

Municipal Affairs

Gouvernement du Québec

O.C. 1439-2002, 11 December 2002

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

Amalgamation of Village de L'Annonciation, Village de Sainte-Véronique, Municipalité de Marchand and Municipalité de La Macaza

WHEREAS, on 25 September 2002, the Minister required Village de L'Annonciation, Village de Sainte-Véronique, Municipalité de Marchand and Municipalité de La Macaza to file a joint application for amalgamation no later than 25 October 2002 and the Minister appointed Robert Sabourin as 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;

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

THAT a local municipality resulting from the amalgamation of Village de L'Annonciation, Village de Sainte-Véronique, Municipalité de Marchand and Municipalité de La Macaza be constituted on the following conditions:

1. The name of the new municipality shall be "Ville de Rivière-Rouge".

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 27 November 2002; 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 Municipalité régionale de comté d'Antoine-Labelle includes the territory of the new town.

5. Until a majority of the candidates elected in the first general election begin their terms, an eight-member provisional council shall administer the new town, on which each of the former municipalities is represented by two members. Those representatives shall be the mayor and the councillor for seat 2 of the former Municipalité de La Macaza, the mayor and the councillor for seat 2 of the former Municipalité de Marchand, the mayor and the councillor for seat 2 of the former Village de L'Annonciation, and the mayor and the councillor for seat 5 of the former Village de Sainte-Véronique.

If the representative of a former municipality resigns or is unable to act, an additional vote shall be allotted to the other representative of the former municipality whose council member's seat has become vacant.

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

6. The mayor of the former Village de L'Annonciation and the mayor of the former Village de Sainte-Véronique shall act respectively as mayor and acting mayor of the provisional council until the first council meeting.

The mayors of the former municipalities who wish to act, for equal terms, as mayor and acting mayor of the provisional council, shall state it at the beginning of the first council meeting. The order in which they hold office as mayor or acting mayor shall be determined by drawing lots.

7. The mayors of the former municipalities shall continue to sit on the council of Municipalité régionale de comté d'Antoine-Labelle until the mayor elected in the first general election begins his or her term and they shall have the same number of votes as they had before the coming into force of this Order in Council.

8. The members of the provisional council shall receive the remuneration that was paid to them before the coming into force of this Order in Council; each mayor shall receive the remuneration that was paid to him or her as mayor without taking into consideration the alternation provided for in section 6.

Any council member of a former municipality whose term ends for the sole reason that the former municipality ceased to exist after the amalgamation may receive a compensation based on the remuneration he or she was receiving. The member shall cease to be entitled to receive that remuneration if, during that period, he or she fills an office as member of the council of a municipality in the territory of Québec.

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

The expenses that the payment of compensation represents constitutes a debt charged to the taxable immovables located in the territory of the new town.

9. The first meeting of the provisional council shall be held at the Centre sportif et culturel of Vallée de la Rouge.

10. Until decided otherwise, By-law 2000-014 of the former Village de Sainte-Véronique respecting council meetings applies to the provisional council except for sections 2, 4, 5, 20 and 21.

11. The polling for the first general election shall take place on 2 March 2003. The second general election shall be held in 2005.

12. For the first general election, the council of the new town shall be made up of one mayor and eight councillors.

For the first general election and for any by-election held before the second 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 such election were an election of the council members of the former Village de L'Annonciation shall be eligible for seats 1 and 2; only those persons who would be eligible under that Act if such election were an election of the council members of the former Village de Sainte-Véronique shall be eligible for seats 3 and 4; only those persons who would be eligible under that Act if such election were an election of the council members of the former Municipalité de Marchand shall be eligible for seats 5 and 6; and only those persons who would be eligible under that Act if such election were an election of the council members of the former Municipalité de La Macaza shall be eligible for seats 7 and 8.

Only the electors who are entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Village de L'Annonciation shall participate in the election of the councillors for seats 1

and 2; only the electors entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Village de Sainte-Véronique shall participate in the election of the councillors for seats 3 and 4; only the electors entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Municipalité de Marchand shall participate in the election of the councillors for seats 5 and 6; and only the electors entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Municipalité de La Macaza shall participate in the election of the councillors for seats 7 and 8.

For the second general election, the town shall be divided into six electoral districts in accordance with the Act respecting elections and referendums in municipalities.

