

Municipal Affairs

Gouvernement du Québec

O.C. 122-2003, 12 February 2003

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

Amalgamation of Ville de Port-Cartier and Municipalité de Rivière-Pentecôte

WHEREAS each of the municipal councils of Ville de Port-Cartier and Municipalité de Rivière-Pentecôte 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 to the application for amalgamation was received;

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 Ville de Port-Cartier and Municipalité de Rivière-Pentecôte on the following conditions:

1. The name of the new town shall be “Ville de Port-Cartier”.

The provisional council must, as soon as possible after the coming into force of this Order in Council, contact the Commission de toponymie du Québec in order to have the name “Rivière-Pentecôte” attributed to the sector of the new town made up of the territory of the former Municipalité de Rivière-Pentecôte.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 12 December 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 the new town shall be part of Municipalité régionale de comté de Sept-Rivières.

5. Until a majority of the candidates elected in the first general election begin their terms, the new town shall be administered by a provisional council made up of all the council members of the former Ville de Port-Cartier and of the mayor of the former Municipalité de Rivière-Pentecôte.

Should the seat of the mayor of the former Municipalité de Rivière-Pentecôte be vacant at the time of coming into force of this Order in Council, or should the seat of representative on the provisional council in the sector made up of the territory of that former municipality become vacant, the councillor of seat 6 or, where applicable, seat 1 of the council of that former municipality shall act as representative of that sector.

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

6. The mayor of the former Ville de Port-Cartier shall be the mayor of the new town until the mayor elected in the first general election begins his or her term.

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

8. By-law 01-659 respecting the remuneration of elected municipal officers of the former Ville de Port-Cartier applies to the new town until it is amended by the council of the new town.

Any council member of a former municipality whose term ends for the sole reason that the former municipality ceased to exist following 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 a 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 town on any mode of payment of the compensation.

The expenses that the payment of the compensation represents shall constitute a debt charged to all the taxable immovables located in the sector made up of the territory of that former municipality.

9. The first meeting of the provisional council shall be held at the town hall of the former Ville de Port-Cartier.

10. The polling for the first general election shall take place on 2 November 2003. The second general election shall be held in 2006 and the third general election shall be held in 2009.

11. For the first three general elections, the council of the new town shall be made up of the mayor and six councillors.

For the first three general elections and for any by-election held before the fourth 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 Ville de Port-Cartier shall be eligible for seats 1, 2, 3, 4 and 5 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 Rivière-Pentecôte shall be eligible for seat 6.

12. Pierre Saint-Onge, clerk of the former Ville de Port-Cartier, shall act as clerk of the new town.

13. 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.

14. The terms and conditions for apportioning the cost of shared services provided for in any intermunicipal agreement in effect before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

15. 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 to repay loans charged to them, to reduce taxes applicable to all the taxable immovables located in that sector or to carry out public works in that sector.

16. 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.

17. The working fund of the new town shall be constituted of the working fund of the former Ville de Port-Cartier. The moneys borrowed from that fund shall be repaid in accordance with section 569 of the Cities and Towns Act into the working fund of the new town.

18. The repayment of loans made under loan by-laws adopted by a former municipality before the coming into force of this Order in Council shall remain charged to the taxable immovables in the sector made up of the territory of the former municipality that contracted them, in accordance with the tax clauses of those by-laws. If the council decides to amend those clauses in accordance with the law, the amendments may only affect the taxable immovables located in the sector made up of the territory of that former municipality.

19. From the first fiscal year for which the new town adopts a budget in respect of all its territory, and until the third fiscal year, an additional general property tax rate shall be imposed on all the taxable immovables located in the sector made up of the territory of the former Municipalité de Rivière-Pentecôte. That additional rate shall be \$0.66 per \$100 of assessment for the first fiscal year and it shall decrease by \$0.22 per \$100 of assessment annually until its extinction the fourth year.

20. From the first fiscal year for which the new town adopts a budget in respect of all its territory, and until the ninth fiscal year of the new town, 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 (R.S.Q., c. F-2.1) for the sector made up of the territory of the former Municipalité de Rivière-Pentecôte must correspond to the following proportions of the same difference calculated for the sector made up of the territory of the former Ville de Port-Cartier:

First fiscal year:	12.94% ;
Second fiscal year:	39.59% ;
Third fiscal year:	48.24% ;
Fourth fiscal year:	65.68% ;
Fifth fiscal year:	71.18% ;
Sixth fiscal year:	76.47% ;
Seventh fiscal year:	81.76% ;
Eighth fiscal year:	87.65% ;
Ninth fiscal year:	93.53% ;
Tenth fiscal year:	100 %.

21. From the first fiscal year for which the new town adopts a budget in respect of all its territory, and until the ninth fiscal year of the new town, the difference between the rate specific to the category of industrial immovables and the basic rate fixed under section 244.38 of the Act respecting municipal taxation for the sector made up of the territory of the former Municipalité de Rivière-Pentecôte must correspond to the following proportions of the same difference calculated for the sector made up of the territory of the former Ville de Port-Cartier:

First fiscal year:	11.79% ;
Second fiscal year:	27.36% ;
Third fiscal year:	43.40% ;
Fourth fiscal year:	59.43% ;
Fifth fiscal year:	65.57% ;
Sixth fiscal year:	71.70% ;
Seventh fiscal year:	78.30% ;
Eighth fiscal year:	85.38% ;
Ninth fiscal year:	92.45% ;
Tenth fiscal year:	100 %.

