

EC2018-586

MUNICIPAL GOVERNMENT ACT

TOWN OF THREE RIVERS

ESTABLISHMENT

Having under consideration a proposal from the Rural Municipalities of Brudenell, Cardigan, Lorne Valley, Lower Montague and Valleyfield, filed with the Island Regulatory and Appeals Commission on the 5th day of March, 2018, together with a Memorandum of Settlement dated August 8, 2018, (hereinafter referred to as the “proposal”) to establish a new municipality made pursuant to subsection 15(1) of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1, which proposal includes the five aforesaid municipalities, the Town of Georgetown, the Town Montague, the Montague Fire District, the Georgetown Fire District and the Cardigan Fire District and which proposal has been ratified by the Town of Georgetown and the Town of Montague; AND having under consideration the report of the Island Regulatory and Appeals Commission dated September 24, 2018, prepared under the authority of subsection 19(1) of the aforesaid Act; AND having under consideration the recommendation from the Minister of Communities, Land and Environment made under the authority of section 20 of the aforesaid Act; AND pursuant to subsection 21(1) of the aforesaid Act, Council ordered:

1) that the Rural Municipality of Brudenell, the Rural Municipality of Cardigan, the Town of Georgetown, the Rural Municipality of Lorne Valley, the Rural Municipality of Lower Montague, the Town of Montague and the Rural Municipality of Valleyfield and all unincorporated lands located within the boundaries established as the Montague Fire District, the Georgetown Fire District and the Cardigan Fire District, with the exception of:

☐ the portions of Kinross, Bellevue, and Grandview to the northwest of the former Rural Municipality of Valleyfield and shown on the

map marked as Figure 1 below as “Portion of Civic Address Community Excluded From the Town of Three Rivers”; and
any unincorporated areas of land to the North and East of the boundary line described as follows:

- i. Commencing at the Northeast corner of Lorne Valley;
- ii. Thence in a southerly direction along the existing Eastern boundary of Lorne Valley to the rear boundary lines of the properties fronting on the North side of the Lorne Valley Road;

EXECUTIVE COUNCIL _____ 25 SEPTEMBER 2018

- iii. Thence in an easterly direction continuing along the rear boundary lines of the said properties to the rear boundary lines of the properties fronting on the Western boundary of the Cardigan Road;
- iv. Thence in a Northerly direction along the rear boundary lines of the said properties to the intersection of the Cardigan Road and Sigsworth Road;
- v. Thence in an Easterly direction along the rear boundary lines of the properties fronting on the North side of the Sigsworth Road to the rear boundary lines of the properties fronting on the North side of the Seven Mile Road;
- vi. Thence in a Northeasterly direction along the rear boundary lines of the properties fronting on the Seven Mile Road to the Eastern boundary of the Cardigan Fire District and shown on the map marked as Figure 1 below as “Portion of Civic Address Community Excluded From the Town of Three Rivers”,

