

Municipal Affairs

Gouvernement du Québec

O.C. 626-2004, 23 June 2004

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

Amalgamation of Ville de Drummondville, Ville de Saint-Nicéphore, Municipalité de Saint-Charles-de-Drummond and Paroisse de Saint-Joachim-de-Courval

WHEREAS each of the municipal councils of Ville de Drummondville, Ville de Saint-Nicéphore, Municipalité de Saint-Charles-de-Drummond and Paroisse de Saint-Joachim-de-Courval 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 the four 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, Sports and Recreation;

WHEREAS the qualified voters of each applicant municipality were consulted by way of a referendum poll;

WHEREAS, under section 108 of the aforementioned Act, it is expedient to grant the joint application with the amendment proposed by the Minister of Municipal Affairs, Sports and Recreation that was approved by the applicant municipalities;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation:

THAT a local municipality be constituted through the amalgamation of Ville de Drummondville, Ville de Saint-Nicéphore, Municipalité de Saint-Charles-de-Drummond and Paroisse de Saint-Joachim-de-Courval as provided hereunder:

1. The name of the new town is “Ville de Drummondville”.

2. The description of the territory of the new town is the description drawn up by the Minister of Natural Resources, Wildlife and Parks on 11 February 2004; that description appears as Schedule A to this Order in Council.

3. The new town is governed by the Cities and Towns Act (R.S.Q., c. C-19).

The Act respecting the municipality of Saint-Nicéphore (1995, c. 82) applies to the new town.

4. The territory of Municipalité régionale de comté de Drummond comprises the territory of the new town.

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 14 members representing the former municipalities and designated by their council. They are:

Former Ville de Drummondville

Francine Ruest-Jutras, mayor;
Mario Jacques, councillor;
Roberto Léveillée, councillor;
Denis Savoie, councillor;
Céline Trotter, councillor;
Gilles Fontaine, councillor;
Christian Tourigny, councillor;
Réal Jean, councillor;
Robert Lafrenière, councillor;
Roger Lambert, councillor.

Former Ville de Saint-Nicéphore

Denise Picotin, mayor;
Denis Chamberland, councillor.

Former Municipalité de Saint-Charles-de-Drummond

Bernard-P. Boudreau, mayor.

Former Paroisse de Saint-Joachim-de-Courval

Jocelyn Gagné, mayor.

6. Should the seat of a councillor representing the former Ville de Drummondville be vacant at the time of coming into force of this Order in Council or at any other time during the term of the provisional council, an additional vote is allotted to the mayor of the former Ville de Drummondville.

Should the seat of the mayor of the new Ville de Drummondville be vacant during the term of the provisional council, the mayor's vote and all the additional votes the mayor could hold under the first paragraph are allotted to a councillor designated by and from among the councillors representing the former Ville de Drummondville. In addition, where the mayor is absent from a sitting of the provisional council, the additional votes the mayor has under the first paragraph devolve to a councillor designated in the same manner.

Should the seat of a councillor of one of the former municipalities other than Drummondville be vacant at the time of coming into force of this Order in Council or at any other time during the term of the provisional council, Louise Béland and Guy Lamarche of the former Ville de Saint-Nicéphore, Daniel Lavoie and Émilien Guilmette of the former Municipalité de Saint-Charles-de-Drummond and Sylvie Michaud-Turcotte and Donald Côté of the former Paroisse de Saint-Joachim-de-Courval, shall act, in the order of their appointment, as representatives of those former municipalities.

7. A majority of the members in office holding a majority of the votes constitute the quorum of the provisional council.

8. The mayor of the former Ville de Drummondville shall act as mayor of the new town until the mayor elected in the first general election begins his or her term.

9. The mayor of the former Ville de Saint-Nicéphore, the mayor of the former Municipalité de Saint-Charles-de-Drummond and the mayor of the former Paroisse de Saint-Joachim-de-Courval shall act in that order and in alternation, for four-month periods, as acting mayor of the new town.

The term of the first acting mayor shall be extended until the last day of the month during which the term comes to an end.

10. Until the term of the majority of candidates elected in the first general election begins, the mayors of the former municipalities shall continue to sit on the council of Municipalité régionale de comté de Drummond and have the same number of votes as they had before the coming into force of this Order in Council. In addition, they shall continue to be eligible to act and take part in any committee and perform any other function, excluding the function of warden, within the regional county municipality. Despite the preceding, the mayor of the new Ville de Drummondville may hold the office of warden.

11. The first sitting of the provisional council shall be held at the town hall of the former Ville de Drummondville.

12. By-law 2700 of the former Ville de Drummondville respecting council sittings applies to the provisional council until the council decides otherwise.

