

Gouvernement du Québec

O.C. 1065-2005, 9 November 2005

An Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001)

Urban agglomeration of Sainte-Marguerite–Estérel

WHEREAS Ville de Sainte-Marguerite–Estérel was constituted by Order in Council 1200-2001 dated 10 October 2001;

WHEREAS the territory of the town comprises the territories of the former Paroisse de Sainte-Marguerite-du-Lac-Masson and the former Ville d’Estérel;

WHEREAS, in accordance with the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), a referendum poll was held on 20 June 2004 in the sector of the town corresponding to the territory of the former Ville d’Estérel on the possibility of reconstituting the town as a local municipality;

WHEREAS the answer given to the referendum question by the qualified voters was deemed to be affirmative within the meaning of section 43 of the Act and consequently, the Government may, by order, reconstitute as a local municipality the inhabitants and ratepayers of that sector;

WHEREAS the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001) provides that the urban agglomeration of Sainte-Marguerite–Estérel is made up of the territories of Ville de Sainte-Marguerite-du-Lac-Masson and Ville d’Estérel and determines the municipal powers that, rather than being exercised separately for each local municipal territory included in the urban agglomeration, must be exercised globally for the urban agglomeration;

WHEREAS Chapter IV of Title V of that Act provides that the Government may make an order designated as an “urban agglomeration order” for each urban agglomeration;

WHEREAS, on 21 June 2004, the Minister of Municipal Affairs, Sports and Recreation, in accordance with section 78.1 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, enacted by section 156 of chapter 29 of the Statutes of 2004 and amended by section 148 of chapter 28 of the Statutes of 2005, designated Pierre Delisle to participate, together with the administrators

and employees of the town and with any persons elected in advance in the reconstituted municipality, in the establishment of the conditions most conducive to facilitating the transition between the successive municipal administrations;

WHEREAS Pierre Delisle reported to the Minister of Municipal Affairs and Regions on 15 September 2005;

WHEREAS it is expedient to make an urban agglomeration order for the urban agglomeration of Sainte-Marguerite–Estérel;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions, as follows:

TITLE I
OBJECT AND DEFINITIONS

1. The object of this Order is to supplement, for the urban agglomeration of Sainte-Marguerite–Estérel, the rules prescribed by the Act respecting the exercise of certain municipal powers in certain urban agglomerations for the exercise of urban agglomeration powers.

2. In this Order, Ville de Sainte-Marguerite-du-Lac-Masson and Ville d’Estérel, whose territories make up the urban agglomeration of Sainte-Marguerite–Estérel, hereinafter designated as the “urban agglomeration”, are referred to respectively as the “central municipality” and the “reconstituted municipality”. They are related municipalities.

The term “town”, used alone, designates Ville de Sainte-Marguerite–Estérel as it existed before the coming into force of this Order; “former municipality” means Ville d’Estérel that ceased to exist upon the constitution of the town.

The urban agglomeration powers are those set out in Title III of the Act respecting the exercise of certain municipal powers in certain urban agglomerations; all other powers are referred to as local powers.

TITLE II
URBAN AGGLOMERATION COUNCIL
AND COMMISSIONS

CHAPTER I
URBAN AGGLOMERATION COUNCIL

DIVISION I
NATURE AND COMPOSITION

3. The council of the central municipality is the urban agglomeration council.

Its composition is, however, enlarged in the manner provided in section 4.

4. For the purpose of constituting the urban agglomeration council, the council of the central municipality is composed of the members elected to it and of the mayor of the reconstituted municipality.

5. If the office of mayor of the reconstituted municipality is vacant or the holder of the office is unable to act, a councillor may replace the mayor as the representative of the municipality.

The municipality may designate, on an ad-hoc basis or in advance of the event, the councillor who is to replace the mayor.

A designation made in advance, unless revoked, is valid until the term of office of the designated person as councillor expires.

The person may not sit on the urban agglomeration council until an authenticated copy of the resolution designating the person has been received by the central municipality.

6. The enlargement of the composition of the council of the central municipality for the purpose of constituting the urban agglomeration council has no effect on the existence of special positions, such as the positions of chair and vice-chair, or on the identity of the holders of those positions. The functions of those positions are exercised by those holders on the urban agglomeration council.