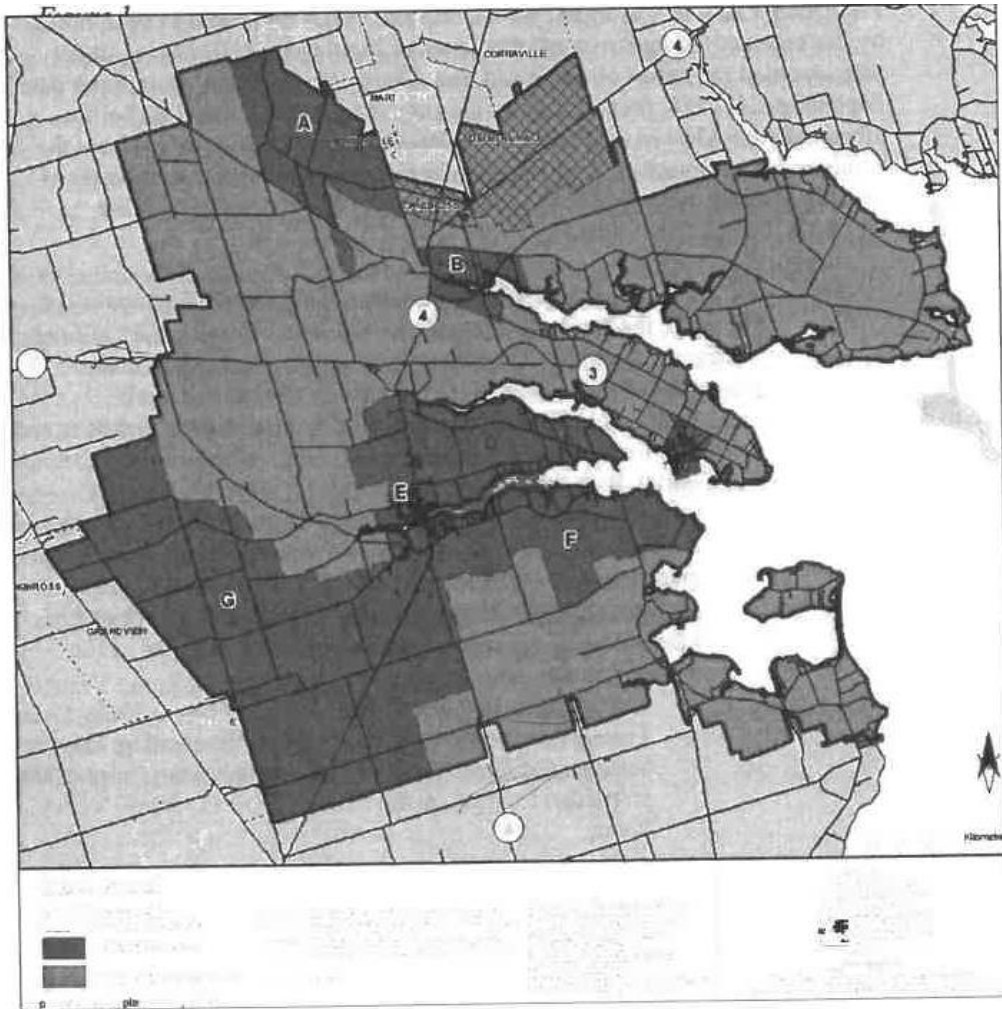
forms one new municipality, effective September 28, 2018;

2) that the municipal boundaries of the Town of Three Rivers are the

perimeter boundaries (excluding any common boundary) of the Rural Municipality of Brudenell, the Rural Municipality of Cardigan, the Town of Georgetown, the Rural Municipality of Lorne Valley, the Rural Municipality of Lower Montague, the Town of Montague, the Rural Municipality of Valleyfield, the Montague Fire District, the Georgetown Fire District and the Cardigan Fire District with the exception of the areas listed in paragraph 1 of this Order and shown on a map depicting the boundaries of the Town of Three Rivers marked as

Figure 1 below;

Figure 1



EXECUTIVE COUNCIL _____ 25 SEPTEMBER 2018

- 3) that the new municipality be named the Town of Three Rivers;
- 4) that the new Town of Three Rivers is in the class of municipalities known as a town;
- 5) that this Order be filed in the Registry Office for Kings County by the Minister of Communities, Land and Environment pursuant to Subsection 21(3) of the Municipal Government Act;
- 6) that the interim council appointed pursuant to clause 21(2)(a) of the Municipal Government Act shall be Merrill Scott as interim mayor, together with ten (10) interim councillors, namely:
 - i. the seven (7) individuals holding the positions of mayors of the former Rural Municipality of Brudenell, the former Rural Municipality of Cardigan, the former Town of Georgetown, the former Rural Municipality of Lorne Valley, the former Rural Municipality of Lower Montague, the former Town of Montague and the former Rural Municipality of Valleyfield; and
 - ii. three other representatives from the previously unincorporated areas of the Town of Three Rivers, to be appointed by the Minister of Communities, Land and Environment;
- 7) that the Interim Chief Administrative Officer shall be Kevin Jenkins of Stratford, Prince Edward Island, who shall also be the Municipal Electoral Officer;
- 8) that each employee of the former Rural Municipality of Brudenell, the former Rural Municipality of Cardigan, the former Town of Georgetown, the former Rural Municipality of Lorne Valley, the former Rural Municipality of Lower Montague, the former Town of Montague and the former Rural Municipality of Valleyfield shall continue as an employee of the Town of Three Rivers and with the

