

## Municipal Affairs

Gouvernement du Québec

### **O.C. 135-2006, 8 March 2006**

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

Amalgamation of Village de Saint-Georges-de-Cacouna  
and Paroisse de Saint-Georges-de-Cacouna

WHEREAS each of the municipal councils of Village de Saint-Georges-de-Cacouna and Paroisse de Saint-Georges-de-Cacouna 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 two 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 Regions;

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 for amalgamation;

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

THAT the joint application be granted and a local municipality be constituted through the amalgamation of Village de Saint-Georges-de-Cacouna and Paroisse de Saint-Georges-de-Cacouna in accordance with the following provisions:

1. The name of the new municipality is “Municipalité de Cacouna”.

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources and Wildlife on 16 November 2005; that description appears as Schedule A to this Order in Council.

3. The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The territory of Municipalité régionale de comté de Rivière-du-Loup comprises the territory of the new municipality.

5. Until a majority of the candidates elected in the first general election begin their terms, the following rules apply:

(1) the office of mayor of the new municipality is held by Jacques-M. Michaud, mayor of the former Paroisse de Saint-Georges-de-Cacouna;

(2) in addition to the mayor, a provisional council is constituted and composed of the following persons:

- Gilles D’Amours, who acts as acting mayor;
- André Létourneau;
- Rémi Beaulieu;
- Gilles Roy;
- Jeannot Pelletier;
- Jean-Pierre Belzile;
- Rodrigue Albert;

(3) if the office of mayor is vacant, the office is assigned to the councillor who acts as acting mayor when the vacancy occurs and a new acting mayor is chosen from among the members of the provisional council who are not from the same municipality as the mayor;

(4) if an office of councillor is vacant, including the office to which the office of mayor was assigned in accordance with paragraph 3,

(a) during the first year following the coming into force of this Order in Council, the office must be filled by a by-election held in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) in the territory of the former municipality of the councillor whose office has become vacant;

(b) after the first year following the coming into force of this Order in Council, the vote of the councillor whose office is vacant is assigned as follows:

i. if the mayor of the former municipality of the councillor is still a member of the provisional council at the time of the vacancy, to that person;

ii. otherwise, and where the office of councillor that became vacant was held by the mayor of one of the former municipalities, to one of the councillors from the council of the former municipality, chosen by and from among the members of that council.

6. A majority of the members in office holding a majority of the votes constitutes the quorum of the provisional council.

7. Until the term of a majority of the candidates elected in the first general election begins, the mayors of the former municipalities continue to sit on the council of Municipalité régionale de comté de Rivière-du-Loup and have the same number of votes as they had before the coming into force of this Order in Council.

8. By-law 273 of the former Village de Saint-Georges-de-Cacouna respecting the remuneration of elected municipal officers applies to the members of the council of the new municipality until it is amended in accordance with the law. For the term of the provisional council, the remuneration of the mayor of the former Village de Saint-Georges-de-Cacouna may not be less than the remuneration that was paid to the mayor before the coming into force of this Order in Council.

9. The first sitting of the provisional council is to be held at the joint municipal hall of the former municipalities.

10. Thérèse Dubé, director general of the former Paroisse de Saint-Georges-de-Cacouna, acts as director general of the new municipality and Madeleine Lévesque, director general of the former Village de Saint-Georges-de-Cacouna, acts as assistant director general of the new municipality.

11. The polling for the first general election is to be held on the first Sunday of November 2007.

The second general election is to be held in 2009.

12. For the purposes of first three general elections, and for any by-election held before the fourth general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities for seats 1, 2 and 3 if such election were an election of the council members of the former Village de Saint-Georges-de-Cacouna are eligible for those seats, and only those persons who would be eligible under that Act for seats 4, 5 and 6 if such election were an election of the council members of the former Paroisse de Saint-Georges-de-Cacouna are eligible for those seats.

13. 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 remains applicable;

(2) the expenditures and revenues of the new municipality for the remainder of the fiscal year during which this Order in Council comes into force continue to be accounted for separately for each of the former municipalities as if the amalgamation had not taken place;

(3) an expenditure recognized by the council of the new municipality as resulting from the amalgamation is to be charged to each former municipality in the proportion that, for each former municipality, 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 paragraph 3 and financed with that amount, constitutes a reserve that is paid into the general fund of the new municipality for the first fiscal year for which it adopts a budget for the whole of its territory.

14. The terms and conditions for apportioning the cost of shared services set out in intermunicipal agreements 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.

15. The working fund of each of the former municipalities is abolished at the end of the last fiscal year for which separate budgets were adopted. The uncommitted amounts in the fund on that date are paid into the accumulated surplus of each of the former municipalities.

As of the first fiscal year for which a budget is adopted by the new municipality in respect of the whole of its territory, a new working fund is created.

To that end, an amount of \$50,000 per former municipality is to be appropriated out of the accumulated surplus of the former municipality.

