

Municipal Affairs

Gouvernement du Québec

O.C. 350-2010, 21 April 2010

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

Amalgamation of Ville de Cabano and Ville de Notre-Dame-du-Lac

WHEREAS each of the municipal councils of Ville de Cabano and Ville de Notre-Dame-du-Lac 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, Regions and Land Occupancy;

WHEREAS no opposition was communicated to the Minister of Municipal Affairs, Regions and Land Occupancy;

WHEREAS, under section 96 of the Act respecting municipal territorial organization, the Minister of Municipal Affairs, Regions and Land Occupancy, where the Minister is of opinion that the application must be amended, is to transmit to each applicant municipality a written notice setting out the amendments the Minister intends to make to the application;

WHEREAS a notice of the amendment proposal was transmitted to the applicant municipalities, which informed the Minister, within the period prescribed in section 97 of the Act, that they approved the proposal;

WHEREAS it is expedient, under section 108 of the Act, to give effect to the joint application as amended;

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

THAT the application be granted as amended and that a local municipality be constituted through the amalgamation of Ville de Cabano and Ville de Notre-Dame-du-Lac in accordance with the following provisions:

1. The name of the new town is “Ville de Cabano-Notre-Dame-du-Lac”.

However, at the same time as the first general election, a consultative referendum poll must be held, in accordance with section 517 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), to consult qualified voters on the name to be given to the new town. Once the consultation has been held, the council composed of members elected during that election must, if applicable, file an application for a change of name, in accordance with the Act respecting municipal territorial organization. The second paragraph of section 517 of the Act respecting elections and referendums in municipalities does not apply to the poll held in accordance with this paragraph.

2. The description of the territory of the new town is the description drawn up by the Minister of Natural Resources and Wildlife on 21 January 2010; 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).

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

5. Until the term of the majority of candidates elected in the first general election begins, the new town is to be governed by a provisional council made up of all the council members of the former towns in office at the time of the coming into force of this Order in Council.

6. The mayor of the former Ville de Cabano and the mayor of the former Ville de Notre-Dame-du-Lac act respectively as mayor and deputy mayor of the new town from the coming into force of this Order in Council until the last day of the month in which it comes into force, at what time they switch roles for the following month, and so forth alternatively, until the term of the mayor elected during the first general election begins. Until that time, they continue to sit on the council of Municipalité régionale de comté de Témiscouata and have the same number of votes as they had before the coming into force of this Order in Council.

7. A majority of the members in office at any time is the quorum of the provisional council. The decisions of the provisional council are made by a majority vote and, in case of a tie-vote, the mayor has a casting vote.

8. The members of the provisional council receive the remuneration paid to the mayor and members of the council of the former Ville de Cabano under by-law 336-02 establishing the remuneration of elected municipal officers of the former Ville de Cabano.

9. The first sitting of the provisional council is to be held at the council hall located of the former Ville de Cabano.

10. The polling for the first general election is to be held on Sunday, June 20, 2010. The second general election is to be held in 2013.

11. For the purposes of the first general election, and for any by-election held before the second general election, the territory of the new town is divided into 6 electoral districts described in Schedule B to this Order in Council.

12. Gilles Desrosiers, director general of the former Ville de Cabano, acts as director general of the new town and Colomba Lebel, director general of the former Ville de Notre-Dame-du-Lac, acts as assistant director general.

13. If a budget has been adopted by a former town 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 town 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 town as if the amalgamation had not taken place; and

(3) an expenditure recognized by the council of the new town as resulting from the amalgamation is to be charged to each former town in the proportion that, for each former town, its standardized property value is of the total standardized property values of the former towns as they appear in the financial statements of the former towns for the fiscal year preceding the fiscal year during which this Order in Council comes into force.

14. All subsidies granted under the Programme d'aide financière au regroupement municipal (PAFREM) are to be paid into the general fund of the new town and are used for the benefit of all the taxpayers of the new town.