same rights and duties subject to the direction of the Interim Chief
Administrative Officer;

9) that the Town of Montague Bylaw for Municipal Election
Proceedings,

Bylaw 2018-10, shall apply to the Town of Three Rivers, as of the
effective date of this Order;

10) that the Information Sharing Agreement made between the former
Town of Montague and Elections PEI dated July 12, 2018, shall apply
to the November 5, 2018 election;

11) that the interim council referred to in paragraph 6 of this Order, shall
amend the Town of Montague Bylaw for Elections Proceedings,
Bylaw 2018-10 to provide for wards based on the wards depicted in
the proposal;

12) that the first elected council for the Town of Three Rivers shall consist
of one mayor to be elected at large and twelve (12) councillors to be
elected in accordance with the bylaw referred to in paragraph 9 of this
Order, as amended in accordance with paragraph 11 of this Order, and
shall be based on the wards established by the interim council referred
to in paragraph 9;

325

EXECUTIVE COUNCIL _____ 25 SEPTEMBER 2018

13) that the mayor and twelve (12) councillors elected in the November 5,
2018 election shall constitute the first elected council for the Town of
Three Rivers;

14) that within one year from the date of the first election, the council shall
make a determination with respect to the size of council under
subsection 78 (1) of the Municipal Government Act and shall
immediately thereafter appoint an Electoral Boundaries Commission
to establish before the next municipal election either six wards or eight

wards depending on the decision of council with respect to the number
of councillors;

15) that the wards created by the Electoral Boundaries Commission referred to in paragraph 14 of this Order shall be in accordance with subsection 39(3) of the Municipal Government Act;

16) that the Town of Three Rivers shall possess all the property, rights, privileges and franchises and is subject to all liabilities, contracts, disabilities and debts of each of the former Rural Municipality of Brudenell, Rural Municipality of Cardigan, Town of Georgetown, Rural Municipality of Lorne Valley, the Rural Municipality of Lower Montague, Town of Montague and Rural Municipality of Valleyfield;

and

17) that pursuant to clause 21(2)(d) of the Municipal Government Act, the following provisions apply to the Town of Three Rivers:

a) until such time as the first elected council of the Town of Three Rivers takes office, the interim council shall not act in respect of the following matters without the Interim Chief Administrative Officer appointed in paragraph 7 of this Order first obtaining written approval from the Minister of Communities, Land and Environment:

- the establishment and amendment of tax rates;
- the establishment and amendment of financial estimates;
- the establishment and amendment of capital and operating budgets;
- the sale and purchase of capital assets;
- the approval and amendment of contracts;
- the establishment, amendment and repeal of bylaws under the Municipal Government Act and Planning Act;
- the decisions regarding applications in respect of subdivision,

land use and development for which council retains approval authority under the Official Plans and bylaws referred to in clause 17(i) of this Order; and

- the assumption of new liabilities;

b) ownership and maintenance of all public roads in the Town of Three Rivers shall be vested with the Minister of Transportation, Infrastructure and Energy except for:

- i. those roads vested in the former Town of Georgetown which shall be vested in the Town of Three Rivers; and
- ii. those roads vested in the former Town of Montague which shall be vested in the Town of Three Rivers until such time as the transfer of the roads to the Government occurs pursuant to an agreement between the former Town of Montague and the Government;