13. For the term of the provisional council, a liaison committee shall be set up in the sector made up of the territory of the former Ville de Saint-Nicéphore and another in the sector made up of the territory of the former Municipalité de Saint-Charles-de-Drummond.

The function of such a committee is to be consulted by the representative or representatives of the former municipality on the provisional council, on any matter that comes under the jurisdiction of the new town and that is of particular interest for the territory or population of the former municipality. The function of the committee is in particular to contribute to the maintenance of the relationship between the citizens of the former municipality and the representative or representatives of that municipality on the provisional council.

The liaison committee of the former Ville de Saint-Nicéphore shall be made up of Louise Béland, Guy Lamarche, Alain Daigle, Gaston Jutras and Réal Roby.

The liaison committee of the former Municipalité de Saint-Charles-de-Drummond shall be made up of Émilien Guilmette, Alain Gauthier and Daniel Fiset.

The members of the liaison committee remain subject to the legislative provisions governing the conduct of elected municipal officers.

The members of the liaison committee of the former Municipalité de Saint-Charles-de-Drummond shall receive the same remuneration as the remuneration received by the councillors of that municipality at the time of coming into force of this Order in Council. It shall be indexed annually, in accordance with section 7 of By-law 749 of the former Municipalité de Saint-Charles-de-Drummond.

The members of the liaison committee of the former Ville de Saint-Nicéphore shall receive the same remuneration as the remuneration received by the councillors of that town at the time of coming into force of this Order in Council.

The remuneration of the members of the two liaison committees shall be made up of the applicable remuneration, and of the expense allowance related thereto.

The remuneration of the members of the liaison committee of the former Ville de Saint-Nicéphore shall be charged to the entire new Ville de Drummondville. As for the expense allowance, it shall be paid out of the surplus accumulated on behalf of the former Ville de Saint-Nicéphore or, if the funds are insufficient, it shall be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

The remuneration and expense allowance of the members of the liaison committee of the former Municipalité de Saint-Charles-de-Drummond shall be paid out of the surplus accumulated on behalf of that former municipality or, if the funds are insufficient, they shall be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

The term of the committee member ceases if the member holds office on the council of a municipality in Québec.

The liaison committees cease to exist on polling day of the first general election of the new Ville de Drummondville.

14. Daniel Lavoie, councillor of the former Municipalité de Saint-Charles-de-Drummond, shall act as observer.

The observer is entitled to attend the workshops of the provisional council. The observer has the right to speak only and shall not participate in the deliberations at the sittings of the provisional council or vote.

The observer remains subject to the legislative provisions governing the conduct of elected municipal officers.

The remuneration of the observer shall be made up of 50% of the remuneration applicable to a councillor of the provisional council and 50% of the expense allowance related thereto.

The remuneration shall be charged to all the taxable immovables of the new Ville de Drummondville. The expense allowance shall be paid out of the surplus accumulated on behalf of the former Municipalité de Saint-Charles-de-Drummond or, if the funds are insufficient, it shall be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

The office of observer ceases to exist when it becomes vacant or, at the latest, on polling day of the first general election of the new town.

The office of observer becomes vacant, in particular, as soon as its holder holds office on the council of a municipality in Québec.

15. By-laws 2915 and 2924 of the former Ville de Drummondville respecting the remuneration of elected municipal officers apply to the members of the council of the new town until they are amended in accordance with the law. The remuneration of the mayor of the former Ville de Saint-Nicéphore, the remuneration of the mayor of the former Municipalité de Saint-Charles-de-Drummond and the remuneration of the mayor of the former Paroisse de Saint-Joachim-de-Courval may not be less than the remuneration that was paid to them before the coming into force of this Order in Council.

16. A member of the council of a former municipality whose term ends for the sole reason that the former municipality ceased to exist following the amalgamation shall continue to receive the basic remuneration he or she was receiving for the duration of the term. The member is not entitled to any expense allowance.

The first paragraph does not apply to the members of the provisional council, to the members of a liaison committee or to the observer.

The remuneration referred to in the first paragraph shall be charged to all the taxable immovables of the new Ville de Drummondville.

Any entitlement under the first paragraph ceases to apply to a person in respect of any period during which, as of the coming into force of this Order in Council, the person held office on the council of a municipality in Québec.

17. Gérard Lapierre, director general of the former Ville de Drummondville, shall act as director general of the new town.

18. Thérèse Cajolet, clerk of the former Ville de Drummondville, shall act as clerk of the new town.

Gilles Bélisle, treasurer of the former Ville de Drummondville, shall act as treasurer of the new town.

