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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 109

## **An Act respecting the Pension Plan of Elected Municipal Officers**

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### **Introduction**

JAN 16 1989

**Introduced by  
Mr Pierre Paradis  
Minister of Municipal Affairs**

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## EXPLANATORY NOTES

*The object of this bill is to provide the members of the council of a municipality with a fixed benefits pension plan to replace the existing plan which was established in 1975.*

*The new pension plan proposes to improve the retirement conditions of elected municipal officers by giving them access to a salary-based annuity, adjusted in relation to the cost of living index, transferable up to 60% to the surviving spouse and vested after two years of participation.*

*The bill enables a municipality to recognize present or former council members the right to redeem years of previous service on the council from 1975.*

### ACTS AMENDED BY THIS BILL:

- (1) Cities and Towns Act (R.S.Q., chapter C-19);
- (2) Municipal Code of Québec (R.S.Q., chapter C-27.1);
- (3) An Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- (4) An Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- (5) An Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- (6) An Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16);
- (7) Regulations Act (R.S.Q., chapter R-18.1);
- (8) An Act respecting sales of municipal public utilities (R.S.Q., chapter V-4);

(9) An Act respecting the remuneration of elected municipal officers (1988, chapter 30).



# Bill 109

## **An Act respecting the Pension Plan of Elected Municipal Officers**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CHAPTER I

#### ESTABLISHMENT OF PLAN

**1.** The Pension Plan of Elected Municipal Officers, administered by the Commission administrative des régimes de retraite et d'assurances is hereby established for elected members of the council of a local municipality.

### CHAPTER II

#### ADHESION AND PARTICIPATION

##### DIVISION I

##### ADHESION OF THE MUNICIPALITY

##### § 1.—*General provisions*

**2.** Every municipality may adhere by by-law to the pension plan established by this Act. The by-law may, in respect of the persons who are members of the council at the time it is adopted, have retroactive effect from 1 January of the year in which it comes into force.

The by-law shall not be repealed, and no amendment made to it may have the effect of restricting the right of elected municipal officers to participate in the plan.

**3.** Any municipality in which no pension plan for council members exists must, if it wishes to bring such a pension plan into existence, adhere to this plan.

**4.** Every municipality adhering, on 31 December 1988, to the general retirement plan established by the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16) shall be deemed to adhere to this plan unless it adopts and brings into force, before 1 July 1989, a by-law stating that it elects not to adhere to this plan.

The by-law shall have effect as of 1 January 1989. Employers and employees contributions paid from that date shall be refunded with interest computed in accordance with government regulation at the rate determined by such regulation.

Any municipality which has stated that it elects not to adhere to this plan may adhere to it at any later time.

**5.** Any municipality in which a pension plan for members of the council other than the general retirement plan referred to in section 4 exists may, without terminating the plan for members who were participating and who continue to do so, adhere to this plan in respect of the other members.

§ 2.—*Municipalities having less than 20 000 inhabitants*

**6.** Any municipality having less than 20 000 inhabitants may elect to adhere to this plan in respect of the mayor only.

The municipality may, at any time, adhere to the plan in respect of all the members of its council.

**7.** Any municipality having less than 20 000 inhabitants which adheres to this plan in respect of the mayor only shall be deemed, if its population reaches 20 000, to maintain its adhesion to this plan in respect of the mayor only.

Any municipality having 20 000 inhabitants or more which adheres to the plan in respect of all the members of its council shall maintain its adhesion in respect of all the members even where the number of inhabitants becomes less than 20 000.

**8.** No by-law whereby a municipality having less than 20 000 inhabitants adheres to this plan in respect of its mayor only may be adopted unless it obtains the affirmative vote of the mayor.

## DIVISION II

## PARTICIPATION OF MEMBER OF COUNCIL

**9.** Subject to sections 6, 12 and 13, a person is participating in his plan if he is a member of the council of a municipality which adheres to the plan and if he is under 71 years of age.

**10.** No member of the council of a municipality may, after 31 December 1988, participate in the general retirement plan referred to in section 4.

**11.** No person who becomes a member of the council of a municipality after 31 December 1988 may participate in any retirement or pension plan for mayors or councillors other than this plan.

**12.** Any member of the council of a municipality which adheres to this plan in his respect may, if on 31 December 1988 he was a member of the council of the municipality and was participating in a retirement or pension plan for mayors or councillors other than the general retirement plan referred to in section 4, notify the municipality and the Commission in writing that he has elected to maintain his participation in that plan and not to participate in this plan.

The notice provided for in the first paragraph must be given within three months after the coming into force of the adhesion by-law or, where the municipality is deemed to adhere to the plan pursuant to section 4, before 1 October 1989.

**13.** Any member of the council of a municipality which adheres to this plan in his respect may, if on 31 December 1988 he was a member of the council of the municipality and was not participating in the general retirement plan referred to in section 4, notify the municipality and the Commission in writing that he has elected not to participate in this plan.

The notice provided for in the first paragraph must be given within three months after the coming into force of the adhesion by-law or, where the municipality is deemed to adhere to the plan pursuant to section 4, before 1 October 1989.