DIVISION II ASSIGNMENT OF VOTES

7. The representative of the reconstituted municipality has one vote.

The body of representatives of the central municipality has a number of votes equal to the quotient obtained by dividing the population of the central municipality by the population of the reconstituted municipality.

Each representative of the central municipality has a number of votes equal to the quotient obtained by dividing the number of votes assigned to the representation of the central municipality by the number of its representatives.

For the purposes of the second paragraph, the population of the municipalities is the population that exists at the time of the vote for which the number of votes of

each member of the urban agglomeration council is to be determined. If, at that time, the order of the Government determining in advance the population for the following calendar year has been published in the *Gazette officielle du Québec*, that population figure is to be used.

8. If the quotient calculated under the second or third paragraph of section 7 is a decimal number, the first two decimals are used and, if the third decimal would have been greater than 4, the second decimal is increased by 1.

DIVISION III OTHER RULES

9. All the rules that pertain to the council of the central municipality, except as regards the composition of the council and the assignment of votes to the members, continue to apply when the council acts as the urban agglomeration council.

CHAPTER II AGGLOMERATION COMMISSIONS

10. Where an Act or statutory instrument provides for the creation of a commission by a municipal council, only the urban agglomeration council may create the commission if the functions to be assigned to the commission involve in whole or in part any matter relating to urban agglomeration powers.

The urban agglomeration council is to designate at least one member of the council of the reconstituted municipality to sit as a member of the commission.

For the purposes of the first two paragraphs, “commission” means any commission or committee that has study, advisory or recommendation functions intended to facilitate decision-making by a council or an executive committee.

TITLE III CONDITIONS OF EMPLOYMENT OF ELECTED OFFICERS

CHAPTER I REMUNERATION

DIVISION I INTERPRETATION

11. For the purposes of Divisions II and III,

(1) “Act” means, except in the title of an Act, the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001);

(2) “compensation” means the expense allowance under the Act.

DIVISION II REMUNERATION AND COMPENSATION

12. No remuneration or compensation is to be paid by a related municipality to its council members, despite section 17 of the Act, unless the remuneration is fixed in a by-law in force adopted by the related municipality under section 2 of the Act.

Each related municipality must at all times have such a by-law in force.

13. For the purpose of determining the remuneration and compensation that may be paid by the central municipality, the urban agglomeration council and the regular council have concurrently the powers set out in Division I of Chapter II of the Act.

The urban agglomeration council exercises any of those powers to fix in respect of its members any basic or additional remuneration attached to the functions incidental to the exercise of urban agglomeration powers.

Where an urban agglomeration commission pursuant to section 10 has as a member a person who is not a member of the urban agglomeration council, the urban agglomeration council also has, in respect of that person, the power provided for in the first paragraph of section 70.0.1 of the Cities and Towns Act (R.S.Q., c. C-19) or article 82.1 of the Municipal Code of Québec (R.S.Q., c. C-27.1).

The regular council of the central municipality exercises any power referred to in the first or third paragraph to fix any basic or additional remuneration attached to functions other than those incidental to the exercise of urban agglomeration powers. The same applies to the council of the reconstituted municipality.

If the draft by-law referred to in section 8 of the Act is a by-law of the urban agglomeration council, the executive committee referred to in that section is the executive committee of the central municipality.

14. For the purpose of establishing the minimum remuneration

(1) for the mayor of the central municipality, section 12 of the Act is applied, with reference to the sum of the populations of the related municipalities, including a population figure increased pursuant to section 13 of the Act;

(2) for the councillors of the central municipality, section 15 of the Act is applied, with reference to one-third of the minimum remuneration of the mayor of the municipality, as established with the modification under subparagraph 1;

(3) for the mayor of the reconstituted municipality, the amount used is the greater of the amount established in the mayor’s respect under sections 12 to 14 of the Act and the amount established with the modification under subparagraph 2 for the councillors of the central municipality;

(4) for a councillor of the reconstituted municipality who is a member of the urban agglomeration council, section 15 of the Act applies, with reference to one-third of the minimum remuneration of the mayor, as established with the modification under subparagraph 3; and

(5) for a councillor of the reconstituted municipality who is not a member of the urban agglomeration council, section 15 of the Act is applied without modification as are the sections to which section 15 refers.