15. The subsidies provided for in the Programme de trans-ferts aux municipalités du Québec d'une partie des revenus de la taxe d'accise sur l'essence, the Programme d'infra-structures Québec-Municipalités (PIQM), the

Programme d'aide aux immobilisations (MCCCFQ), the Fonds chantiers Canada-Québec (FCCQ) and the Programme de soutien aux installations sportives et récréatives (MELS) continue to be for the benefit of the sector made up of the territory of the former town that was granted the subsidy.

16. Any surplus accumulated on behalf of a former town, at the end of the last fiscal year for which separate budgets were adopted, is to be used for the benefit of taxpayers in the sector made up of the territory of that former town.

17. For the 4 fiscal years following the fiscal year in which this Order in Council comes into force, an amount of \$100,000 from the surplus accumulated on behalf of the former Ville de Cabano is allocated each year to reduce the tariff for the drinking water service of users in the sector made up of the territory of that former town.

18. Any deficit accumulated by a former town at the end of the last fiscal year for which separate budgets were adopted is charged to all the taxable immovables in the sector made up of the territory of that former town.

19. The annual repayment of the instalments in principal and interest for loans contracted under by-laws adopted by a former town remains chargeable to the taxable immovables of the sector or part of sector made up of the territory of the former town that contracted the loans, in accordance with the taxation clauses in those by-laws.

20. The aliquot shares payable by a former town to the Société québécoise d'assainissement des eaux under an agreement entered into with the Gouvernement du Québec continue to burden the users in the sector or part of sector made up of the territory of that former town. For the purpose of repaying the aliquot shares, the council of the new town must impose an annual tariff on those users.

21. Arrears of taxes related to the fiscal years for which the former towns adopted separate budgets are accounted for in the surplus accumulated on behalf of each of the former towns.

22. For each of the first 5 fiscal years following the last fiscal year for which the former towns adopted separate budgets, a special property tax will be levied and imposed on all the taxable immovables in the sector made up of the territory of the former Ville de Notre-Dame-du-Lac, on the basis of their value as it appears on the assessment roll in force each year; the rate of the special tax is:

First fiscal year:	\$0.35 per \$100 of assessment;
Second fiscal year:	\$0.35 per \$100 of assessment;
Third fiscal year:	\$0.30 per \$100 of assessment;
Fourth fiscal year:	\$0.25 per \$100 of assessment;
Fifth fiscal year:	\$0.15 per \$100 of assessment.

Considering that the Municipalité régionale de comté de Témiscouata acquired the buildings town hall and Saint-Viateur from the former Ville de Notre-Dame-du-Lac and took possession of them on 31 December 2009, an amount of \$1M from that real estate transaction is to be used for the benefit of taxpayers in the sector made up of the territory of that former town and applied to reduce the rate of the special tax provided for in the first paragraph.

The commitment made by the former Ville de Notre-Dame-du-Lac towards Municipalité régionale de comté de Témiscouata under resolution 164-2009 adopted on 21 December 2009 concerning a loss of income from the rental of the immovables mentioned in the second paragraph is, if applicable, chargeable to the taxable immovables in the sector made up of the territory of the former Ville de Notre-Dame-du-Lac.

23. A municipal housing bureau is constituted under the name of "Office municipal d'habitation de la Ville de Cabano-Notre-Dame-du-Lac". The name of the bureau may initially be changed by a simple resolution of the board of directors in the year following its constitution. A notice regarding the change of name is to be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

That municipal bureau succeeds the municipal housing bureaus of the former Ville de Cabano and the former Ville de Notre-Dame-du-Lac, 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 is administered by a board of directors formed of 7 members/directors. Three members are appointed by the council of the new town, 2 elected by all the lessees of the bureau, in accordance with the Act respecting the Société d'habitation du Québec, and 2 are appointed by the Minister of Municipal Affairs, Regions and Land Occupancy, after consultation, from among the most representative socioeconomic groups of the bureau's territory.

Until the town designates the first directors in accordance with the third paragraph, the provisional directors of the new bureau are the members of the former municipal housing bureaus.

The directors elect from among themselves a chair, vice-chair and any other officer they deem necessary to appoint.