326

EXECUTIVE COUNCIL _____ 25 SEPTEMBER 2018

c) the interim council and any elected councils of the Town of Three Rivers shall honour all the terms and provisions contained in a Memorandum of Settlement signed on the 8th day of August 2018

by

- i. the mayor of the former Town of Montague and ratified by its council,
- ii. the mayor of the former Town of Georgetown and ratified by its council,
- iii. the mayor of the former Rural Municipality of Brudenell and ratified by its council,
- iv. the mayor of the former Rural Municipality of Cardigan and ratified by its council,
- v. the mayor of the former Rural Municipality of Lorne

Valley and ratified by its council,

vi. the mayor of the former Rural Municipality of Lower

Montague and ratified by its council,

vii. and the mayor of the former Rural Municipality of

Valleyfield and ratified by its council;

d) the position of interim Chief Administrative Officer shall be discontinued only at such time that the first elected council of the Town of Three Rivers appoints a Chief Administrative Officer in a manner consistent with section 6 of the Memorandum of Settlement referred to in paragraph 17(c) of this Order;

e) until such time as an elected council of the Town of Three Rivers adopts a remuneration bylaw pursuant to section 82 of the Municipal Government Act, the remuneration due shall be as follows:

i. members of the former Rural Municipality of Brudenell, former Rural Municipality of Cardigan, former Town of Georgetown, former Rural Municipality of Lorne Valley, former Rural Municipality of Lower Montague, former Town of Montague and former Rural Municipality of Valleyfield who are not continuing on the interim council shall be entitled to compensation as established under any respective honorarium bylaws passed by those former municipalities up to and including December 6, 2018;

ii. members of the interim council shall be entitled to compensation at the rate as provided to the mayor of the former Town of Montague under the Town of Montague Honorarium Bylaw 2014-01;

iii. elected members of the council of the Town of Three Rivers shall be entitled to compensation at the rate

established under the former Town of Montague Bylaw
2014-01 or any subsequent bylaw adopted in accordance
with section 82 of the Municipal Government Act;

f) except where otherwise stated in this Order, all bylaws continued
or adopted pursuant to the Municipal Government Act shall remain
in effect for each of the following former municipalities in which

those bylaws were continued or adopted:

- i. the former Rural Municipality of Brudenell,
- ii. the former Rural Municipality of Cardigan,
- iii. the former Town of Georgetown,
- iv. the former Rural Municipality of Lorne Valley,
- v. the former Rural Municipality of Lower Montague,

327

EXECUTIVE COUNCIL _____ 25 SEPTEMBER 2018

vi. the former Town of Montague, and

vii. the former Rural Municipality of Valleyfield;

g) all bylaws referred to in clause 17(f) above shall remain in effect
until such time as they are repealed by the interim council or an
elected council of the Town of Three Rivers;

h) the elected council of the Town of Three Rivers shall comply with
the requirements for a municipal emergency management program
pursuant to subsection 14(c) of the Municipal Government Act by
September 28, 2021;

i) the Official Plans and bylaws adopted pursuant to the Planning Act
R.S.P.E.I. 1988, Cap. P-8 within the boundaries of the Town of
Three Rivers shall remain in effect only within the boundaries to
which they apply and the authority of the Minister of
Communities, Land and Environment for land use planning and

development control on lands within the boundaries of the Town of Three Rivers that are not subject to the aforesaid Official Plans and bylaws shall also continue to apply until such time as a new Official Plan and bylaws for the Town of Three Rivers are approved pursuant to the Planning Act by the Minister;

j) at such time as a new Official Plan and bylaws for the Town of Three Rivers are approved pursuant to the Planning Act by the Minister of Communities, Land and Environment, the authority for land use planning and development control on lands that rests with the Minister shall be transferred to the Town of Three Rivers; and

k) the elected council of the Town of Three Rivers shall satisfy the requirements for municipal planning services pursuant to subsection 14(b) of the Municipal Government Act by September 28, 2023.

This Order-in-Council comes into force on September 28, 2018.