

## Municipal Affairs

Gouvernement du Québec

### O.C. 70-2003, 29 January 2003

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

Amalgamation of Municipalité de Saint-Gédéon-de-Beauce and Paroisse de Saint-Gédéon

WHEREAS each of the municipal councils of Municipalité de Saint-Gédéon-de-Beauce and Paroisse de Saint-Gédéon 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 both 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, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT a local municipality be constituted through the amalgamation of Municipalité de Saint-Gédéon-de-Beauce and Paroisse de Saint-Gédéon on the following conditions:

1. The name of the new municipality shall be "Municipalité de Saint-Gédéon-de-Beauce".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 28 November 2002; 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 the new municipality shall be part of Municipalité régionale de comté de Beauce-Sartigan.

5. Until a majority of 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 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 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 council member of that former municipality.

If a mayor's seat is vacant, the mayor's votes shall devolve upon the councillor who acted as acting mayor of the former municipality in question before the coming into force of this Order in Council unless that councillor's seat is also vacant, in which case the votes shall devolve upon a councillor chosen by and from among the members of the provisional council who were council members of the municipality in question.

6. The mayor of the former Municipalité de Saint-Gédéon-de-Beauce and the mayor of the former Paroisse de Saint-Gédéon shall act respectively as mayor and acting mayor of the new municipality from the coming into force of this Order in Council until the last day of the month of that coming into force; they shall then alternate each month until the mayor elected in the first general election begins his or her term. Until that time, they shall continue to sit on the council of Municipalité régionale de comté de Beauce-Sartigan and they shall have the same number of votes as they had before the coming into force of this Order in Council. In addition, they shall maintain the qualifications required to sit on any committee and carry out any duty on the council of that regional county municipality.

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

8. The first meeting of the provisional council shall be held at the town hall of the former municipalities.

9. The members of the provisional council shall receive the remuneration to which they were entitled 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.

10. Pierre-Alain Pelchat, secretary-treasurer and director general of the former Municipalité de Saint-Gédéon-de-Beauce, shall act as secretary-treasurer and director general of the new municipality. Jean-Paul Jolin, secretary-treasurer of the former Paroisse de Saint-Gédéon, shall act as assistant director general of the new municipality. Josée Lachance, assistant secretary-treasurer of the former Municipalité de Saint-Gédéon-de-Beauce, shall act as assistant secretary-treasurer of the new municipality.

11. The polling for the first general election shall take place on 8 June 2003.

The second general election shall be held in 2005.

12. For the purposes of the first two general elections and of any by-election held before the third 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 Municipalité de Saint-Gédéon-de-Beauce shall be eligible for seats 1, 2 and 3 and only those persons who would be eligible under that Act if such election were an election of the council members of the former Paroisse de Saint-Gédéon shall be eligible for seats 4, 5 and 6.

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.

14. A municipal housing bureau shall be constituted under the name "Office municipal d'habitation de la Municipalité de Saint-Gédéon-de-Beauce". 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, to the municipal housing bureau of the former Municipalité de Saint-Gédéon-de-Beauce, 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 made up of seven members. Three members shall be appointed by the council of the new municipality, two members shall be elected by all the lessees of the bureau, in accordance with section 57.1 of 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 socio-economic groups in the bureau's territory.

Until a majority of the candidates elected in the first general election begin their terms, the board members of the bureau shall be the members of the municipal housing bureau of the former Municipalité de Saint-Gédéon-de-Beauce.

The directors shall elect from among themselves a chair, vice-chair and any other officer they consider advisable 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 considered 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 encumber them, or give such 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 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 considered 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 constituted bureau and shall retain their seniority and employment 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.

15. 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 municipality 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 municipality 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 ;

(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, shall constitute a reserve that is paid into the general fund of the new municipality for the first fiscal year for which it adopts a budget for all its territory ; and

(5) the additional sums paid to the new municipality under the Programme d'aide financière au regroupement municipal on the basis of the population of the former Municipalité de Saint-Gédéon-de-Beauce, and corresponding to \$50 per capita over a five-year period, shall constitute a reserve for the benefit of the sector made up of the territory of the former Municipalité de Saint-Gédéon-de-Beauce and shall be dealt with in accordance with section 16.

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 particular for the purposes of the carrying out of public works in that sector or the repayment of loans charged to that sector.