19. The polling for the first general election is to be held on 6 November 2005.

The second general election is to be held in 2009.

20. For the purposes of the first general election, the new town shall divide its territory into 12 electoral districts. The division shall be made in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), with the necessary modifications, namely :

(1) the new town is not required to request the approval referred to in the second paragraph of section 12 of that Act;

(2) sections 14 and 16 to 20 of that Act do not apply to the division;

(3) section 15 applies to the by-law itself;

(4) despite section 21, the by-law must be adopted within 60 days of the coming into force of this Order in Council;

(5) the clerk shall publish the notice provided for in section 22 even if a public meeting has not been held in respect of a draft by-law; and

(6) the by-law must come into force before 1 June 2005.

21. An executive committee of five members shall be created to be made up of the mayor of the new Ville de Drummondville, the mayor of the former Ville de Saint-Nicéphore, the mayor of the former Municipalité de Saint-Charles-de-Drummond and Roberto Léveillée and Gilles Fontaine, councillors of the former Ville de Drummondville.

Should any of the positions on the executive committee be vacant, the members of the council of the new town who were councillors of the former municipality represented by the person who held the position to be filled, shall appoint a substitute from among their members. If the vacant position on the executive committee is as mayor of one of the former municipalities of Drummondville or Saint-Charles-de-Drummond, the substitute for that person shall be the substitute for that person on the provisional council. In the latter case, if the vacancy occurs on the executive committee only and not on the provisional council, the council of the new town shall designate the substitute taking into account, to the extent possible, the representativeness of the former municipalities as established in the first paragraph.

The committee holds the powers and is subject to the operating rules set out in sections 70.2 to 70.10 of the Cities and Towns Act.

Where necessary, the provisional council shall fix, by resolution, the remuneration of the members of the executive committee, despite the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001). However, Division IV of that Act applies.

The executive committee ceases to exist on 6 November 2005.

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

23. On the coming into force of this Order in Council, the Régie intermunicipale de la Cité des loisirs ceases to exist and the new Ville de Drummondville becomes its successor.

If the new town alienates all or part of the property transferred to it under the first paragraph, the proceeds of the alienation shall be paid into the general fund of the new town up to the amount of the sums invested by the new town for capitalization purposes. The balance shall be used for the benefit of the sector made up of the territory of the former Ville de Drummondville in a proportion of 80% and for the benefit of the sector made up of the territory of the former Municipalité de Saint-Charles-de-Drummond in a proportion of 20%. It shall be used in accordance with section 27.

The second paragraph ceases to have effect on the expiry of a period of 20 years following the coming into force of this Order in Council.

24. A municipal housing bureau is constituted under the name "Office municipal d'habitation de Drummondville". The name of the bureau may be changed by a simple resolution of its board of directors in 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 succeeds to the municipal housing bureaus of the former Ville de Drummondville, the former Ville de Saint-Nicéphore and the former Municipalité de Saint-Charles-de-Drummond, 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) 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, Sports and Recreation after consultation with the most representative socio-economic groups in the bureau's territory.

The Minister of Municipal Affairs, Sports and Recreation shall designate three directors in the place of the new Ville de Drummondville. That provision ceases to have effect as of the time the new Ville de Drummondville designates three directors.

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 seen to be 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 secure 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) adopt any by-law considered necessary or useful for the internal management of the bureau, subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société.

The directors shall elect from among their number a chair, vice-chair and any other officer they consider advisable to appoint. The director of the new bureau shall be the director general of the municipal housing bureau of the former Ville de Drummondville until the directors decide otherwise.

The term of the board members is three years and is renewable. The board members shall remain in office until reappointed or replaced. A quorum for the sittings is a majority of the members in office.

Within 15 days of their adoption, the bureau shall send to the Société d'habitation du Québec a copy of the by-laws and resolutions appointing or dismissing a member or director.

All the employees of the dissolved bureaus shall become, without reduction in salary, employees of the new bureau and shall retain their seniority and employee benefits until decided otherwise by the board of directors.

The budgets of the dissolved bureaus shall remain applicable on the date of coming into force of this Order in Council. 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 bureaus as if the amalgamation had not taken place.

25. If a budget has been 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 that its standardized property value is of 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 the third paragraph 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.

For the second, third, fourth and fifth fiscal years following the last fiscal year for which the former municipalities adopted separate budgets, the new town shall allocate the subsidy paid for the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM) to the exclusive benefit of the sector made up of the territory of the former Ville de Drummondville, in a proportion of 42% for the second fiscal year and in total for the other three fiscal years. The sums shall be used, during those fiscal years, to reduce the taxes applicable to all the taxable immovables in the territory of that former town.

