

2. Section 1 of this Regulation has effect from 1 August 2016.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102510

Gouvernement du Québec

O.C. 127-2016, 24 February 2016

An Act respecting municipal territorial organization (chapter O-9)

**Amalgamation of Ville de Daveluyville and
Municipalité de Sainte-Anne-du-Sault**

Amalgamation of Ville de Daveluyville and
Municipalité de Sainte-Anne-du-Sault

WHEREAS, in accordance with the first paragraph of section 85 of the Act respecting municipal territorial organization (chapter O-9), each of the municipal councils of Ville de Daveluyville and Municipalité de Sainte-Anne-du-Sault has adopted a by-law authorizing the filing of a joint application with the Government in order to constitute a town by amalgamating both municipalities;

WHEREAS the Government may, under sections 107 and 108 of the Act, grant the application, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy;

WHEREAS the joint application was forwarded to the Minister of Municipal Affairs, Regions and Land Occupancy;

WHEREAS it is expedient to grant the joint application for amalgamation;

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

THAT the application be granted and a local municipality resulting from the amalgamation of Ville de Daveluyville and Municipalité de Sainte-Anne-du-Sault be constituted, in accordance with the following provisions:

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

2. The description of the territory of the new town is that drawn up by the Minister of Energy and Natural Resources on 5 November 2015; that description appears as Schedule A to this Order in Council.

3. The new town is governed by the Cities and Towns Act (chapter C-19).

4. The territory of Municipalité régionale de comté d’Arthabaska includes 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 shall be governed by a provisional council made up of all the council members of the former municipalities in office at the time of the coming into force of this Order in Council.

As long as the provisional council governs the new town, no by-election is held to fill the vacant positions of members of the provisional council, unless there is less than one mayor or less than 6 councillors. The mayor acting as the deputy mayor is not counted in the number of councillors for the purposes of this section.

In the case of a by-election to a position of councillor, the only persons eligible shall be the persons who would be eligible under the Act respecting elections and referendums in municipalities (chapter E-2.2) if that election was an election of the members on the council of the former municipality with the greatest number of vacant positions on the provisional council. In the case of a by-election for the position of mayor, no particular eligibility requirement is established for the duration of the provisional council.

6. The mayor of the former Municipalité de Sainte-Anne-du-Sault and the mayor of the former Ville de Daveluyville act as mayor and deputy mayor, respectively, of the new town as of the coming into force of this Order in Council until the last day of the month of that coming into force, from which time the roles shall be reversed for the following month and so on every month in alternation, until the mayor elected in the first general election following the coming into force of this Order in Council takes office.

Between the coming into force of this Order in Council and the next general election, the mayors shall continue to sit on the council of Municipalité régionale de comté d’Arthabaska and shall have the same number of votes as they had before the coming into force of this Order in Council. In addition, they retain the quality required to sit on any committee and to fulfil any function.

7. A majority of the members in office shall constitute the quorum of the provisional council.

8. The first sitting of the provisional council takes place at the Centre communautaire de Daveluyville, located at 1, 9^e avenue, in the territory of the former Municipalité de Sainte-Anne-du-Sault.

9. By-law 517 on the salary of elected officials of the former Ville de Daveluyville applies to the members of the provisional council until it is amended in accordance with the law. For the duration of the provisional council, the salary of each of the mayors of the former municipalities may not be less than the salary of the mayor of the former Ville de Daveluyville before the coming into force of this Order in Council.

10. The director general of the former Ville de Daveluyville acts as the first clerk of the new town.

11. The director general of the former Municipalité de Saint-Anne-du-Sault acts as director general of the new town.

12. The poll of the first general election is held on the first Sunday in November 2017, as provided for by the Act respecting elections and referendums in municipalities. The second general election is held on the first Sunday in November 2021.

13. In the first general election and any by-election held before the second general election, the only persons eligible for seats 1 and 2 are the persons who would be eligible under the Act respecting elections and referendums in municipalities if such election were an election of the council members of the former Municipalité de Sainte-Anne-du-Sault.

The only persons eligible for seats 3 and 4 are the persons who would be eligible under that Act if such election were an election of the council members of the former Ville de Daveluyville.

For seats 5 and 6, all persons meeting the eligibility requirements provided for in that Act are eligible.

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

15. The Régie intermunicipale des loisirs de Daveluyville ceases to exist from the coming into force of this Order in Council. The new Ville de Daveluyville succeeds to the rights and obligations of the board.

16. A municipal housing bureau is constituted under the name of “Office municipal d’habitation de la Ville de Daveluyville”. 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 shall be sent to the Société d’habitation du Québec and published in the *Gazette officielle du Québec*.

That municipal bureau succeeds the municipal housing bureau of the former Ville de Daveluyville, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d’habitation du Québec (chapter 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 composed of seven members who are also directors. Three members are appointed by the municipal council of the new town, two elected by all the lessees of the bureau, in accordance with the Act respecting the Société d’habitation du Québec, and two members 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 directors are designated in accordance with this section, the provisional directors of the new bureau shall be the members of the former municipal bureau which it will be succeeding.