The term of the members of the board of directors is 3 years and is renewable. Despite the expiry of their term, the board members remain in office until reappointed or replaced.

The quorum is the majority of the members in office.

The directors may, from the coming into force of this Order in Council,

(1) secure loans on behalf of the bureau;

(2) issue debentures or other securities of the bureau and use them as a guarantee or dispose of them for the price and amount deemed appropriate;

(3) hypothecate or use as collateral the present or future immovables and movables of the bureau, to ensure the payment of such debentures or other securities, or give only part of the guarantees for those purposes;

(4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of surety, to ensure the payment of loans secured other than by the issue of debentures, as well as the payment or execution of other debts, contracts and commitments of the bureau;

(5) subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, make any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureaus that have been dissolved become, without reduction in salary, employees of the new bureau, and retain their seniority and fringe benefits.

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

The budgets of the dissolved municipal offices remain applicable for the remainder of the current fiscal year.

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

by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new town, provided that such a by-law comes into force within 4 years of 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 whole territory of the new town.

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

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF THE VILLE DE CABANO-NOTRE-DAME-DU-LAC, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE TÉMISCOUATA.

The current territory of the towns of Cabano and Notre-Dame-du-Lac, in Municipalité régionale de comté de Témiscouata, comprising in reference to a territory without a cadastral survey and to the cadastres of Paroisse de Notre-Dame-du-Lac-Témiscouata, Seigneurie de Madawaska and Québec all the lots or parts of lots, their present and future subdivisions, their successor lots, as well as the roads, highways, railway right-of-ways, islands, lakes, watercourses or parts thereof, within the perimeter that commences at the meeting point of the western line of rang de la Rivière Caldwell of Seigneurie de Madawaska (in reference to the original cadastre territory without a cadastral survey) with the southwestern side of the right-of-way of a public highway (route 293); thence, successively, the following lines and demarcations: southeasterly, the southwestern side of the right-of-way of the said highway, its extension across a public highway (route 232), then the northeastern limit of lot 46 of rang de la Rivière Caldwell of Seigneurie de Madawaska (in reference to the original survey of the proposed unofficial increase of Canton de Hocquart territory without a cadastral survey), the latter line extended to the centre line of lac Témiscouata; successively, southwesterly

and southeasterly, the said centre line of lac Témiscouata, to the northeastern extension of the dividing line between the cadastres of the parishes of Notre-Dame-du-Lac-Témiscouata and Sainte-Rose-du-Déglé; southwesterly, the said extension, then a broken line separating the cadastres of Paroisse de Notre-Dame-du-Lac-Témiscouata and the cadastre of Seigneurie de Madawaska on one side from the cadastre of Paroisse de Sainte-Rose-du-Déglé and the cadastre of Canton de Packington on the other side, to the dividing line between ranges 4 and 5 of the cadastre of Seigneurie de Madawaska; successively, northwesterly, a broken line limiting to the southwest rang 4 of the cadastre of the Seigneurie de Madawaska then rang 4 of the cadastre of Paroisse de Notre-Dame-du-Lac-Témiscouata, to the meeting point of the southwestern limit of lot 384-A of the cadastre of Paroisse de Notre-Dame-du-Lac-Témiscouata with the southern limit of lot 2 616 952 of the cadastre of Québec; westerly, the southern limit of lot 2 616 952 of the cadastre of Québec; successively, southeasterly the northeastern limit of lots 2 616 952, 2 616 953 then a part of the northeastern limit of lot 2 616 954 to its meeting point with the former rear line of the lands of the road to Mission de St-Eusèbe; southwesterly, the said rear line across a part of lot 2 616 954 and lots 2 616 956, 2 616 955, 2 616 947, 2 616 946 and 2 616 957 of the cadastre of Québec and a part of the territory without a cadastral survey of Seigneurie de Madawaska to the northeastern line of lot 52 of rang 11 of the cadastre of Canton de Cabano; northwesterly, a part of the northeastern limit of the said lot to the apex of the eastern angle of lot 2 617 456 of the cadastre of Québec; southwesterly, the southeastern limit of lots 2 617 456, 2 617 054, 2 617 052, again 2 617 054, 2 617 457 and its extension to the centre line of rivière Cabano; southwesterly, the centre line of the said river to the extension of the southwestern limit of lot 2 617 119; northwesterly the said extension and the southwestern limit of lots 2 617 119, 4 170 962, 4 170 961, 2 617 055, 2 617 112, 2 617 454, 2 616 975 and 2 619 060; northeasterly, the northwestern limit of lots 2 617 060, 2 617 059 and 2 617 061; successively, northeasterly, a straight line across lots 2 617 004, 2 617 005, 2 617 011, to the apex of the southern angle of lot 3 690 461, the northwestern limit of lot 3 690 460 extended into lot 2 617 014 to the apex of the southern angle of lot 2 617 019 then the northwestern limit of lot 2 617 018 extended into lots 2 617 021, 2 617 022, 2 617 023, 2 617 025, 2 617 027, 2 617 029, 2 617 030, 2 617 448, 2 616 985, 2 617 110, 3 184 428, 2 616 978 and 2 616 979 to the intersection with the northwestern limit of the latter lot; northeasterly, part of the northwestern limit of lots 2 616 979 and 2 617 101 to the western limit of lot 2 617 113; northerly, the western limit of lot 2 617 113; easterly, part of the northern limit of the latter lot to the northwestern limit of lot 2 963 519; northeasterly, the northwestern limit of