26. 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.

27. Subject to sections 13, 14 and 32, any surpluses 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 rate-payers in the sector made up of the territory of that former municipality, for the following purposes: repaying loans contracted by that former municipality, carrying out works in that sector, reducing taxes applicable to all the taxable immovables located in that sector or settling any debt referred to in section 42.

28. The balance of the amounts to be provided for in the future, entered in the accounting records of a former municipality following the coming into force of the new accounting standards set out in the Manuel de la présentation de l'information financière municipale, shall remain charged or to the benefit of all the sector made up of the territory of that former municipality. It shall be amortized or apportioned in accordance with the new standards.

29. The amounts collected by the new town in relation to accounts receivable written-off in respect of fiscal years prior to the fiscal year for which the new town adopts a budget in respect of all its territory shall be paid into the surpluses accumulated on behalf of the former municipality that imposed the tax and shall be dealt with in accordance with section 27.

30. The amount of any write-off of an account payable on behalf of a former municipality at the end of the last fiscal year for which separate budgets are adopted shall be added to the surpluses accumulated on behalf of that former municipality and shall be dealt with in accordance with section 27.

31. Until all the contracts and agreements already signed by a former municipality as at 25 August 2003 have lapsed, and where those contracts and agreements include obligations for the municipality in respect of the removal, transportation or processing of household garbage and recyclable materials, the new town may fix in that respect a different tariff for each sector made up of the territory of a former municipality.

32. The working fund of each of the former municipalities is abolished. The amounts in the fund that are not committed on the date of coming into force of this

Order in Council shall be paid into the accumulated surpluses of each of the former municipalities. The reimbursement resolutions in force on that date cease to have effect and the sums to be reimbursed no longer need to be reimbursed.

On the date of coming into force of this Order in Council, a new working fund shall be created. To that end, the following amounts shall be paid out of the surpluses accumulated on behalf of the former municipalities:

— Drummondville:	\$333,498
— Saint-Nicéphore:	\$57,031
— Saint-Charles-de-Drummond:	\$42,267
— Saint-Joachim-de-Courval:	\$5,000
Total:	\$437,796

Where the surpluses accumulated on behalf of a former municipality are insufficient to pay those amounts, the new municipality shall make up the difference by means of a special tax imposed on the taxable immovables located in the sector made up of the territory of that former municipality.

33. The special fund for parks constituted by each former municipality is abolished. The amounts in that fund that are not committed shall be paid respectively into the accumulated surpluses of each of the former municipalities and shall be dealt with in accordance with section 27.

34. Subject to sections 35, 36 and 37, the repayment of the loans made under the 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 those by-laws. If the town decides to amend the taxation clauses in accordance with the law, the amendments may affect only the taxable immovables located in the sector made up of the territory of that former municipality.

35. As of 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 are subject to the tax imposed under the following by-laws, in the proportion indicated, as the case may be:

— By-laws 2308, 2329 (36.5%), 2343, 2348 (51.6%), 2349, 2383, 2401, 2430, 2434, 2435, 2475, 2529 (17.9%), 2531, 2532, 2542, 2549, 2550, 2605, 2606 (72.9%),

2615 (40%), 2649, 2678 (85%), 2680, 2689, 2697, 2740 (49.3%), 2741, 2742, 2773, 2811 (44.7%), 2814, 2831, 2832, 2866, 2882, 3018, 3019, 3076, 3087 (72.4%), 3088, 3090, 3095 and 3146 of the former Ville de Drummondville;

— By-laws 96-VO-06-846 (27.3%), 97-VO-06-887, 98-FIN-07-927, 00-VO-02-1006, 00-VO-05-1012, 02-VO-06-1078, 03-VO-01-1094 (33.6%), 03-VO-01-1095 and 03-VO-06-1117 of the former Ville de Saint-Nicéphore;

— By-laws 616 (50%), 625, 627 (75.03%), 738 (64.14%) and 756 (72.07%) of the former Municipalité de Saint-Charles-de-Drummond; and

— By-laws 2002-191 and 2002-195 of the former Paroisse de Saint-Joachim-de-Courval.

36. As of the first fiscal year for which a budget is adopted by the new town for all its territory, and until the council decides otherwise, the annual payment of the instalments in principal and interest on the loan made under By-laws 2535, 2676 and 2953 of the former Ville de Drummondville and By-law 719 of the former Municipalité de Saint-Charles-de-Drummond shall be charged to all the users of the sewer system of the new town. They shall be paid by means of a compensation rate fixed annually by the council of the new town.

