



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 194

**An Act respecting the amalgamation of
the municipalities of Iberville, L'Acadie,
Saint-Athanase, Saint-Jean-sur-
Richelieu and Saint-Luc**

Introduction

**Introduced by
Mr Roger Paquin
Member for Saint-Jean**

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EXPLANATORY NOTES

The object of this bill is to favour the amalgamation of the municipalities of Iberville, L'Acadie, Saint-Athanase, Saint-Jean-sur-Richelieu and Saint-Luc. To that end, a timetable is provided to facilitate the amalgamation process proposed by local authorities and groups.

Under the bill, the elections scheduled for 7 November 1999 in Iberville and L'Acadie are to be cancelled, and the new city is to be created on 24 June 2000.

Bill 194

AN ACT RESPECTING THE AMALGAMATION OF THE MUNICIPALITIES OF IBERVILLE, L'ACADIE, SAINT-ATHANASE, SAINT-JEAN-SUR-RICHELIEU AND SAINT-LUC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

DIVISION I

OBJECT

1. From the date indicated in the order made under section 14, the inhabitants and taxpayers of the municipalities of Iberville, L'Acadie, Saint-Athanase, Saint-Jean-sur-Richelieu and Saint-Luc referred to in the memorandum of amalgamation adopted by the order shall form a city governed by the Cities and Towns Act (R.S.Q., chapter C-19), under the name indicated in the memorandum.

For the purposes of this Act, the city so established is referred to as the "new city".

DIVISION II

EFFECTS OF THE AMALGAMATION

2. The new city shall succeed to the respective rights, obligations and charges of the municipalities of Iberville, L'Acadie, Saint-Athanase, Saint-Jean-sur-Richelieu and Saint-Luc. It shall become, without continuance of suit, party to all proceedings in the place and stead of those municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls, existing collective agreements and other deeds of each of those municipalities shall remain in force within the territory for which they have been made until they are amended or repealed and to the extent that they are consistent with the provisions of this Act or any other Act.

3. With the benefit of their respective past service in the municipalities of Iberville, L'Acadie, Saint-Athanase, Saint-Jean-sur-Richelieu and Saint-Luc, the officers and employees of those municipalities shall continue their service as officers and employees of the new city in the positions assigned by the council of the new city, without reduction in salary.

The officers and employees shall remain in office subject to the provisions of the law and retain their seniority and employment benefits. No officer or employee may be laid off or dismissed solely by reason of the amalgamation.

However, the officers and employees who, on or after (*insert here the date of introduction of this bill*), become officers and employees of the municipalities to be amalgamated shall not continue their service as officers and employees of the new city, notwithstanding any general law or special Act, any collective agreement or any individual contract of employment.

4. The general elections to be held in the municipalities of Iberville and L'Acadie on 7 November 1999 are cancelled. The Minister may, if necessary, fix a new date for those elections which, however, shall not be later than 5 November 2000.

In addition, the Minister may also postpone for not more than eight months the publication of the notice of any by-election in a municipality to be amalgamated.

DIVISION III

AMALGAMATION PROCEDURE

5. The municipalities of Iberville, L'Acadie, Saint-Athanase, Saint-Jean-sur-Richelieu and Saint-Luc shall, on or before 13 December 1999, file with the Minister of Municipal Affairs and Greater Montréal a joint memorandum of amalgamation indicating

(1) the name of the new city;

(2) the name given to its inhabitants;

(3) the particulars listed in subparagraphs 2, 4 to 8 and 10 of the first paragraph of section 86 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9);

(4) any other particulars unanimously agreed upon by the municipalities.

The Minister may accept the memorandum or, if necessary, amend it. The accepted or amended memorandum shall be the memorandum of amalgamation.

6. Where, by 13 December 1999, the municipalities have not filed a memorandum of amalgamation, the Minister shall determine its content. The memorandum so established shall, in such a case, be the memorandum of amalgamation.