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

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

The quorum at meetings shall be 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 or 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 encumber 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 bureau that has been dissolved become, without reduction in salary, employees of the new bureau, and retain their seniority and fringe benefits.

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

The budget of the dissolved municipal bureau remains applicable for the remainder of the current fiscal year.

17. If a budget was adopted by a former municipality for the fiscal year during which this Order in Council comes into force,

5° the budget continues to be applied;

6° 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 on behalf of each of the former municipalities as if the amalgamation had not taken place;

7° an expenditure recognized by the council of the new town as resulting from the amalgamation shall be charged to each of the former municipalities in proportion, for each municipality, to its standardized property value in comparison with the total of the standardized property values of the former municipalities, as they appear in the financial statements of those municipalities for the fiscal year preceding that during which this Order in Council comes into force;

8° 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 from that same amount, shall constitute a reserve to be paid into the general fund of the new town for the first fiscal year for which it adopts a budget with respect to all of its territory.

18. The time period provided for in section 474 of the Cities and Towns Act to prepare and adopt the budget of the new town for the next fiscal year and provide therein for revenues at least equal to the expenditures provided for therein will be extended until 31 January of the year following the year of coming into force of this Order in Council.

19. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year in which the new town or the former municipalities applied separate budgets will be paid into the general fund of the new town.

20. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be charged to all the taxable immovables of the sector made up of the territory of that former municipality.

21. The annual payment of the instalments for all loans contracted under by-laws adopted by a municipality before the coming into force of this Order in Council remains charged to the taxable immovables of the sector made up of the territory or part of the territory of the municipality that contracted them, in accordance with the sections of the by-laws that impose a special tax or that provide a mode of tariffing.

If the new town decides to amend the sections in accordance with the law, those amendments apply only to the taxable immovables located in the sector made up of the territory of the former municipality that had adopted the loan by-law.

22. The new town may, for the first fiscal year in which it adopts a budget for all of its territory, fix, for each category of immovables provided for in section 244.30 of the Act respecting municipal taxation (chapter F-2.1), different general property tax rates for each sector made up of the territory of a former municipality.

23. For the purposes of this section, the territory of each former municipality constitutes a sector.

The new town must, for the first fiscal year following the coming into force of the amalgamation, fix the general property tax rate for the residual category of immovables and the category of immovables consisting of six or more dwellings in such a manner that, compared to the preceding fiscal year, the variation in the tax burden resulting from the amalgamation and borne by all the units of assessment belonging to the residual category of immovables located in a sector is not greater than 3%. The tax burden of a sector is composed of

3° the revenues from the general property tax that applies to all the immovables belonging to the residual category of immovables and to the category of immovables consisting of six or more dwellings;

4° the portion of revenues from other taxes that apply to all the immovables belonging to the residual category of immovables and to the category of immovables consisting of six or more dwellings that are used to finance debt-related expenditures.

The new town must, for the first fiscal year following the coming into force of the amalgamation, fix the general property tax rate for the category of industrial immovables in such a manner that, compared to the preceding fiscal year, the variation in the tax burden resulting from the amalgamation and borne by all the units of assessment belonging to the category of industrial immovables located in a sector is not greater than 20%. The tax burden of a sector is composed of

3° the revenues from the general property tax that applies to all the immovables belonging to the category of industrial immovables;

4° the portion of revenues from other taxes that apply to all the immovables belonging to the category of industrial immovables that are used to finance debt-related expenditures.

The new town must, for the first fiscal year following the coming into force of the amalgamation, fix the general property tax rate for the category of non-residential immovables in such a manner that, compared to the preceding fiscal year, the variation in the tax burden resulting from the amalgamation and borne by all the units of assessment belonging to the category of non-residential immovables located in a sector is not greater than 10%. The tax burden of a sector is composed of

3° the revenues from the general property tax that applies to all the immovables belonging to the category of non-residential immovables;

4° the portion of revenues from other taxes that apply to all the immovables belonging to the category of non-residential immovables that are used to finance debt-related expenditures.

If a variation referred to in this section does not result solely from the amalgamation, the maximum variation applies only in respect of the portion of variation that results from the amalgamation.

The new town must take this section into account when adopting a by-law imposing a tax during the first fiscal year following the coming into force of this Order in Council. The new town must indicate, in such a by-law, whether the variation referred to in this section results solely from the amalgamation. If the variation is only partially attributable to the amalgamation, the new town must indicate the portion attributable to it.

If a by-law imposing a tax does not involve any variation attributable to the amalgamation, this section does not have to be considered.

24. The following sections of the Act respecting land use planning and development (chapter A-19.1) do not apply to a by-law adopted by the new town to replace the zoning by-laws and subdivision by-laws applicable in its territory:

6° the second sentence of the second paragraph and the third and fourth paragraphs of section 126;

7° the second paragraph of section 127;

8° sections 128 to 133;

9° the second and third paragraphs of section 134;

10° sections 135 to 137.