37. Amounts owing to the Société québécoise d'assainissement des eaux under an agreement entered into between the Government of Québec and the former Ville de Drummondville, between the Government of Québec and the former Ville de Saint-Nicéphore and between the Government of Québec and the former Municipalité de Saint-Charles-de-Drummond shall be charged to all the users of the sewer system of the new town. They shall be paid by means of a compensation rate to be fixed annually by the council of the new town.

The first paragraph applies until the council of the new town decides otherwise.

38. All the commitments of a former municipality under hire-purchase contracts related to municipal equipment shall be charged to all the taxable immovables in the territory of the new town.

39. (1) For the purposes of this section, the territory of each former local municipality constitutes a sector.

(2) The town is subject to the rules in the applicable legislation in respect of all local municipalities, in particular the rules that prevent the fixing of different general property tax rates according to the parts of the

municipal territory and the rules that provide for the use of specific sources of revenue to finance expenditures relating to debts.

The new town may, however, depart from those rules but only insofar as is necessary for the application of any of the provisions of this section.

(3) The town must, for a fiscal year, fix the general property tax rate for the residual category in such manner that, in relation to the preceding fiscal year, the variation in the tax burden, resulting from the constitution of the new town and borne by the aggregate of the units of assessment belonging to the residual category of immovables situated in a sector, is not greater than 3%.

(4) The tax burden of a sector consists of

(1) the revenues derived from the general property tax that applies to the aggregate of immovables belonging to the residual category of immovables; and

(2) the part of the revenues derived from other taxes that apply to the aggregate of immovables belonging to the residual category of immovables that are used to finance expenses relating to debts and to the increase in the working fund.

(5) Where the variation referred to in subsection 3 does not result solely from the amalgamation, the maximum variation applies only in respect of the part of the variation that results from the amalgamation.

(6) Each time it adopts a taxation by-law, the new town must take into account this section and adopt provisions in the by-law establishing whether the variation under subsection 3 results solely from the amalgamation. Should the variation be in part attributable to the amalgamation, the new town must provide for the portion that is attributable to the amalgamation.

If the taxation by-law has no variation attributable to the amalgamation, the first paragraph of this subsection need not be taken into account.

(7) This section has effect for the first seven fiscal years following the fiscal year for which the former municipalities adopted separate budgets.

(8) For the first, second and third fiscal years following the last fiscal year for which the former municipalities adopted separate budgets, 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 sectors made up of the territories of the former Ville

de Saint-Nicéphore, the former Municipalité de Saint-Charles-de-Drummond and the former Paroisse de Saint-Joachim-de-Courval, must correspond to the following amounts :

	Saint-Nicéphore	Saint-Charles-de-Drummond	Saint-Joachim-de-Courval
First fiscal year	\$0.38	\$0.15	\$0.15
Second fiscal year	\$0.48	\$0.30	\$0.30
Third fiscal year	\$0.58	\$0.45	\$0.45

(9) For the fourth and fifth fiscal years following the last fiscal year for which the former municipalities adopted separate budgets, 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 sectors made up of the territories of the former Ville de Saint-Nicéphore, the former Municipalité de Saint-Charles-de-Drummond and the former Paroisse de Saint-Joachim-de-Courval, must correspond to the following proportions of that difference calculated for the sector made up of the territory of the former Ville de Drummondville :

	Saint-Nicéphore	Saint-Charles-de-Drummond	Saint-Joachim-de-Courval
Fourth fiscal year	77.01%	66.67%	66.67%
Fifth fiscal year	88.49%	83.33%	83.33%

40. (1) The aggregate of the property assessment roll of the former Ville de Saint-Nicéphore, drawn up for the 2003, 2004 and 2005 fiscal years, the property assessment rolls of the former Ville de Drummondville and the former Municipalité de Saint-Charles-de-Drummond, drawn up for the 2002, 2003 and 2004 fiscal years, and the property assessment roll of the former Paroisse de Saint-Joachim-de-Courval, drawn up for the 2004, 2005 and 2006 fiscal years, constitutes the property assessment roll of the new town as of the coming into force of this Order in Council, until 31 December 2004.

Despite section 119 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), no adjustment of the values entered on the property assessment roll shall be made for the 2004 fiscal year.

With respect to an entry on the property assessment roll of the new town for the 2004 fiscal year, for the purpose of establishing the actual value entered on the roll, the property market conditions respective to each of the property assessment rolls referred to in the first paragraph, as they existed on 1 July of the second fiscal year preceding the coming into force of the rolls, are considered to have been taken into account.