7. The memorandum of amalgamation referred to in section 5 or 6 shall be adopted by ministerial order on or before 12 January 2000.

The clerk of the municipality of Saint-Jean-sur-Richelieu is required to publish the memorandum of amalgamation not later than 26 January 2000 in a newspaper circulated in the municipalities to be amalgamated.

8. The council of each municipality to be amalgamated shall, at a meeting to be held on or before 24 January 2000, make a decision on the memorandum of amalgamation adopted by ministerial order.

9. Where the council of a municipality fails to decide or the members of the council of a municipality decide in the majority in favour of neutrality or against the memorandum of amalgamation, a referendum shall be held in the municipality on 9 April 2000.

10. Where a majority of the members of the council of a municipality approve the memorandum of amalgamation, the municipality may decide to hold a referendum on 9 April 2000 or to request the clerk or secretary-treasurer to open a register on 6 February 2000 in accordance with section 532 and following of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), provided that those provisions are consistent with the provisions of this Act.

11. Where a register is opened, the wording of the consultation shall be as follows :

“I am opposed to the memorandum of amalgamation under which the municipalities of Iberville, L’Acadie, Saint-Athanase, Saint-Jean-sur-Richelieu and Saint-Luc are to be amalgamated.”

Within the three ensuing days, the clerk or the secretary-treasurer of a municipality in which a register was opened shall inform the Minister of the results. Where the Minister considers that further consultation of the population is necessary, the Minister may order that a referendum be held on 9 April 2000.

12. The referendum shall be held in accordance with the Act respecting elections and referendums in municipalities, provided that those provisions are consistent with the provisions of this Act.

For the purposes of section 514 of that Act, the date of reference referred to therein shall be the date on which the memorandum is adopted by order.

13. The referendum polling shall take place from nine o’clock in the morning to seven o’clock in the evening.

The ballot papers used for the referendum polling shall include the following particulars :

“Do you approve the memorandum of amalgamation under which the municipalities of Iberville, L’Acadie, Saint-Athanase, Saint-Jean-sur-Richelieu and Saint-Luc are to be amalgamated ?

YES NO .

The result of the poll shall be sent to the Minister without delay.

14. For the municipalities to be amalgamated in which no referendum was necessary and the municipalities in which the result of the poll is in favour of the memorandum of amalgamation, the Minister shall recommend that the Government adopt an order constituting the new city in accordance with section 108 of the Act respecting municipal territorial organization.

The order shall reproduce the content of the memorandum adopted by ministerial order, adjusted according to the referendum results, and specify that the new city shall begin to exist on 24 June 2000 or on the date fixed in the order published in the *Gazette officielle du Québec* if that date is later.

DIVISION IV

MISCELLANEOUS PROVISIONS

15. Where a municipality to be amalgamated or any of its officers fails to perform an act required for the carrying out of this Act, the Minister may perform that act or cause it to be performed.

For the purposes of the first paragraph, the Minister may exercise any power of the municipality or of its officer, even after the date prescribed for the exercise of that power or after the expiry of the time limit fixed for that purpose.

The costs incurred by the Minister are payable by the municipality in respect of which they are incurred.

16. The first general election for the new city shall be held on Sunday, 17 September 2000.

The election shall be conducted in all respects as any general election to which the Act respecting elections and referendums in municipalities applies ; subsequent general elections shall be held every four years, on the date fixed by that Act.

17. Sections 113, 116 to 121, 125 and 214.3 of the Act respecting municipal territorial organization apply to the new city, subject to the provisions of this Act and of the memorandum of amalgamation adopted by order.

18. For the purposes of this Act, the Minister may change any time limit if the Minister considers it expedient.

19. This Act does not operate to prevent the new city from availing itself of the current municipal amalgamation support programs or the programs that could be established within two years subsequent to the date of the government order respecting the amalgamation.

20. This Act comes into force on *(insert here the date of assent to this Act)*.