If the minimum established under the first paragraph in respect of a person is less than the minimum provided for in the person’s respect in section 16 of the Act, the latter minimum applies.

15. Despite section 4 of the Act, in the case of a person entitled to basic remuneration as a member of the urban agglomeration council and as a member of the regular council of the central municipality or of the council of the reconstituted municipality, the minimum established in the person’s respect is in reference to the aggregate remuneration rather than to each individual remuneration.

If that aggregate is less than the minimum, the regular council of the central municipality or the council of the reconstituted municipality, as the case may be, is to amend its by-law to make up the difference by increasing the mayor’s or councillors’ basic remuneration attached to the functions other than those incidental to the exercise of urban agglomeration powers.

16. If the concurrent exercise of powers by the urban agglomeration council and the regular council of the central municipality or the council of the reconstituted municipality is likely to entail in respect of a person an excess referred to in the second paragraph, the excess is deducted from the amount that the person would receive as remuneration or compensation attached to the functions incidental to the exercise of urban agglomeration powers.

The excess referred to arises when the aggregate remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be, of the Act.

17. The urban agglomeration council has the powers set out in section 24 of the Act as regards the terms and conditions of payment of the remuneration it has fixed and of any additional compensation.

The executive committee to which the urban agglomeration council may make the delegation referred to in that section is, if applicable, the executive committee of the central municipality.

DIVISION III OTHER COMPONENTS OF REMUNERATION

18. If an act likely to entail reimbursable expenses under Chapter III of the Act is performed by a member of the urban agglomeration council in connection with functions incidental to the exercise of urban agglomeration powers, the council and, if applicable, the executive committee of the central municipality have, in respect of that act and those expenses, the powers assigned by that Chapter respectively to the council and the executive committee of a local municipality.

Where an urban agglomeration commission pursuant to section 10 has as a member a person who is not a member of the urban agglomeration council, the urban agglomeration council also has, in respect of the act and expenses of that person, the power provided for in the second paragraph of section 70.0.1 of the Cities and Towns Act or article 82.1 of the Municipal Code of Québec.

19. The first paragraph of section 18 also applies if the act is performed by the mayor or a councillor of the central municipality in connection with functions incidental to the exercise of urban agglomeration powers and with other functions.

In such a case, the expenses reimbursed by the municipality are mixed expenses and are subject to the by-law of the urban agglomeration council that establishes any criterion to determine which part of a mixed expense constitutes an expense incurred in the exercise of an urban agglomeration power.

20. The urban agglomeration council does not have the power provided for in Chapter III.1 of the Act that relates to compensation for loss of income.

21. The urban agglomeration council is not a council to which Chapter IV of the Act applies as regards severance and transition allowances, and the urban agglomeration council has none of the powers provided for in that Chapter.

The remuneration received by a person under a by-law adopted by the urban agglomeration council is considered, for the purposes of the calculation of the amount of the allowance, to be remuneration paid by a supramunicipal body.

CHAPTER II PENSION PLAN

22. The urban agglomeration council is not a council to which the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3) applies, subject to section 23, and has none of the powers provided for in that Act as regards membership in the plan.

23. For the purposes of the plan provided for in that Act, the remuneration that a person receives or received under a by-law adopted by the urban agglomeration council is considered, for the purpose of establishing the person's pensionable salary, to be remuneration paid by a supramunicipal body. The urban agglomeration council is, for the purposes of section 17 of that Act, deemed to constitute the board of such a body.

The central municipality acts as such a body, regarding the contribution, in respect of the part of the person's pensionable salary that corresponds to the remuneration referred to in the first paragraph.

CHAPTER III AGGLOMERATION EXPENDITURES

24. Expenditures related to the remuneration fixed by the urban agglomeration council under Division II of Chapter I, including any additional compensation and contributions paid for pension plan purposes on the basis of the remuneration, are deemed to be incurred in the exercise of urban agglomeration powers.