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

The property market reference date, mentioned in the third paragraph, for each of the rolls referred to in the first paragraph must appear on any notice of assessment, tax account, notice of amendment to the roll or assessor's certificate issued in connection with the updating of the roll.

For the 2004 fiscal year, the median proportions and comparative factors of the property assessment roll of the new town to which the eighth or ninth paragraph of section 264 of the Act respecting municipal taxation applies are respectively those of the property assessment rolls referred to in the first paragraph.

(2) The roll of rental values of the former Ville de Saint-Nicéphore, drawn up for the 2003, 2004 and 2005 fiscal years, remain in force as of the date of the constitution of the new Ville de Drummondville, until 31 December 2004.

The third, fourth, fifth and sixth paragraphs of paragraph 1 apply, with the necessary modifications.

(3) The aggregate of the property assessment roll of the former Ville de Saint-Nicéphore, drawn up for the 2003, 2004 and 2005 fiscal years, the property assessment rolls of the former Ville de Drummondville and the former Municipalité de Saint-Charles-de-Drummond, drawn up for the 2002, 2003 and 2004 fiscal years, and the property assessment roll of the former Paroisse de Saint-Joachim-de-Courval, drawn up for the 2004, 2005 and 2006 fiscal years, constitutes the property assessment roll of the new town for the 2005 fiscal year.

An adjustment of the values entered on the property assessment roll shall be made for the units of assessment of the former Ville de Saint-Nicéphore, the former Municipalité de Saint-Charles-de-Drummond and the former Paroisse de Saint-Joachim-de-Courval, by dividing the units of assessment by the median proportion established for the 2004 fiscal year for their respective roll

and by multiplying them by the median proportion established for the 2004 fiscal year for the property assessment roll of the former Ville de Drummondville.

With respect to an entry on the property assessment roll of the new town for the 2005 fiscal year, the property market conditions as they existed on 1 July 2002 are considered, for the purpose of establishing the actual value entered on the roll, to have been taken into account.

For the purpose of determining the market conditions on the date referred to in the third paragraph, the information relating to property transfers before and after that date may be taken into account.

The date referred to in the third paragraph must appear on every notice of assessment, account for taxes, notice of alteration to the roll or assessor's certificate issued in connection with the updating of the roll.

For the 2005 fiscal year, the median proportion and comparative factor of the property assessment roll established by the assessor of the former Ville de Drummondville for the 2004 fiscal year are deemed to be those established for the first fiscal year for which the property assessment roll of the new Ville de Drummondville applies, in accordance with the ninth paragraph of section 264 of the Act respecting municipal taxation. The median proportion and comparative factor of the property assessment roll, established for the 2005 fiscal year, are deemed to be those established under the first paragraph of section 264 of that Act.

(4) The first three-year property assessment roll of the new town must be drawn up, in accordance with section 14 of the Act respecting municipal taxation, for the 2006, 2007 and 2008 fiscal years.

(5) The assessor of the former Ville de Drummondville is authorized, on the date of coming into force of this Order in Council, to perform all of the acts required by the Act respecting municipal taxation and its regulations in respect of the property assessment roll and roll of rental values of the new town.

41. 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 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 town, provided that such a by-law comes into force

within four years after 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 of the entire territory of the town.

42. 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.

43. All the movable and immovable property belonging to each of the former municipalities becomes the property of the new town.

If there is alienation of unbuilt land that belongs to a former municipality on the date of coming into force of this Order in Council, the proceeds of the alienation shall be used for the benefit of the sector made up of the territory of the former municipality up to the higher of the following amounts :

(1) the amounts paid by the municipality for the acquisition and development of that land ; and

(2) the value on the roll of the land on the day preceding the day of coming into force of this Order in Council.

If the property is the subject of a by-law referred to in section 35, the proceeds of the alienation shall be used for the benefit of the sector made up of the territory of the former municipality, up to the amount referred to in subparagraph 1 of the second paragraph.

The balance, if any, shall be paid into the general fund of the new town up to the amounts paid by the new town for the development of the land.

If amounts remain available, they shall then be used for the benefit of the sector made up of the territory of the former municipality having the ownership on the date of coming into force of this Order in Council.

Any amount used for the benefit of the sector made up of the territory of a former municipality shall be used in accordance with section 27.

This section ceases to have effect on the expiry of a period of 20 years following the coming into force of this Order in Council.

44. If any of the immovables referred to in the second paragraph are alienated, the proceeds of the alienation shall be paid into the general fund of the new town up to the amounts invested by the new town for the develop-

ment of the immovables. The balance, if any, shall be used for the benefit of the sector made up of the territory of the former municipality that owned it at the time of coming into force of this Order in Council and shall be used in accordance with section 27.