13. The council made up of the persons elected in the first general election shall proceed with the reassignment of the personnel of the former municipalities after having commissioned a firm of consultants to make recommendations to the council on the matter.

While awaiting that reorganization, Lise Cadieux, director general and secretary-treasurer of the former Village de L'Annonciation, shall act as director general and secretary-treasurer of the new town. Claire Coulombe, director general and secretary-treasurer of the former Municipalité de Marchand, Danielle Simard, director general and secretary-treasurer of the former Village de Sainte-Véronique, and Pauline Legault, director general and secretary-treasurer of the former Municipalité de La Macaza shall act as assistant directors general and secretary-treasurers of the new town. Pauline Legault shall also act as returning officer for the polling of the first general election.

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

(1) that budget shall remain applicable;

(2) the expenditures and revenues of the new town for the remainder 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 town as resulting from the amalgamation shall be charged to each former municipality on the basis of the proportion of its standardized property value 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 fiscal year during 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 with that amount, shall constitute a reserve that is paid into the general fund of the new town for the first fiscal year for which it adopts a budget for all its territory.

15. 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.

16. 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 in accordance with the following terms and conditions:

— The surplus accumulated on behalf of the former Village de L'Annonciation and the former municipalities of Marchand and La Macaza shall be used to repay loans charged to the sector made up of the former municipality that accumulated it, to reduce taxes applicable to all the taxable immovables located in that sector or to carry out public works in that sector.

— The surplus accumulated on behalf of the former Village de Sainte-Véronique shall be used to carry out work in the sector made up of the territory of that former municipality.

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

18. The working fund of the new town shall be constituted of the working fund of each of the former municipalities as it existed at the end of the last fiscal year for which the former municipalities adopted separate budgets. The repayment of money borrowed from the working fund of a former municipality shall remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

From the first fiscal year for which a budget is adopted by the new town in respect of all its territory, all the taxable immovables located in the territory of the new town shall be subject to the repayment of the sums borrowed under resolutions 63-2001, 76-2001, 101-2001 and 495-2001 of the former Village de L'Annonciation.

19. From the first fiscal year for which a budget is adopted by the new town in respect of all its territory, the repayment of the loans made under the following by-laws shall be charged to the taxable immovables located in the territory of the new town:

— By-laws 435, 661 and 673 of the former Village de L'Annonciation;

— By-laws 92-360, 98-449 and 01-487 of the former Municipalité de Marchand;

— By-laws 93-372 and 98-416 of the former Village de Sainte-Véronique; and

— By-law 7-97 of the former Municipalité de La Macaza.

20. From the first fiscal year for which the new town adopts a budget in respect of all its territory, the compensation required under By-law 691-2000 of the former Village de L'Annonciation shall apply to the taxable immovables located in the sector made up of the territory of that former municipality that are served by the waterworks system of that former municipality and also to the taxable immovables served by the waterworks system that are located in the sector made up of the territory of the former Municipalité de Marchand.

21. From the first fiscal year for which the new town adopts a budget in respect of all its territory, the annual payment of the instalments in principal and interest on the loan made under By-law 725-2002 of the former Village de L'Annonciation shall be charged to all the taxable immovables served by the waterworks system in the sector made up of the territory of the former Village de L'Annonciation and of the former Municipalité de Marchand and it shall be carried out by means of a compensation rate.

22. The aggregate of the property assessment rolls of the former Municipalité de Marchand and of the former Village de Sainte-Véronique, drawn up for the 2000, 2001 and 2002 fiscal years and the property assessment rolls of the former Municipalité de La Macaza and of the former Village de L'Annonciation, drawn up for the 2002, 2003 and 2004 fiscal years, shall constitute the property assessment roll of the new town from the date of coming into force of this Order in Council to 31 December 2002.

Despite section 119 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), no adjustment of the values in the property assessment roll shall be made for the 2002 fiscal year.

With respect to an entry on the property assessment roll of the new town for the 2002 fiscal year, it is considered that, for the purposes of establishing the actual value entered on that roll, the conditions in the property market respective to each of the property assessment rolls referred to in the first paragraph have been taken into account, as they existed on 1 July of the second fiscal year that preceded the coming into force of those rolls.

For the purposes of determining the market conditions on the date referred to in the third paragraph, the information related to transfers of ownership that occurred before and after that date may be taken into account.