22. Despite section 119 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the new town shall use the values entered on the property assessment rolls drawn up for the 2001-2002-2003 fiscal years for the former Ville de Port-Cartier and for the 2003-2004-2005 fiscal years for the former Municipalité de Rivière-Pentecôte. Those values shall be kept up to date from the coming into force of this Order in Council.

The adjustment shall be made as follows: the values entered on the assessment roll of the former Municipalité de Rivière-Pentecôte shall be divided by the median proportion of the assessment roll and multiplied by the median proportion of the roll of the former Ville de Port-Cartier; the median proportions used shall be those established for the 2003 fiscal year.

The aggregate of the roll drawn up for the former Ville de Port-Cartier for the 2001-2002-2003 fiscal years and of the roll drawn up for the former Municipalité de Rivière-Pentecôte for the 2003-2004-2005 fiscal years, amended in accordance with the second paragraph, shall constitute the roll of the new town. The median proportion and the comparative factor of the roll for 2003 shall be those of the former Ville de Port-Cartier. The 2003 fiscal year of the new town shall be considered to be the third fiscal year of application of the roll.

23. For a period of five years beginning on the coming into force of this Order in Council, the council of the new town must ensure a public use for the premises of the municipal office and for the other municipal infrastructures of the former Municipalité de Rivière-Pentecôte in order to maintain neighbourhood services in the sector made up of the territory of that former municipality.

24. For a period of five years beginning on the coming into force of this Order in Council, the service points, recreational organizations and other neighbourhood organizations supported or subsidized by the former municipalities shall continue to be recognized and supported by the council of the new town insofar as the law and budgets allow it.

25. Proceeds from the sale of an immovable or equipment that belonged to a former municipality shall be used first to repay the balance of the debt incurred by that former municipality to acquire or develop such immovable or equipment. Any balance of the proceeds from the sale shall be paid into the general fund of the new town.

26. 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.

27. 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 in 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.

28. A municipal housing bureau shall be constituted under the name "Office municipal d'habitation de la Ville de Port-Cartier". 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 bureaus of the former Ville de Port-Cartier and of the former Municipalité de Rivière-Pentecôte, 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 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 town, 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 socio-economic groups of the bureau's territory.

Until all the directors have been appointed as provided in the third paragraph of this section, the provisional board of directors shall be the members of the former municipal housing bureau of Ville de Port-Cartier and the chair of the former municipal housing bureau of Rivière-Pentecôte.

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, as of 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 bureaus that have 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.

The budget of the dissolved bureaux shall remain applicable for the remainder of the current fiscal year. The expenses and revenues of the new bureau, for the remainder of the current fiscal year, shall continue to be accounted for separately on behalf of each of the dissolved bureaux as if the amalgamation had not taken place.

29. 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 VILLE DE PORT-
CARTIER, IN MUNICIPALITÉ RÉGIONALE DE
COMTÉ DE SEPT-RIVIÈRES

The territory of the new Ville de Port-Cartier, in Municipalité régionale de comté de Sept-Rivières, following the amalgamation of Ville de Port-Cartier and Municipalité de Rivière-Pentecôte, comprises all the lots and blocks of the original survey or of the cadastres of the townships of Babel, Cannon, Fitzpatrick, Grenier and Leneuf, the undivided lands of those townships, the territories not divided into townships, thoroughfares, hydrographic and topographic entities, built-up sites or parts thereof within the perimeter starting at the meeting point of the northern line of Canton de Leneuf with a line astronomically north whose point of origin is the extremity of the bay situated to the southwest of Pointe Thériault and that follows, successively, the following lines and demarcations: astronomically south, that line to its point of origin; easterly, a line astronomically east to its meeting with an irregular line parallel to and 1.6 kilometres from the northwest shore of the St. Lawrence River; in a general southwesterly direction, that irregular line to its meeting with a line astronomically east whose point of origin is the meeting point with the centre line of Rivière Vachon at its mouth with the northwest shore of the said St. Lawrence River; easterly, that line astronomically east to its meeting with an irregular line parallel to and 3.22 kilometres (2 miles) from the northwest shore of the St. Lawrence River; in a general southwesterly direction, that irregular line to its meeting with the extension of the southern line of Canton de Cannon; westerly, the said extension, the southern line of the said township then its extension to the centre

line of Rivière de la Trinité; in a general northerly direction, the centre line of the said river, upstream and skirting to the left all the islands to its meeting with the extension of the northern line of Canton de Cannon; easterly, the said extension and part of the northern line of the said township to the western line of Canton de Fitzpatrick; northerly, the western line of the said township; finally, northeasterly, successively, a straight line to the apex of the northwestern angle of Canton de Grenier then another straight line across the townships of Babel and Leneuf to the starting point.

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

Québec, 12 December 2002

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