The immovables concerned are:

- (1) Centre Gaston-Provencher;
- (2) 760, boulevard Saint-Charles (Vestiaire de l'AFÉAS);
- (3) the senior's hall of the former Municipalité de Saint-Charles-de-Drummond; and
- (4) Parc des Voltigeurs.

This section ceases to have effect on the expiry of a period of 20 years after the coming into force of this Order in Council.

45. Every by-law of the council of the new town and every permit or certificate of authorization issued by an officer of the new town the object of which is to authorize the expansion or construction of a landfill site for household garbage must, to have effect, be approved in accordance with the Act respecting elections and referendums in municipalities by the qualified voters of the sector made up of the territory of the new town corresponding to the territory of the former municipality where the construction or expansion is envisaged, and by the qualified voters in all of the remaining territory of the new town.

Where the act requiring the approval referred to in the first paragraph is a permit or certificate of authorization, the reference date is, for the purposes of the Act respecting elections and referendums in municipalities, the date of issue of the permit or certificate of authorization. Where the act requiring the approval is a by-law to amend a planning by-law of the town, the approval required by the first paragraph does not exempt the town from having to obtain the approval of the qualified voters as required under the Act respecting land use planning and development.

The first paragraph does not apply to a permit or certificate of authorization issued in accordance with a by-law that itself was approved under that paragraph.

The approval procedures referred to in the first paragraph may or may not, at the option of the council of the new town, be held simultaneously in the two sectors.

This section ceases to have effect on the expiry of a period of 20 years following the coming into force of this Order in Council.

46. In accordance with the second paragraph of section 42 of the Pay Equity Act (R.S.Q., c. E-12.001), the pay equity plan established by the former Ville de Drummondville applies to the new Ville de Drummondville.

47. The new town shall rebuild in 2005 the portion of boulevard Saint-Charles located in the sector made up of the territory of the former Ville de Drummondville.

48. If the new town authorizes the construction of a swimming pool in the sector made up of the territory of the former Municipalité de Saint-Charles-de-Drummond, the construction costs for the equipment and its dependencies and, where applicable, the cost for the acquisition of land required for that purpose, shall be charged exclusively to the ratepayers of that sector.

This section ceases to have effect on the expiry of a period of 10 years following the coming into force of this Order in Council.

49. The fire station of the former Ville de Saint-Nicéphore, its equipment and personnel shall be maintained in the sector made up of the territory of that former municipality until the fire safety cover plan, adopted under the Fire Safety Act (R.S.Q., c. S-3.4), is in force in the territory of Municipalité régionale de comté de Drummond.

The management of the fire service shall be the responsibility of the fire service of the new town.

50. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF THE NEW VILLE DE DRUMMONDVILLE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE DRUMMOND

The territory of the new Ville de Drummondville, in Municipalité régionale de comté de Drummond, following the amalgamation of Municipalité de Saint-Charles-de-Drummond, Paroisse de Saint-Joachim-de-Courval and

the towns of Drummondville and Saint-Nicéphore, comprises all the lots of the cadastres of the townships of Grantham, Simpson, Wendover and Wickham, the parishes of Saint-Thomas-de-Pierreville and Saint-Zéphirin-de-Courval and Ville de Drummondville, thoroughfares, hydrographic and topographic entities, built-up sites or parts thereof within the perimeter that starts at the apex of the eastern angle of Lot 19B of Rang 2 of the cadastre of the township of Simpson and that runs, successively, along the following lines and demarcations: southwesterly, the southeastern line of Lot 19B of Rang 2 and its extension into Rivière Saint-François to Lot 20A (island) of Rang 2; in a general southwesterly direction, the northeastern and northwestern boundaries of the said lot to a line defined as the line tangent to lots 20A and 20B (islands) of Rang 2; southwesterly, the said tangent line to the centre line of Rivière Saint-François; in a general easterly direction, the centre line of the said river upstream and skirting to the left island 71 of the cadastre of the township of Wickham, to the right islands 25A, 27A, 28A and 28B of Rang 4 of the cadastre of the township of Simpson and to the left the islands nearest to the left bank to the extension of the southeastern line of Lot 14 of the cadastre of the township of Wickham; in reference to that cadastre, southwesterly, successively, the said extension and the southeastern line of lots 14, 30, 49, 148, 167, 168, 292, 291 and 305, that line crossing Chemin Allard, Route 143, Autoroute 55 and Chemin Tourville that it meets; northwesterly, part of the dividing line between ranges 6 and 7 of the township of Wickham to the dividing line between the cadastres of the townships of Wickham and Grantham, that line crossing Route Caya and Route 139 that it meets; northeasterly, part of the dividing line between the cadastres of the said townships to the apex of the southern angle of Lot 309 of the cadastre of the township of Grantham; in reference to that cadastre, northwesterly, successively, the southwestern line of lots 309 to 313, 315, 316, 320, 321, 325, 327, 328 to 330, 332, 333, 335, 341 to 344, that line crossing the railway (Lot 152), Rivière Saint-Germain and Route 122 that it meets, the southwest side of the public road (shown on the original) bordering to the southwest lots 345 to 354, that line crossing Autoroute 20 that it meets, and the southwestern line of lots 355, 356, 357 and 359 to 363; northeasterly, the northwestern line of lots 363, 254, 189, 99 and 28 and the extension of the latter line to the centre line of Rivière Saint-François, that line crossing Route 143, Boulevard Saint-Joseph Ouest, Boulevard Patrick and Chemin du Golf that it meets; in a general northwesterly direction, the centre line of the said river downstream running midway between island 54 of the cadastre of the township of Grantham and the right bank of the river and running northeast of the islands without cadastral designation fronting on lots 19 and 21 of the cadastre of the parish of Saint-Bonaventure to the extension of the northwestern