**14.** The participation of a council member contemplated by section 12 or 13 who has failed to give notice within the time limit specified in the second paragraph of that section shall begin on the date on which the municipality's adhesion to this plan in his respect

takes effect, and the council member is deemed to have ceased to participate in the retirement or pension plan referred to in section 12 from that date.

**15.** The notice given under section 12 or 13 entitles the council member to a refund of the employers and employees contributions paid under this plan with interest computed in accordance with government regulation and at the rate determined by such regulation.

Any council member who has given notice as prescribed in section 12 or 13 may subsequently participate in this plan by giving a notice to that effect to the municipality and to the Commission. His participation shall become effective from the first day of the month following receipt of the notice by the Commission.

### CHAPTER III

#### DETERMINATION OF THE PENSIONABLE SALARY AND YEARS OF SERVICE

##### DIVISION I

###### GENERAL PROVISION

**16.** A council member shall participate in this plan on the basis of the pensionable salary paid to him in each of his years of credited service.

##### DIVISION II

###### PENSIONABLE SALARY

**17.** The pensionable salary of a participant is the remuneration paid to him in each of his years of credited service in respect of any function exercised by him as a member of the council of a municipality, a mandatory body of the municipality or a supramunicipal body.

Sums of money received as expense allowances shall be excluded from the pensionable salary.

**18.** For the purposes of this Act,

(1) "mandatory body of the municipality" means any body declared by law to be a mandatory or agent of the municipality and any body the majority of the members of the board of directors of which are members of the council of the municipality and whose budget is adopted by the council of the municipality;



(2) “supramunicipal body” means any urban or regional community, regional county municipality, intermunicipal management board, intermunicipal transport corporation, intermunicipal board of transport, the Kativik Regional Government and any other public body the majority of the members of the board of directors of which are elected municipal officers.

**19.** The Government may, by order, designate as a supramunicipal body, for the purposes of this Act, any commission or council created by law on which the majority of members sit either as head of the council or as councillor of a municipality or regional county municipality.

Any order made under the first paragraph comes into force upon its publication in the *Gazette officielle du Québec*.

**20.** The obligations imposed on a municipality apply to a supramunicipal body in respect of that part of the pensionable salary of a participant which is paid by the supramunicipal body.

### DIVISION III

#### YEARS OF SERVICE

**21.** A year of service or part of a year of service shall be credited to a participant for each calendar year during which he participated in the plan, if the sums paid have not been refunded.

In the case of part of a year of service, the service is credited according to the proportion that the number of days during which the participant was a member of the council of the municipality in the calendar year is of 365.

**22.** For the purposes of section 21, a person does not cease to be a member of the council of a municipality at the expiry of his term, provided he is re-elected at the election during which such expiry occurs and he makes the required oath within the prescribed time after his re-election.

### CHAPTER IV

#### EMPLOYEES AND EMPLOYERS CONTRIBUTIONS

**23.** The municipality shall withhold contributions from each payment of the pensionable salary of every participant.

The amount withheld, computed on an annual basis, shall be equal to

(1) 10%, up to the amount of that part of the pensionable salary which corresponds to the personal exemption within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

(2) 8.2% of that part of the pensionable salary which exceeds the personal exemption, up to the amount of the Maximum Pensionable Earnings within the meaning of the said Act;

(3) 10% of that part of the pensionable salary which exceeds the Maximum Pensionable Earnings.

Notwithstanding the foregoing, the contributions to be withheld by a supramunicipal body from the pensionable salary it pays to a participant shall be equal to 10% of that salary.

**24.** The contributions of participants are inalienable and unseizable.

**25.** Every municipality adhering to this plan shall be liable, along with the other municipalities adhering thereto, for the payment of the amount required, in addition to the contributions of participants and accrued interest, to provide for payment of the pensions and other benefits granted under this Act.

**26.** The municipality shall, upon remitting the contributions of a participant, pay to the Commission a provisional contribution equal to the amount obtained by multiplying the contribution by the factor determined by government regulation.

## CHAPTER V

### BENEFITS

#### DIVISION I

##### PENSION

#### § 1.—*Entitlement*

**27.** A pension is granted under this plan to every person 60 years of age or over who ceased to be a member of the council of a municipality provided he has two years of service to his credit.

Where such a person is 55 years of age or over, he is entitled to receive a pension reduced, for its duration, by 0.5% for each month

comprised between the date on which the pension is granted and his sixtieth birthday.

**28.** A person with two years of credited service shall be granted a pension upon attaining 71 years of age even if he has not ceased to be a member of the council of a municipality.

*§ 2.—Computation of the pension*

**29.** A pension credit equal to 3.5% of the pensionable salary paid to a participant is granted to him for each year of credited service.

Such credit shall be granted to the participant on 31 December of each of those years or, where he ceases to participate in the plan, on the date of such cessation.

Every pension credit is reduced, in respect of the year for which it is granted, by 0.7% of the pensionable salary paid up to the Maximum Pensionable Earnings within the meaning of the Act respecting the Québec Pension Plan for that year.