If the accumulated surplus of a former municipality is insufficient to make that appropriation, the new municipality is to make up the difference by means of a special tax imposed on all the taxable immovables in the sector made up of the territory of that former municipality.

16. The accumulated surplus, if any, of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets is to be used, after the appropriation provided for in section 15 is withdrawn, to reduce the taxes applicable to all the taxable immovables in the sector made up of the territory of that former municipality.

17. The accumulated deficit, if any, of a former municipality at the end of the last fiscal year for which a separate budget was adopted remains charged to all the taxable immovables in the sector made up of the territory of that former municipality.

18. As of the first fiscal year for which a budget is adopted by the new municipality in respect of the whole of its territory, all the taxable immovables in the territory of the new municipality are subject to the tax imposed under By-law 272 of the former Village de Saint-Georges-de-Cacouna.

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

(2) The municipality 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 municipality 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 new municipality 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 municipality 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 5%.

(4) The tax burden of a sector consists of

(1) the revenues derived from the general property tax that applies to all the taxable immovables in the residual category of immovables, except any tax or tax reduction arising from the application of section 16 or 17; and

(2) the part of the revenues derived from other taxes that apply to all the taxable immovables in the residual category of immovables and that are used to finance expenditures relating to debts, except debts referred to in section 20, or to increase 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 municipality 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 attributable to the amalgamation in part only, the new municipality 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 five fiscal years following the fiscal year for which the former municipalities adopted separate budgets.

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

21. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality 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 municipality, 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 municipality.

22. Despite the first paragraph of section 121 of the Act respecting municipal territorial organization, the property assessment roll in force of the former Village

de Saint-Georges-de-Cacouna and the roll amended, where applicable, in accordance with section 23, of the former Paroisse de Saint-Georges-de-Cacouna constitute the roll of the new Municipalité de Cacouna as of the date of coming into force of this Order in Council until 31 December 2007.

The second paragraph of section 121 of the Act respecting municipal territorial organization applies to the roll.

23. Despite the first and fourth paragraphs of section 119 of the Act respecting municipal territorial organization, the values entered on the property assessment roll constituted under section 22 are adjusted as of the first year for which a budget is adopted by the new municipality in respect of the whole of its territory.

The second, third and fifth paragraphs of section 119 of the Act respecting municipal territorial organization apply to the roll.

24. 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 MUNICIPALITÉ DE CACOUNA, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE RIVIÈRE-DU-LOUP

The territory of Municipalité de Cacouna, in Municipalité régionale de comté de Rivière-du-Loup, following the amalgamation of Paroisse de Saint-Georges-de-Cacouna and Village de Saint-Georges-de-Cacouna, comprises part of the St. Lawrence River without cadastral designation, all the lots or parts of lots and all the blocks or parts of blocks of the cadastres of the parish of Cacouna and of the village of Cacouna, their present and future subdivisions, the thoroughfares, hydrographic and topographic entities, built-up sites or parts thereof within the perimeter that commences at the meeting point of the right shore of the St. Lawrence River with the dividing line between the cadastres of the parishes of Saint-Jean-Baptiste-de-l'Île-Verte and Cacouna and along the following lines and demarcations: southeasterly, the dividing line between the said cadastres to the southeast line of the cadastre of the parish of Cacouna, that line across Route 132 that it meets; generally southwesterly, the broken dividing line between the cadastre of the parish of Cacouna and the cadastres of the parishes of Saint-Arsène and Saint-Patrice-de-la-Rivière-du-Loup to

the apex of the south angle of lot 137A of the cadastre of the parish of Cacouna, that line across Autoroute Jean-Lesage, Route 291 and Route de l'Église that it meets; successively northwesterly, southwesterly and again northwesterly, the dividing line between the cadastres of the parishes of Cacouna and Saint-Patrice-de-la-Rivière-du-Loup to the right shore of the St. Lawrence River, that line across the railway right-of-way (lot 137B of the cadastre of the parish of Cacouna), Route 291, Autoroute Jean-Lesage and Route de l'Anse-au-Persil (132) that it meets; northwesterly, a straight line in the St. Lawrence River in an astronomical direction of 315°00' to the centre line of the said river; generally northeasterly, the centre line of the said river downstream to its meeting with a straight line in an astronomical direction of 315°00' that passes to the southwest at a distance of 1.5 kilometres from the southwest end of Île-Verte; southeasterly, the said straight line to the extension of the line running midway between the southeast bank of Île-Verte and the right shore of the said river; northeasterly, the said extension and the said line running midway to the extension of the dividing line between the cadastres of the parishes of Cacouna and Saint-Jean-Baptiste-de-l'Île-Verte; lastly, southeasterly, the said extension to the point of commencement.

Ministère des Ressources naturelles et de la Faune  
Office of the Surveyor-General of Québec  
Service des levés officiels et des limites administratives

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