

Municipal Affairs

Gouvernement du Québec

O.C. 209-2003, 26 February 2003

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

Amalgamation of Ville de Saint-Pie and Paroisse de Saint-Pie

WHEREAS, under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Government, by Order in Council 887-2002 dated 21 August 2002, authorized the Minister of Municipal Affairs and Greater Montréal to require the filing of a joint application for amalgamation from those municipalities;

WHEREAS, on 2 October 2002, the Minister required from those municipalities a joint application for amalgamation;

WHEREAS each of the municipal councils of Ville de Saint-Pie and Paroisse de Saint-Pie 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 within the time prescribed by the Act;

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 Saint-Pie and Paroisse de Saint-Pie on the following conditions:

1. The name of the new town shall be “Ville de Saint-Pie”.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 14 January 2003; 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 des Maskoutains.

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 municipalities in office upon the coming into force of this Order in Council. One additional vote shall be allotted, on the provisional council, to the mayor of the former municipality whose council has a vacancy upon the coming into force of this Order in Council, as well as an additional vote for each seat on the provisional council that becomes vacant after such coming into force and that was held by a council member of that former municipality. If the vacant position is a mayor's position, the votes of the latter shall be transferred to the councillor who was the deputy mayor of the municipality concerned before the coming into force of this Order in Council, unless the seat of that councillor is also vacant, in which case the votes shall be transferred to a councillor chosen by the members of the provisional council from among the members who were sitting on the council of the municipality concerned.

6. The mayor of the former Paroisse de Saint-Pie and the mayor of the former Ville de Saint-Pie shall act as mayor and deputy mayor of the new town, respectively, as of the coming into force of this Order in Council until the last day of the month in which it comes into force, at which time the roles shall be reversed, and so on alternately, until the mayor elected in the first general election takes office. Until that time, they shall continue to sit on the council of Municipalité régionale de comté des Maskoutains and shall have the same number of votes as before the coming into force of this Order in Council.

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 Âge d'or hall, 143, rue de la Présentation, in the territory of the former Ville de Saint-Pie.

9. The members of the provisional council shall receive the same remuneration and expense allowance as those to which they were entitled before the amalgamation and each mayor shall receive the remuneration and expense allowance to which he or she was entitled as mayor, regardless of the alternation provided for in section 6.

Every member of the council of a former municipality whose term is shortened as a result of the amalgamation shall continue to receive the same remuneration for the entire duration of the term. The right ceases if, during that time, the member holds a position on the council of the new town or on the council of a municipality in the territory of Québec.

Expenses concerning the remuneration of the members of the council of a former municipality whose terms are shortened as a result of the amalgamation shall be charged to the sector made up of the territory of that former municipality. They shall be paid out of the surplus accumulated on behalf of that municipality or by imposing a special property tax on the taxable immovables in the sector made up of the territory of that former municipality.

10. Dominique Saint-Pierre, secretary-treasurer of the former Paroisse de Saint-Pie, shall act as treasurer and director general of the new town and Denise Breton, secretary-treasurer of the former Ville de Saint-Pie, shall act as the clerk of the new town.

11. The polling for the first general election shall take place on the first Sunday of the fourth month following the month of the coming into force of this Order in Council, unless that Sunday falls on the first Sunday of the months of July, August or September, in which case the polling shall be held on the first Sunday in October.

The second general election shall be held in 2005.

12. For the first and second general elections and for 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 Paroisse de Saint-Pie 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 Ville de Sainte-Pie shall be eligible for seats 4, 5 and 6.

13. The terms and conditions for apportioning the cost of shared services provided for in an 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.

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) a sum of \$20,000 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. Subject to the third paragraph of section 9 and section 16,

(1) the surplus accumulated on behalf of the former Paroisse de Saint-Pie 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 parish, to reduce taxes payable by the ratepayers in the sector made up of the territory of that former parish or to settle any debt referred to in section 30;

(2) the surplus accumulated on behalf of the former Ville de Saint-Pie 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 town, to repay the loans of that former town, to carry out public works in the sector made up of the territory of that former town, to reduce taxes applicable to all the taxable immovables located in that sector or to settle any debt referred to in section 30.

16. A sum of \$30,000 shall be paid into the general fund out of the surplus accumulated on behalf of each of the former municipalities at the end of the last fiscal year for which separate budgets were adopted, namely \$15,000 for each municipality.

If there is not enough money in the surplus accumulated on behalf of a former municipality, the new town shall impose a special tax to make up for the difference, on all the taxable immovables in the sector made up of the territory of the former municipality lacking sufficient funds.