The date of reference to the property market of each of the rolls referred to in the first paragraph, determined under 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 proportions and comparative factors of the property assessment roll of the new town 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 are respectively those of the property assessment rolls referred to in the first paragraph.

23. The aggregate of the property assessment rolls, amended in accordance with the second paragraph of this section, of the former Municipalité de Marchand and the former Village de Sainte-Véronique, drawn up for the 2003, 2004 and 2005 fiscal years, of the property assessment roll of the former Municipalité de La Macaza amended in accordance with the second paragraph of this section, and of the property assessment roll of the former Village de L'Annonciation, drawn up for the 2002, 2003 and 2004 fiscal years shall constitute the property assessment roll of the new town for the 2003 and 2004 fiscal years.

An adjustment of the values entered on the property assessment roll of the new town shall be made, for the units of assessment located in the sectors made up of the territory of the former municipalities of Marchand and La Macaza and of the former Village de Sainte-Véronique, by dividing those values by the median proportion of

their respective assessment roll established for the 2003 fiscal year and by multiplying them by the median proportion of the property assessment roll of the former Village de L'Annonciation established for the 2003 fiscal year.

With respect to an entry on the property assessment roll of the new town for the 2003 and 2004 fiscal years, 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 2001.

For the purposes of determining the market conditions on the date referred to in the third paragraph, the information related to transfers of ownership that occurred 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 the new town for the 2003 and 2004 fiscal years 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 those established by the assessor of Village de L'Annonciation for the 2003 fiscal year.

24. The new town shall have the first three-year property assessment roll drawn up by its assessor in accordance with section 14 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) for the 2005, 2006 and 2007 fiscal years.

25. A tax credit calculated on the property value as it appears on the assessment roll in effect and financed from the revenues of the general property tax shall be granted annually in respect of the taxable immovables located in the sector made up of the territory of a former municipality where the combined increase in the tax burden resulting from the amalgamation is greater than 5%. Such credit shall be established so as to reduce the increase to 5%.

The tax burden referred to in the first paragraph includes

(1) the revenues derived from the basic general property tax rate imposed on all the taxable immovables located in the territory of the new town;

(2) any other revenue derived from a property tax imposed on the entire territory, other than the property tax that results from the application of one of the general property tax rates; and

(3) any revenue derived from a tariffing regarded as a property tax under section 244.7 of the Act respecting municipal taxation and exigible from the entire territory of the new town.

For the purposes of the first two paragraphs, the non-taxable value of immovables in respect of which property taxes must be paid under the first paragraph of section 208 of the Act respecting municipal taxation or in respect of which a sum must be paid in lieu of taxes, in accordance with the second paragraph of section 210 or the first paragraph of sections 254 and 255 of that Act, or by the Crown in right of Canada or one of its mandataries, is considered taxable.

The new town must prescribe rules to determine if the increase referred to in the first paragraph results solely from the constitution of the new town and to establish, where applicable, the part of the increase resulting therefrom.

This section has effect for a maximum five-year period following the constitution of the new town.

26. From the 2003 fiscal year to the 2007 fiscal year, the difference between the rate specific to the category of non-residential immovables and the basic rate fixed under section 244.38 of the Act respecting municipal taxation for the former Village de L'Annonciation, the former Village de Sainte-Véronique and the former Municipalité de Marchand must correspond to the following proportions of the same difference calculated for the former Municipalité de La Macaza:

Year	L'Annonciation	Ste-Véronique	Marchand
2003	68%	20%	20%
2004	76%	40%	40%
2005	84%	60%	60%
2006	92%	80%	80%
2007	100%	100%	100%

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

28. 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 its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the entire territory of the new town, 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.

29. A municipal housing bureau shall be constituted under the name of "Office municipal d'habitation de la Ville de Rivière-Rouge". The name of the bureau may initially be changed by a simple resolution of the board of directors within the year following 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, the municipal housing bureau of the former Village de L'Annonciation, 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 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 council of the new town, 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 all the board of directors have been appointed in accordance with the terms and conditions provided for in the third paragraph, the provisional board of directors shall be the members of the former municipal housing bureau of the former Village de L'Annonciation.

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. The board members shall remain in office until reappointed or replaced even though their terms expire.