Expenditures related to the reimbursements referred to in section 18 are also deemed to be incurred in the exercise of those powers.

25. Expenditures related to the conditions of employment, other than those covered by Chapters I and II, of the members of a deliberative body authorized to exercise urban agglomeration powers are deemed to be incurred in the exercise of urban agglomeration powers if the conditions are established by the urban agglomeration council.

The same applies to expenditures related to the conditions of employment of the mayor or a councillor of the central municipality, if the conditions are not covered by Chapters I and II or by the first paragraph and the expenditures related to the conditions are created in connection with functions incidental to the exercise of urban agglomeration powers.

26. If the expenditures related to the conditions of employment referred to in the second paragraph of section 25 are created in connection with functions incidental to the exercise of urban agglomeration powers and with other functions, the expenditures are mixed and are subject to the by-law referred to in the second paragraph of section 19.

TITLE IV PROVISIONS RELATING TO CERTAIN POWERS

27. The equipment and infrastructures listed in Schedule A are of collective interest.

The municipality that owns immovable property of collective interest cannot transfer the property.

The management of the equipment and infrastructures listed in Schedule A, the financing of the related expenditures and the use of the revenues generated are the same as for property in respect of which urban agglomeration powers are exercised over a matter covered by Chapter II of Title III of the Act respecting the exercise of certain municipal powers in certain urban agglomerations.

TITLE V SHARING OF ASSETS AND LIABILITIES

CHAPTER I ASSETS

28. The thoroughfares identified in Schedule B form the arterial road system of the urban agglomeration.

29. The property listed in Schedule C becomes the property of the reconstituted municipality.

30. All property of the town not referred to in section 29 remains the property of the central municipality.

If the central municipality alienates the property, the proceeds of the alienation, or the part, if any, of the proceeds that exceeds the amount of the debt against the property, is to be apportioned among the related municipalities in proportion to their share in the financing of the expenditures that relate to the debt.

31. Every document of the town that before its constitution was the property of the former Ville d'Estérel becomes the property of the reconstituted municipality.

The central municipality has a right of access to all such documents as if they had been filed in the municipal archives and may obtain copies of them without charge. The same applies to the reconstituted municipality in respect of documents held by the central municipality that were created between the time the town was constituted and the time this Order comes into force.

CHAPTER II LIABILITIES

DIVISION I DEBTS OF THE RECONSTITUTED MUNICIPALITY

32. Among the debts that exist immediately before the reorganization of the town, those that were contracted by the former municipality and that were financed, immediately before the reorganization, by revenue derived exclusively from the territory of that municipality become debts of the reconstituted municipality.

The same applies to debts contracted by the town that relate to property, services or activities that concern local powers, if

(1) the debt is entirely financed, immediately before the reorganization, by revenue derived from a territory that is to become part of the territory of the reconstituted municipality; or

(2) the debt is partially financed, immediately before the reorganization, by revenue derived from a territory that is to become part of the territory of the reconstituted municipality, as regards the part of the debt corresponding to the share of the benefit derived by the reconstituted municipality from the property, services or activities.

33. Debt securities relating to a debt to which section 32 refers are, if in the name of the former municipality immediately before the reorganization, deemed to be in the name of the reconstituted municipality which becomes the debtor of the secured debt. The financing rules applicable immediately before the reorganization continue to apply.

34. Despite section 32, the central municipality remains the debtor of the debts referred to in that section that, immediately before the reorganization, are not secured by debt instruments or are secured by such

instruments in the name of the central municipality until, if applicable, replacement debt instruments are issued in the name of the reconstituted municipality.

The financing rules provided for in the by-law pursuant to which the debt was contracted cease to apply; the reconstituted municipality is to pay to the central municipality the amounts necessary for that purpose, on the terms and conditions the central municipality establishes, which the reconstituted municipality is to finance through revenue determined by a by-law approved by the Minister of Municipal Affairs and Regions. The reconstituted municipality may also, in a by-law not requiring approval by the Minister, make a borrowing as an advance payment to the central municipality of the sums necessary to repay the debts the central municipality is to temporarily assume under the first paragraph.

