found there, to the dividing line between Rang 6 and Rang 7 of the cadastre of Canton de Simard; westerly, part of the latter line to the centre line of Rivière Shipshaw; in a general northerly direction, the centre

line of the said river to the dividing line between Rang 8 and Rang 9 of the cadastre of Canton de Simard; easterly, part of the latter line to the apex of the southwestern angle of Lot 48 of Rang 9 of the said cadastre; lastly, northerly, the western line of the said lot to the starting point.

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

Québec, 17 January 2002

Prepared by: (s) JEAN-FRANÇOIS BOUCHER,
Land surveyor

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