A quorum for the 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 prices and amounts 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 any other debt, contract and liability 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 15 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 budget of the dissolved bureau shall remain applicable for the remainder of the current fiscal year.

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 VILLE DE RIVIÈRE-ROUGE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ANTOINE-LABELLE

The territory of Ville de Rivière-Rouge, in municipalité régionale de comté d'Antoine-Labelle, following the amalgamation of the municipalities of La Macaza and Marchand and of the villages of L'Annonciation and Sainte-Véronique, comprises all the lots and blocks of the original survey or the cadastres of the townships of Brunet, Lynch, Marchand, Mousseau, Nantel and Turgeon, the undivided lands of those townships, the lots of the cadastre of Village de L'Annonciation, thoroughfares, hydrographic and topographic entities, built-up sites or parts thereof within the perimeter starting at the meeting point of the central line of Canton de Brunet with the centre line of Ruisseau Castelnau and that follows successively the following lines and demarcations : southwesterly, part of the central line of the said township to a point whose coordinates are 5 173 100 m N and 500 900 m E ; southerly, a straight line to a point whose coordinates are 5 167 800 m N and 500 675 m E ; easterly, a straight line to a point whose coordinates are 5 168 725 m N and 503 475 m E ; southerly, a straight line to the apex of the northern angle of Lot 20 of Rang IX of the original survey of Canton de Mousseau ; southwesterly, the northwestern line of the said lot ; southeasterly, the dividing line between lots 19 and 20 of Rang IX of the original survey of Canton de Mousseau ; southwesterly, part of the dividing line between ranges VIII and IX of the said township to the northeastern line of Canton de Turgeon ; southeasterly, part of the northeastern line of the townships of Turgeon and Marchand to the dividing line between ranges 8 and 7 of the cadastre of Canton de Lynch ; in reference to that cadastre, northeasterly, part of that line to the apex of the southern angle of Lot 18 of Rang 7 ; northwesterly, the southwestern line of the said lot ; northeasterly, part of the dividing line between ranges 7 and 6 to the apex of the northern angle of Lot 22 of Rang 7 ; southeasterly, the northeastern line of the said lot ; northeasterly, part of the dividing line between ranges 8 and 7 to the apex of the northern angle of Lot 23 of Rang 8 ; southeasterly, the line bounding to the northeast lots 23 of ranges 8 and 9 and lots 23 of ranges 1 to 4 of the cadastre of Canton de Nantel ; southwesterly, part of the dividing line between ranges 4 and 5 of the cadastre to the northeastern line of Canton de Marchand ; southeasterly, part of that line to the eastern limit of the said township ; westerly, the dividing line between Canton de Marchand and the townships of Joly and La Minerve ; northerly, successively, the western line of Canton de Marchand then the eastern boundary of the right-of-way of a public road (shown on the original) that is between

the townships of Marchand and Turgeon on the one side and Canton de Loranger on the other side to its meeting with the extension of the southern line of Canton de Turgeon; westerly, the said extension and part of the southern line of the said township to the dividing line between ranges 6 and 7 of the cadastre of that township; in reference to that cadastre, part of that line to the apex of the northeastern angle of Lot 5 of Rang 7; westerly, the northern line of the said lot; successively northerly and northeasterly, the western and northwestern lines of Canton de Turgeon; southeasterly, part of the northeastern line of Canton de Turgeon to its meeting with an irregular line, in Lac Kiamika, that passes halfway between Petite île de la Perdrix and Île Blanche; in a general northerly direction, that irregular line, passing halfway between Petite île de la Perdrix, Île de la Perdrix Blanche and the west shore of the said lake on the one side and Blanche, Thérèse and Noire islands, the east shore of the said lake and the islands having the geographical coordinates 46°38'47" North latitude, 75°03'43" West longitude and 46°44'06" North latitude, 75°02'54" West longitude on the other side, to the centre line of Rivière Kiamika; finally, in a general southeasterly direction, the centre line of the said river to the centre line of Ruisseau Castelnau to the starting point.

The above-mentioned coordinates are given in metres and were graphically traced from the UTM NAD 27 squaring, used on the 1:50 000 scale maps published by Natural Resources Canada.

Ministère des Ressources naturelles
Bureau de l'arpentage général
Division de l'arpentage foncier

Québec, 27 November 2002

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