lots 2 963 519, 2 963 468, 2 616 417 (route 185 Trans-Canada Highway) and 2 963 454 to the south side of a road; in a general westerly direction, following the south side of the said road, part of the south line of lot 4 285 945 and the south line of lots 4 269 805, 4 285 786, 4 269 804, 4 269 803 and 4 285 785; northeasterly, the northwestern limit of lots 4 285 785, 4 435 885, 4 435 884 extended into Petite Rivière, then the northwestern limit of lot 2 616 405 to the apex of the eastern angle of lot 3 225 952; northwesterly, the southwestern limit of lot 2 616 403 and the broken line of lot 2 616 404; northerly, the west limit of lots 2 616 404 and 2 616 410; successively in general westerly and northwesterly directions, the northern and northeastern limits of lots 3 225 462, 3 225 925, 3 225 803, 3 225 804 and 4 396 631, then a part of the dividing line between the former northeastern limit of rang Nord-Est of the former Chemin Témiscouata of the cadastre of Paroisse de Saint-Louis-du-Ha! Ha! and the southwestern limit of lots 24 in declining order to 19 of rang 12 and lots 18 in declining order to 13 of rang 13 of Seigneurie de Madawaska (*in reference to the original survey of the proposed unofficial increase of canton de Demers territory without a cadastral survey*), until a straight line in Seigneurie de Madawaska, parallel to the rear line of rang de la Rivière Caldwell of Seigneurie de Madawaska (*in reference to the original survey territory without a cadastral survey*) whose departure point is located on the extension of the northern limit of lot 1 of the said range at a distance of 5,030 metres (250 chains) from the west shore of lac Témiscouata; northeasterly, the said parallel line to the said departure point; easterly, the said extension of the northern limit of lot 1 of rang de la Rivière Caldwell to the western limit of lot 31 of rang de la Rivière Caldwell of Seigneurie de Madawaska (*in reference to the original survey of the proposed unofficial increase of canton de Hocquart-territory without a cadastral survey*); lastly, northerly along the western limit of rang de la Rivière Caldwell of Seigneurie de Madawaska (*in reference to the original survey-territory without a cadastral survey*) to the starting point.

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

Québec, 21 January 2010

Prepared by: _____
GENEVÈVE TÉTREAULT,
Land surveyor

C-306/1
Record: 512168

SCHEDULE B

District No. 1 (756 voters)

— Starting from a point located at the intersection of rue Caldwell and the bicycle path, the centre of rue Caldwell in a northwesterly direction to the line separating the properties bearing the civic numbers 17 and 19 Caldwell, that line in a northerly direction to the municipal boundary in the centre of lac Témiscouata, that municipal boundary in a northwesterly direction to the intersection of the boundary with rivière Cabano, that river to the intersection with route 185, route 185 in a northwesterly direction to the meeting point with ruisseau Bernard, ruisseau Bernard in a northerly direction to the bicycle path, the bicycle path to the starting point.