As soon as debt instruments are issued in the name of the reconstituted municipality, the financing method determined by a by-law referred to in the second paragraph applies to the repayment of the debt secured by those instruments.

35. The debts referred to in section 32 include the debts arising out of borrowings under by-laws 90-310, 94-352, 96-375, 96-376, 96-377, 96-378, 96-379, 96-380, 96-381, 96-382, 96-383, 96-384, 96-390, 96-394, 97-399, 97-410, 97-411, 97-412, 98-435, 99-439, 01-466 and 01-471 of the former municipality, and the debt arising out of borrowings under by-law 50-2005 of the town and, in a proportion of 88%, the debt arising out of borrowings under by-law 48-2005 of the town.

DIVISION II

DEBTS OF THE CENTRAL MUNICIPALITY

§1. General

36. A debt of the town that does not become a debt of the reconstituted municipality remains a debt of the central municipality.

Where expenditures relating to such a debt were financed, immediately before the reorganization, by a source of revenue specific to that purpose, that source continues to apply with the necessary modifications. The central municipality may, however, finance the expenditures, subject to subdivision 4 and the town's constituting act, by revenue not reserved for other purposes or by appropriating another source of revenue it determines. For that purpose, the urban agglomeration council and the regular council exercise respectively the powers provided for in subdivisions 2 and 3.

For the purposes of this Division, the central municipality is authorized, for the purpose of collecting revenues in the territory of the reconstituted municipality, to use any source of financing it is authorized to use in its own territory.

§2. Debts incidental to urban agglomeration powers

37. The financing of expenditure relating to the following debts is within urban agglomeration powers:

(1) debts contracted before the constitution of the town and financed, immediately before its reorganization, by revenue derived from a territory extending beyond the territory of the central municipality;

(2) debts contracted by the town and related to property, services or activities within urban agglomeration powers;

(3) debts contracted by the town and related to property, services or activities within local powers, if

(a) they are financed, immediately before the reorganization of the town, by revenue derived in part from a territory that is to become part of the territory of the reconstituted municipality; and

(b) it is impossible to apportion the benefit related to the property, services or activities concerned on the basis of the territory of the related municipalities;

(4) debts contracted by the town related to equipment, infrastructures and activities of collective interest and financed, immediately before the reorganization of the town, by revenue derived in part from a territory that is to become part of the territory of the reconstituted municipality; and

(5) debts the town assumed at the time of its constitution following the dissolution of a supramunicipal body exercising powers in a territory corresponding to the urban agglomeration territory or to any part of that territory extending beyond the territory of the central municipality.

The revenues and expenditures relating to such a debt are urban agglomeration revenues and expenditures.

§3. Debts incidental to the powers of the regular council of the central municipality

38. The financing of expenditure relating to the following debts is within the powers of the regular council of the central municipality:

(1) debts contracted before the constitution of the town and financed, immediately before its reorganization, by revenue derived exclusively from the territory of the central municipality; and

(2) debts contracted by the town and related to property, services or activities within local powers, as regards the part of the debts that corresponds to the share of the benefit derived by the central municipality from the property, services or activities.

§4. Specific debts

39. The debts referred to in section 37 include the debts arising out of borrowings under by-laws 01-470 of the former Ville d'Estérel and 64-2001 of the former Paroisse de Sainte-Marguerite-du-Lac-Masson and by-laws 23-2003, 29-2003, 29A-2004, 30-2003, 30A-2004, 49-2005 and 57-2005 of the town.

40. The debts referred to in section 38 include the debts arising out of borrowings under by-laws 3-1988, 4-1988, 11-1988, 4-1990, 5-1990, 14-1990, 3-1991, 4-1991, 2-1992, 3-1992, 4-1992, 9-1992, 15-1992, 5-1996, 6-1996, 6A-1996, 23-1997, 63-2001 and 65-2001 of the former Paroisse de Sainte-Marguerite-du-Lac-Masson and by-laws 14-2002, 18-2002, 19-2002, 24-2003, 31-2003, 45-2004, 52-2005 and 53-2005 of the town and, in a proportion of 12%, the debt arising out of borrowings under by-law 48-2005 of the town.