17. Subject to paragraph 4 of section 14, the part of the subsidy paid under the Programme d'aide financière au regroupement municipal (PAFREM) that is attributable to the sector made up of the territory of a former municipality shall be used for the exclusive benefit of the ratepayers in the sector made up of the territory of that former municipality. It shall be used to reduce taxes applicable to all the taxable immovables located in that sector.

18. 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.

19. The repayment of the loans made under loan by-laws 508 (523), 536, 540 and 561 of the former Ville de Saint-Pie shall be charged to the users of the water supply system of the new Ville de Saint-Pie, excluding users who are supplied by the water supply system of Ville de Saint-Hyacinthe, by means of a tariff to be fixed annually by the council of the new town.

For the five years following the coming into force of this Order in Council, the costs of the work carried out for the supply and treatment of potable water shall be charged in their entirety to the users of the water supply system.

The part of the debt that the Régie d'aqueduc intermunicipale Paroisse Saint-Pie et Notre-Dame-de-Saint-Hyacinthe has contracted under by-laws 1-82 and 6-84, which was to be charged to the users supplied with water from the Ville Sainte-Hyacinthe network and located in the sector made up of the territory of the former Paroisse de Saint-Pie shall continue to be charged to those users.

To that end, the new town shall impose annually, on the taxable immovables in the sectors concerned forming part of the territory of the former Paroisse de Saint-Pie, a special tax on the basis of their value as it appears on the assessment roll in force each year.

Upon the abolition of the Régie, any accumulated surplus or deficit in respect of the former Paroisse de Saint-Pie will be used for the benefit of or will be charged to the ratepayers in the sectors concerned of the territory of that former parish.

20. Subject to section 19, the repayment of all loans contracted under by-laws adopted by a former municipality before the coming into force of this Order in Council shall remain charged to the sector made up of the territory of the former municipality that contracted the by-laws in accordance with the taxation clauses in them.

If the new town decides to amend such a taxation clause in accordance with the law, those amendments may only affect the taxable immovables located in the sector made up of the territory of that former municipality.

Amounts owing to the Société d'assainissement des eaux under an agreement entered into by the Gouvernement du Québec and the former Ville de Saint-Pie shall remain charged to the users of the water supply system of that former town. They shall be paid by means of a compensation tariff to be fixed annually by the council of the new town.

21. Moneys collected by the new town for tax arrears in respect of fiscal years prior to the fiscal year for which a budget covering the whole territory is adopted shall be paid into the surplus accumulated on behalf of the former municipality that imposed the tax and shall be dealt with in accordance with section 15.

22. For the first seven fiscal years for which a budget is adopted by the new town for the whole territory, the council of the new town shall impose a special tax to finance recreational services, so that each sector made up of the territory of a former municipality pays half the

expenditure allocated in the budget for those services. That tax shall be imposed on the basis of the value of taxable immovables and the council may fix annually a different rate of that special tax for each sector.

For the purposes of the first paragraph, the expenditures provided for in the budget for recreational services include, in particular, the annual contribution to the Centre régional de services aux bibliothèques publiques, the contribution to the Maison des jeunes and the contribution paid to Ville de Saint-Hyacinthe for the use of supralocal equipment.

23. For the first seven fiscal years for which the new town adopts a budget for the whole territory, the council of the new town shall impose a special tax to finance the fire protection service, so that each sector made up of the territory of a former municipality pays half the expenditures allocated in the budget for that service. That tax shall be imposed on the basis of the value of taxable immovables and the council may fix annually a different rate of that special tax for each sector.

24. A property tax credit shall be granted in respect of the taxable immovables in the sector made up of the territory of the former Paroisse de Saint-Pie for each of the seven fiscal years from the first for which the new town adopts a budget in respect of all its territory. The rate of the credit shall be as follows:

First fiscal year:	\$0.07 per \$100 of assessment;
Second fiscal year:	\$0.06 per \$100 of assessment;
Third fiscal year:	\$0.05 per \$100 of assessment;
Fourth fiscal year:	\$0.04 per \$100 of assessment;
Fifth fiscal year:	\$0.03 per \$100 of assessment;
Sixth fiscal year:	\$0.02 per \$100 of assessment;
Seventh fiscal year:	\$0.01 per \$100 of assessment.

A special tax whose proceeds are equal to those of the credit tax shall be imposed on the taxable immovables in the sector made up of the territory of the former Ville de Saint-Pie for each of those fiscal years.

25. The working funds of the former municipalities are abolished at the end of the last fiscal year for which separate budgets were adopted. Funds not appropriated in the working fund of each of the former municipalities at the end of that fiscal year shall be paid into the accumulated surplus on behalf of each of the former municipalities and shall be dealt with in accordance with section 15.

26. For the first fiscal year for which the new town adopts a budget in respect of all its territory, 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 Paroisse de Saint-Pie shall correspond to 50% of that same difference calculated for the sector made up of the territory of the former Ville de Sainte-Pie.