District No. 2 (833 voters)

— Starting from a point at the intersection of rue Commerciale with rivière Cabano, the centre of rue Commerciale to the intersection with rue Vieux-Chemin, the centre of rue Vieux-Chemin over all its length and its extension into the centre of rue Caldwell to the intersection with the dividing line between the properties of 17 and 19 Caldwell, thence that line in a northerly direction to the municipal boundary in the centre of lac Témiscouata, that municipal boundary to the meeting point with the extension of rivière Cabano into lac Témiscouata, and thence rivière Cabano to the starting point.

District No. 3 (740 voters)

— Starting from a point at the meeting of rivière Cabano and route 185, rivière Cabano in a northerly direction to the intersection with rue Commerciale, the centre of rue Commerciale to the intersection with rue Vieux-Chemin, the centre of rue Vieux-Chemin over all its length and its extension into the centre of rue Caldwell to the meeting point with the bicycle path, that bicycle path in a westerly direction to the meeting point with ruisseau Bernard, ruisseau Bernard to route 185, route 185 in a southerly direction to the starting point.

District No. 4 (610 voters)

— Starting from a point at the intersection of the municipal boundary with rue de l'Église, the centre of rue de l'Église in a northerly direction up to rue Bélanger, rue Bélanger in a westerly direction to the meeting point with rue Morin, the centre of rue Morin to rue Commerciale, the extension of rue Morin to ruisseau Pedneault and thence, ruisseau Pedneault to the municipal boundary in the centre of lac Témiscouata, the

municipal boundary in a westerly direction to the meeting point with the extension of rivière Cabano in the centre of lac Témiscouata, that extension and rivière Cabano in a southerly direction to the municipal boundary, that municipal boundary to the starting point.

District No. 5 (546 voters)

— Starting from a point at the intersection of rue de l'Aréna with rang du Vieux Chemin, the centre of rue de l'Aréna to the intersection of the lot line separating lots 70 and 78, that lot line to the front line of the subdivided lots to the south of rue Leclerc, that front line in an easterly direction to ruisseau Caron, that ruisseau Caron in a northerly direction to route 185, route 185 in a northwesterly direction to the extension line of rue Caron with route 185, that line and the centre of rue Caron in a northerly direction to rue Commerciale, the extension of rue Caron in a northerly direction to the municipal boundary in the centre of lac Témiscouata, that municipal boundary to the meeting point with the extension of ruisseau Pedneault in the centre of lac Témiscouata, that extension and ruisseau Pedneault in a southwesterly direction in a straight line to the intersection of Commerciale, Notre-Dame and Morin streets, the centre of rue Morin to rue Bélanger, rue Bélanger in an easterly direction to rue de l'Église, the centre of rue de l'Église in a southerly direction to the intersection of rang du Vieux Chemin, and thence a straight line between that point and the starting point.

District No. 6 (567 voters)

— Starting from a point at the intersection of rang du Vieux Chemin with rue de l'Église, the centre of rue de l'Église in a southerly direction to the municipal boundary, that municipal boundary in an easterly direction to the centre of lac Témiscouata, that municipal boundary in a northwesterly direction to the meeting point with the extension of rue Caron to the centre of lac Témiscouata, that extension and the centre of rue Caron to the extension of that street with route 185, route 185 in an easterly direction to ruisseau Caron, that ruisseau Caron in a southerly direction to the front line of the subdivided lots to the south of rue Leclerc, that front line to the dividing line between lots 70 and 78, that lot line in a southerly direction to the intersection of rue de l'Aréna, the centre of rue de l'Aréna to the intersection of rang du Vieux Chemin, and thence a straight line between that point and the starting point.