CHAPTER III **PROVISIONS OF A FINANCIAL NATURE**

41. The unpaid balance, as it exists immediately before the coming into force of this Order, of a deficit whose related expenditures must be financed by revenue derived exclusively from the territory of the former municipality or a part of that territory becomes a deficit of the reconstituted municipality.

The unspent balance, as it exists immediately before the coming into force of this Order, of a surplus that is for the exclusive benefit of the inhabitants and rate payers of the territory of the former municipality or a part of that territory becomes a surplus of the reconstituted municipality.

42. A deficit or surplus of the town that is not covered by section 41 and that exists immediately before the coming into force of this Order remains a deficit or surplus of the central municipality.

Subject to the constituting act of the town, the central municipality must cover the deficit or use the surplus in the exercise of its urban agglomeration powers. In the case where the town has a surplus, the central municipality must, before using it in the exercise of its urban agglomeration powers, use the surplus to pay a sum of money to the reconstituted municipality, up to the amount available, that corresponds to the revenue derived from the territory of the reconstituted municipality that was collected by the town to finance the expenditures related to the holding of the 2005 general election.

43. Section 42 applies, with the necessary modifications, in respect of any of the town's funds that exist immediately before the reorganization.

Despite the foregoing, a fund created specifically for the exercise of a power other than an urban agglomeration power preserves its original purpose.

In the case of such a fund created using revenue derived exclusively from a territory that is to become the territory of the reconstituted municipality, the monies that are in the fund immediately before the reorganization and have not already been appropriated become that municipality's monies.

If the revenues used to create such a fund are derived exclusively from the territory of local municipalities that ceased to exist on the constitution of the town, at least one of which is to become the territory of the reconstituted municipality, that reconstituted municipality is entitled to part of the monies referred to in the first paragraph. That part is equal to the fraction of the total standardized property value of the territories concerned that is attributable to that municipality's territory.

44. The town's working fund, as it exists immediately before the reorganization, remains that of the central municipality. Reimbursement of the part of the fund already appropriated at the time of the reorganization remains chargeable to all the ratepayers of the related municipalities and the sums recovered accordingly, as is the case for the unappropriated balance of the fund, may be reallocated only to urban agglomeration powers, subject to a sharing agreement between the related municipalities.

Where applicable, the central municipality must keep separate accounts to identify any part of the fund reserved exclusively for its own territory.

45. The related municipalities share the revenues and costs relating to any legal contestation or a dispute to which one of them is a party in respect of an event posterior to the constitution of the town and preceding the coming into force of this Order. The sharing is to be made in proportion to the standardized property value of each related municipality as it exists at the time of the coming into force of this Order.

TITLE VI **TRANSITIONAL AND FINAL**

46. The payment of severance and transition allowances provided for in sections 30.1 and 31 of the Act respecting the remuneration of elected municipal officers to any member of the town council is, if applicable, deferred in accordance with sections 31.2, 31.4 and 31.5 of that Act which apply with the necessary modifications. Despite that section 31.2, “former municipality” means the town and “new municipality” means the reconstituted municipality.

47. Every agreement or contract to which the town is a party that continues to have effect after 31 December 2005 in the territory of the reconstituted municipality is deemed to concern urban agglomeration matters until the date on which it expires or the date of the day preceding the date of its renewal. The revenues and expenditures relating to the agreement or contract are urban agglomeration revenues and expenditures.

For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may

(1) use any method provided for in section 85 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations; or

(2) fix by by-law the share of the expenditures relating to a contract or an agreement payable by each municipality concerned.

The first two paragraphs do not apply to a contract or an agreement that applies exclusively in the territory of one reconstituted municipality only and that concerns only local matters. The reconstituted municipality succeeds to the rights and obligations of the town in respect of such a contract or agreement.

48. This Order in Council comes into force on 1 January 2006.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

SCHEDULE A

(s. 27)

EQUIPMENT, INFRASTRUCTURES AND ACTIVITIES OF COLLECTIVE INTEREST

The following equipment and infrastructures are of collective interest:

- (1) Polydor-Gauthier municipal wharf;
- (2) Skating oval (lac Masson and lac Dupuis);
- (3) Municipal library.