line of Lot 787 of the cadastre of the parish of Saint-Thomas-de-Pierreville; northeasterly, successively, the said extension and the northwestern line of the said lot; southeasterly, part of the northeastern line of Lot 787 of the said cadastre to the northwestern line of Lot 699 of the cadastre of the parish of Saint-Zéphirin-de-Courval; in reference to that cadastre, northeasterly, the northwestern line of the said lot; southeasterly, the southwest side of the right-of-way of Chemin Rang Saint-Michel (shown on the original) bordering to the northeast lots 699 and 698, to the southwesterly extension of the northwestern line of Lot 578 across the said road; northeasterly, successively, the said extension and the northwestern line of the said lot; southeasterly, the northeastern line of lots 578 to 603 and part of the northeastern line of Lot 604 to the northwestern line of Lot 403; successively northeasterly and southeasterly, the northwestern line and the northeastern line of Lot 403; northeasterly, the northwestern line of Lot 400 and the northwestern line of Lot 320, those two lines joined by a straight line across Route 255; southeasterly, the northeastern line of lots 320 to 329 to the northwestern line of Lot 247; northeasterly, the northwestern line of the said lot; southeasterly, the northeastern line of lots 247 and 331 to 334; southwesterly, part of the southeastern line of Lot 334 to the northeastern line of Lot 335; southeasterly, the northeastern line of lots 335 to 356; northeasterly, the dividing line between the cadastre of the parish of Sainte-Brigitte and the cadastre of the township of Wendover to the apex of the northern angle of Lot 260 of the cadastre of the township of Wendover; in reference to that cadastre, southeasterly, the northeastern line of lots 260 back to 253; southwesterly, the southeastern line of Lot 253 and its extension to the southwest side of the right-of-way of the public road (Route 255); southeasterly, the southwest side of the right-of-way of the public road to the southeastern line of Lot 171; southwesterly, the southeastern line of the said lot; southeasterly, the northeastern line of lots 72 back to 65 and lots 61 back to 51; southwesterly, part of the southeastern line of Lot 51 to the apex of the northern angle of Lot 50; southeasterly, the northeastern line of lots 50, 22, 21, 20, 19, 18, 17, 15, 14 and 13, that line crossing Autoroute 20 that it meets; from the apex of the eastern angle of Lot 13, a straight line joining the centre line of the public road dividing ranges 2 and 3 of the cadastre of the township of Simpson (3^e Rang de Simpson); in reference to that cadastre, southeasterly, the centre line of the said road to the southeast side of the railway right-of-way (Lot 1C of Rang 2); southwesterly, the southeast side of the said right-of-way to the dividing line between ranges 1 and 2; southeasterly, the dividing line between the said ranges to the northwestern line of Lot 12 of Rang 2; northeasterly, part of the northwestern line of the said lot and its extension to the centre line of a public road dividing ranges 2 and 3 (3^e Rang de Simpson) and

bordering to the northeast lots 12 to 15 of Rang 2; finally, southeasterly, successively, the centre line of the said road and the northeastern line of lots 16, 17, 18A, 18B, 18C, 19A and 19B of Rang 2, to the starting point.

Ministère des Ressources naturelles,
de la Faune et des Parcs
Bureau de l'arpenteur général du Québec
Service des levés officiels et des limites administratives

Québec, 11 February 2004

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D-136/1

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