27. Any subsidy for the local road system that the Gouvernement du Québec may continue to pay to maintain the system in the sector made up of the territory of the former Paroisse de Sainte-Pie during the first seven fiscal years following the coming into force of this Order in Council shall be allocated to the maintenance of that local road system as it exists on the date of coming into force of this Order in Council.

28. The council of the new town shall impose a special tax to finance, where applicable, the demolition of the old steel bridge over Rivière Noire so that each sector made up of the territory of a former municipality pays half the costs related to the demolition. The tax shall be imposed on the basis of the value of taxable immovables and the council may fix annually a different rate of that special tax for each sector.

29. A municipal housing bureau shall be constituted under the name "Office municipal d'habitation de la Ville de Saint-Pie". 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 to the municipal housing bureaus of the former Ville de Saint-Pie, 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 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 in 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 the former Ville de Saint-Pie.

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 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 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 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.

The budget of the dissolved bureau shall remain applicable for the remainder of the current fiscal year.

30. Any debt or gain that may result from legal proceedings for any act performed by a former municipality shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

31. 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.

32. A committee shall be set up to see to the establishment of the new town at the first meeting of the provisional council. The committee shall be composed of two representatives from each former municipality and of two persons named in section 10.

33. 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 SAINT-PIE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DES MASKOUTAINS

The territory of the new Ville de Saint-Pie, in Municipalité régionale de comté des Maskoutains, following the amalgamation of Ville de Saint-Pie and Paroisse de Saint-Pie, comprises all the lots of the cadastre of the parish of Saint-Pie, thoroughfares, hydrographic and topographic entities, built-up sites or parts thereof within the perimeter starting at the apex of the northern angle of lot 117 and that follows, successively, the following lines and demarcations: southeasterly, the broken line bordering the said cadastre on the northeast to the apex of the northeastern angle of lot 715, that broken line crossing Chemin Saint-Dominique that it meets; southerly, the dividing line between the cadastres of the parishes of Saint-Pie and Sainte-Cécile-

de-Milton crossing Chemin Rang du Haut-de-la-Rivière-Nord, Rivière Noire, Rang du Haut-de-la-Rivière and 3^e Rang de Milton that it meets; in a general westerly direction, the broken line between the cadastre of the parish of Saint-Pie and the cadastres of the parishes of Saint-Paul-d'Abbotsford and Saint-Cézaire to the apex of the southwestern angle of lot 1002 of the cadastre of the parish of Saint-Pie, that line passing by the centre line of Chemin du Rang Saint-Ours (shown on the original plan); in a general northerly direction, successively, the broken line bordering on the west lots 1002, 1001, 1000, 999, 998, 997, 995, 994, 992, 991, 990, 989, 988, 987 and part of lot 982 of the cadastre of the parish of Saint-Pie then part of the broken line between the latter cadastre and the cadastre of the parish of Saint-Damase, crossing Chemin du Rang Double that it meets, to the eastern end of the southern line of lot 10 of the cadastre of the parish of Saint-Damase; easterly, a straight line to the centre line of Rivière Noire and perpendicular to it; in a general northwesterly direction, successively, the centre line of the said river then the centre line of Rivière Yamaska, downstream, until it meets a straight line perpendicular to the centre line of the latter river and whose point of origin is the apex of the northern angle of lot 363 of the cadastre of the parish of Saint-Pie; easterly, that straight line to its point of origin; southeasterly, the dividing line between lots 363, 365, 366, 367, 369, 370 and 371 of that cadastre of lots 2 037 133, 2 038 853 and 2 037 111 of the cadastre of Québec; in reference to that cadastre, northeasterly, the line bordering lots 2 037 111, 2 037 112, 2 037 110, 2 039 046, 2 037 109, 2 039 008, 2 037 108, 2 039 010, 2 036 799, 2 039 004, 2 038 967 and 2 036 797 on the southeast; southeasterly, the broken line bordering lots 2 037 048, 2 039 045, 2 037 251, 2 037 252, 2 038 970, 2 037 250, 2 038 798, 2 039 059, 2 038 797, 2 038 796, 2 038 799 and 2 038 829 on the southwest; northeasterly, the line bordering lots 2 038 829, 2 037 206, 2 038 810, 2 038 569 and 2 038 570 on the southeast; successively northeasterly, southeasterly and northeasterly again, the line bordering lot 2 038 802 on the southeast, on the southwest and on the southwest again; finally, northeasterly, the southeastern line of lot 2 038 572 to the starting point.

Ministère des Ressources naturelles
Bureau de l'arpentage général du Québec
Service des levés officiels et des limites administratives

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