SCHEDULE B

(s. 28)

THOROUGHFARES FORMING THE ARTERIAL ROAD SYSTEM OF THE URBAN AGGLOMERATION

(1) The portion of chemin Estérel between the boundary of Ville d’Estérel and the intersection of chemin Masson;

(2) Rue des Lilas;

(3) The portion of rue de la Colline between the intersection of rue des Érables and the intersection of chemin Sainte-Marguerite;

(4) The portion of rue des Cèdres between the intersection of rue des Pins and the intersection of chemin Masson;

(5) The portion of chemin d’Entrelacs between the intersection of chemin Masson and the boundary of the town;

(6) The portion of chemin Masson between the intersection of chemin d’Entrelacs and the intersection of chemin de Chertsey;

(7) The portion of chemin de Chertsey between the intersection of chemin Masson and the boundary of the town, including the section approximately 3.1 kilometres in length situated in the territory of the reconstituted municipality (chemin Fridolin-Simard);

(8) The portion of rue du Baron-Louis-Empain between chemin de Chertsey and the municipal library.

SCHEDULE C

(s. 29)

**PROPERTY THAT BECOMES PROPERTY
OF THE RECONSTITUTED MUNICIPALITY**

(1) The former town hall of Ville d'Estérel at 115, chemin Dupuis : lot PC : 25, RG : BL, B 700, cadastre of the Parish of Sainte-Marguerite, registration division of Terrebonne, bearing file number F 6400 91 1446 00 0000 on the property assessment roll ;

(2) the public thoroughfares in the territory of the municipality, except those forming part of the arterial road system of the urban agglomeration ;

(3) the equipment and infrastructures for water supply and water purification in the territory of the municipality, except any works covered by the intermunicipal agreement entered into on 27 March 1992 between the former Paroisse de Sainte-Marguerite-du-Lac-Masson and the former Ville d'Estérel ;

(4) the office equipment and other movable property described in Schedule 2 to the report of Pierre Delisle dated 15 September 2005 ;

(5) the equipment and tools and mobile equipment described respectively in Schedules 3 and 4 of the aforementioned report of Pierre Delisle.

7243

Gouvernement du Québec

O.C. 1066-2005, 9 November 2005

An Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001)

Reconstitution of Ville d'Estérel

WHEREAS Ville de Sainte-Marguerite-Estérel was constituted by Order in Council 1200-2001 dated 10 October 2001 ;

WHEREAS the territory of the town comprises the territories of the former Paroisse de Sainte-Marguerite-du-Lac-Masson and the former Ville d'Estérel ;

WHEREAS, in accordance with the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), a referendum poll was held on 20 June 2004 in the sector of the town corresponding to the territory of the former Ville d'Estérel on the possibility of reconstituting that former municipality ;

WHEREAS the answer given to the referendum question by the qualified voters was deemed to be affirmative within the meaning of section 43 of the Act ;

WHEREAS, on 21 June 2004, the Minister of Municipal Affairs, Sports and Recreation, in accordance with section 78.1 of that Act, enacted by section 156 of chapter 29 of the Statutes of 2004 and amended by section 148 of chapter 28 of the Statutes of 2005, designated Pierre Delisle to participate, together with the administrators and employees of the town and with any persons elected in advance in the reconstituted municipality, in the establishment of the conditions most conducive to facilitating the transition between the successive municipal administrations ;

WHEREAS Pierre Delisle reported to the Minister of Municipal Affairs and Regions on 15 September 2005 ;

WHEREAS it is expedient, pursuant to section 123 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001), to order the reconstitution of Ville d'Estérel ;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions, that Ville d'Estérel be reconstituted as of 1 January 2006, on the following conditions :

1. The town is a local municipality governed by the Cities and Towns Act (R.S.Q., c. C-19).

2. The territory of the municipality is the territory described in the Schedule, the description being prepared by the Minister of Natural Resources and Wildlife on 16 March 2005 ; the territory is within the territory of Municipalité régionale de comté des Pays-d'en-Haut.

3. The first meeting of the council of the municipality will take place at 115, chemin Dupuis.