A by-law referred to in this section will have to be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of all the territory of the new town.

This section applies provided that the by-law referred to therein comes into force within four years of the coming into force of this Order in Council.

25. Subsidies granted under the Programme de la taxe sur l'essence et de la contribution du Québec 2014-2018 continue to be used for the exclusive benefit of the sectors formed by the boundaries of the former municipalities that were granted the subsidies.

26. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new town.

27. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality before the coming into force of this Order in Council, shall be charged or credited to all the taxable immovables of the sector made up of the territory of the former municipality.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

SCHEDULE A**OFFICIAL DESCRIPTION OF THE LIMITS OF
THE TERRITORY OF THE NEW VILLE DE
DAVELUYVILLE, IN MUNICIPALITÉ RÉGIONALE
DE COMTÉ D'ARTHABASKA**

The territory of the new Ville de Daveluyville, in Municipalité régionale de comté d'Arthabaska, following the amalgamation of Ville de Daveluyville and Municipalité de Sainte-Anne-du-Sault, comprises on the date of this description and in reference to the cadastre of Québec, all the lots or parts of lots, their successor lots, the hydrographic and topographic entities, the places constructed or parts thereof, included in the perimeter starting at the intersection of the eastern limit of lot 4 442 509 with the left bank of rivière Bécancour and that follows the following lines and demarcations: southerly, the eastern limit of lots 4 442 509, 4 442 890 and 4 442 808; westerly, part of the southern limit of lot 4 442 808 to its intersection with the eastern limit of lot 4 442 511; southerly, the eastern limit of lots 4 442 511 and 4 442 882; westerly, the southern limit of lot 4 442 882; southerly, the eastern limit of lots 4 442 882 and 4 442 510; westerly, the southern limit of lots 4 442 510, 4 442 499, 4 442 498 and part of the southern limit of lot 4 442 497 to its intersection with the eastern limit of lot 4 477 510; successively, southerly, the eastern limit of lot 4 477 510, extended into lots 4 478 883 and 4 477 413, then, the eastern limit of lot 4 477 424; westerly, the southern limit of lot 4 477 424, extended into lot 4 478 416, then, the southern limit of lots 4 793 792, 4 793 791, 4 793 790, 4 442 569, 4 442 571, 4 442 573, 4 442 803, 4 442 802, 4 442 197, 4 442 196, 4 441 823, 4 441 822, 5 174 833, 4 442 884, 4 441 812, 4 441 636, 5 607 277, 4 441 626, 4 441 535, 4 442 416, 4 442 427 and 4 442 405; northerly, the western limit of lots 4 442 405, 4 442 888, 4 967 980, 4 442 438 and 4 967 990; northwesterly, part of the southwestern limit of lot 4 442 094 to its intersection with the southern limit of lot 4 967 989; easterly, the southern limit of lot 4 967 989; northerly, the western limit of lots 4 967 989, 4 442 760, 4 442 094, 4 442 105, 4 967 981 and part of the western limit of lot 4 442 869 to its intersection with the southern limit of lot 4 442 870; westerly, the southern limit of lot 4 442 870; northerly, the western limit of lots 4 442 870 and 4 441 895; westerly, the southern limit of lots 4 441 950, 4 441 939, 4 441 928, 4 441 917, 4 441 772, 4 442 746, 4 441 784, 4 441 706, 4 441 684, 4 442 585 and 4 441 001; northerly, the western limit of lots 4 441 001, 4 967 979, 4 442 613, 4 442 866, 4 442 602, 4 442 865, 4 441 002 and 5 468 617, the latter segment extended to the centre line of rivière Bécancour; in a general easterly

direction, the centre line of rivière Bécancour, upstream to its intersection with the extension to the north of the eastern limit of lot 4 442 509, so as to skirt to the north île de la Grosse Île, to the south of the unnamed islands (lots 4 442 804 to 4 442 806), westerly île du Portage (lot 4 442 657), southeasterly île aux Pins and northeasterly île Côté, and to follow the northern and northeastern limits of lot 4 442 795, north of lot 4 442 794, northwest of lot 4 442 796, north of lots 4 442 789 and 4 442 784, north-east of lot 4 442 783, east of lots 4 442 782 and 4 442 780, north of lot 4 442 776, northeast of lot 4 442 568 and the northern and northwestern limits of lot 4 442 566; lastly, southerly, the extension to the north of the eastern limit of lot 4 442 509, up to the starting point.

Prepared in Québec, on 5 November 2015

Ministère de l'Énergie et des Ressources naturelles
Office of the Surveyor-General of Québec
Service des levés officiels et des limites administratives

Prepared by: _____
GENEVIÈVE TÊTREAU, *Land surveyor*

Record BAGQ: 532701

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Gouvernement du Québec

O.C. 134-2016, 24 February 2016

Professional Code
(chapter C-26)

Nursing assistants
—certain professional activities which may be engaged in by nursing assistants
—Amendment

Regulation to amend the Regulation respecting certain professional activities which may be engaged in by nursing assistants

WHEREAS, under paragraph *h* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;