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

18. 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 in 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 in the entire territory of the new municipality.

19. 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 be charged or credited to all the taxable immovables in the sector made up of the territory of that 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.

20. The working fund of the former Municipalité de Saint-Gédéon-de-Beauce shall be abolished at the end of the last fiscal year for which separate budgets were adopted. The amount of the fund that is not committed on that date shall be added to the surplus accumulated on behalf of that former municipality and dealt with in accordance with section 16.

21. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the annual repayment of loans made by the former Paroisse de Saint-Gédéon under by-laws 136-2001, 112-96, 121-99 and 110-95 shall be charged to the taxable immovables in the territory of the new municipality.

22. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the annual repayment of loans made by the former Municipalité de Saint-Gédéon-de-Beauce under by-laws 50 and 50A and the amounts owed by that former municipality to the Société québécoise d'assainissement des eaux under the agreement entered into with the Gouvernement du Québec shall be charged to the taxable immovables in the sectors of the new municipality with the services.

23. The amount of the reserved fund accumulated by the former Municipalité de Saint-Gédéon-de-Beauce concerning the draining of aerated ponds at the end of the last fiscal year for which the former municipalities adopted separate budgets must be used for the purposes of which the fund was constituted.

24. From the first full fiscal year following the date of coming into force of this Order in Council, the new municipality must adopt a by-law establishing a different compensation rate for the collection of household garbage for the users of each sector corresponding to the territory of a former municipality.

The rate shall be established according to the annual disbursements that the new municipality will make in respect of each sector and it will be different as long as the authorization of the Minister of the Environment allowing the former Paroisse de Saint-Gédéon to operate in-trench disposal sites is in effect. Upon closure of the in-trench disposal sites, all the costs resulting therefrom shall be charged to the users in the sector made up of that former territory.

25. For the first eight full fiscal years of the new municipality, the repayment of any loan made with respect to drinking water or sanitary sewers shall be charged to all the taxable immovables in the sector that is not served by either service, as the case may be, of the new municipality in a proportion corresponding to the percentage obtained by dividing the value of the non-taxable immovables by the value of all the taxable immovables of the new municipality. The remainder shall be charged to all the taxable immovables in the sector of the new municipality with the services.

26. 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 THE NEW MUNICIPALITÉ DE SAINT-GÉDÉON-DE-BEAUCE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE BEAUCE-SARTIGAN

The new Municipalité de Saint-Gédéon-de-Beauce, in Municipalité régionale de comté de Beauce-Sartigan, following the amalgamation of Municipalité de Saint-Gédéon-de-Beauce and of Paroisse de Saint-Gédéon, comprises all the lots of the cadastres of the townships of Dorset and Marlow, thoroughfares, hydrographic and topographic entities, built-up sites or parts thereof within the perimeter starting at the apex of the northwestern angle of Lot 28 of Rang 4 of the cadastre of Canton de Dorset and that follows, successively, the following lines and demarcations: easterly, part of the dividing line between the cadastres of the townships of Dorset and Shenley and its extension to the centre line of Rivière Chaudière; in a general southerly direction, the centre line of the said river, upstream and skirting to the right the islands closest to the right bank and to left the islands closest to the left bank, to its meeting with the extension of the dividing line between the townships of Marlow and Jersey; northeasterly, the said extension and part of that latter line to the dividing line between ranges 4 and 3 of the cadastre of Canton de Marlow; in reference to that cadastre, southeasterly, part of the dividing line between the said ranges to the apex of the eastern angle of Lot 10A of Rang 4; southwesterly, the line bordering to the southeast lots 10A of Rang 4, 10 of ranges 5 and 6 and 10A of ranges 7, 8, 9, and 10; northwesterly, part of the dividing line between ranges 10 and 11 and its extension to the centre line of Rivière Chaudière; in a general southwesterly direction, the centre line of that river, upstream and skirting to the right the islands closest to the right bank and to the left the islands closest to the left bank, to its meeting with the extension of the dividing line between the cadastres of the townships of Dorset and Gayhurst; westerly, the said extension and part of that latter line to the dividing line between ranges 4 and 5 of the cadastre of Canton de Dorset; finally, northerly, that latter line to the starting point.

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

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Prepared by: \_\_\_\_\_  
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