**30.** Every pension credit is indexed annually on 1 January following the date on which the credit is granted and until 1 January preceding the date on which the pension becomes payable, according to the rate of increase in the Pension Index established under the Act respecting the Québec Pension Plan.

**31.** The amount of the annual pension payable is equal to the total pension credits adjusted in accordance with sections 29 and 30.

**32.** On the date a participant ceases to be a member of the council of a municipality, the amount of his pension credits shall not exceed 70% of the average pensionable salary of his three best remunerated years of service during his last term of office, or during all his last terms provided they were successive terms.

If the participant has less than three years of service during his successive terms of office, the average pensionable salary is computed exclusively on the basis of his years of service during that period.

For the purposes of this section, the pensionable salary for a year is deemed to have been received in unvarying amounts throughout the service counted for that year.

**33.** A beneficiary who receives a pension in an amount that is less than the pension he would receive but for the application of section

32 is entitled to the refund of that part of his contributions which corresponds to the ratio by which the pension credits exceed the amount of the pension granted to him.

The pension credits reduced or cancelled by reason of the withdrawal of contributions shall be, first, those granted during the most recent year of service and, then, those granted during each year preceding it.

**34.** Contributions refunded under section 33 bear interest compounded annually for each year of service.

The interest payable under the first paragraph is established according to the rate of return on the sums deposited with the Caisse de dépôt et placement du Québec under this Act by the Commission. The rate shall be fixed annually according to the rules and in the manner determined by government regulation.

**35.** A pension payable under this plan shall, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, be adjusted every year at the rate corresponding to the percentage of increase in the Pension Index determined by the said Act which exceeds 3%.

### § 3.—*Payment of the pension*

**36.** A pension is payable to every person entitled thereto from the day he applies therefor. It shall be paid, as the case may be, retroactively to the date on which it would be payable under the first paragraph of section 27 or, in the case contemplated by section 28, to the date on which the person attains 71 years of age.

**37.** A pension granted under this plan is paid to the beneficiary in periodical instalments at the same time as is determined under the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), until the day he ceases to be entitled to it.

**38.** The Commission, on the application of a beneficiary, may, at any time after the pension becomes payable, make cash payment of the actuarial value, computed in accordance with the standards established by regulation under the Act respecting the Government and Public Employees Retirement Plan, of all benefits under the plan if the total amount of the benefits for the year does not exceed the amount determined under section 79 of the said Act.

**39.** The payment of a pension shall cease while the pensioner again holds office as a member of the council of a municipality which has adhered to this plan in his respect, unless he is 71 years of age or over.

In such case, he shall again contribute to the plan. At the time he ceases to be a member of the council of the municipality or attains 71 years of age, the additional years of service he has accumulated shall be added to the years of service already credited for the purpose of computing his pension.

**40.** When he ceases to be a member of the council of the municipality or attains 71 years of age, a participant is entitled to receive the greater of the following amounts: the recomputed pension or the pension to which he would be entitled at that time if payment thereof had not ceased pursuant to section 39.

As regards the recomputed pension, the pension credits granted to the participant before the payment of his pension began shall be adjusted annually in accordance with section 30, even during the period he was receiving his pension.

If the greater of the two amounts is not the recomputed pension, the contributions paid by the participant pursuant to the second paragraph of section 39 shall be refunded to him with interest computed in accordance with section 34.

**41.** The spouse or, as the case may be, the assigns of a deceased pensioner shall be entitled to receive, until the first day of the month following the pensioner's death, the pension that the pensioner would have received.

**42.** The pensions payable and the contributions refunded under this chapter are inalienable and unseizable.

However, in the case of a debt for support, they are unseizable up to 50%.

## DIVISION II

### DEATH BENEFITS

#### § 1.—*Surviving spouse pension*

**43.** From the day the payment of the pension of a pensioner or the payment of the salary of a participant 55 years of age or over ceases

by reason of death, or from the day of the death of a person entitled to a pension, the spouse shall be entitled to receive as pension 60% of the pension the pensioner was receiving or the pension the participant or the person entitled thereto would have been entitled to receive, taking into account, as the case may be, the reduction provided for in section 27.

The pension is payable to the spouse from the month following the death.

**44.** For the purposes of this division, the spouse is the person who is married to a participant or pensioner or, in the case of an unmarried participant or pensioner, the person who was unmarried at the time of the death of the participant or pensioner and who had been living in a conjugal relationship with the participant or pensioner and had been publicly represented as his or her spouse for one year if a child is born or to be born of their union or, otherwise, for not less than three years.

**45.** The pension granted to the spouse shall be paid for life and in arrears.

The pension runs until the first day of the month following the death of the spouse.

**46.** No surviving spouse pension shall be payable unless an application therefor has been filed with the Commission.

## *§ 2.—Refund to assigns*

**47.** If the total of the amounts paid as pension benefits to a beneficiary and, where that is the case, to his surviving spouse, under this plan is less than the total amount of the contributions accumulated by the beneficiary, with interest computed in accordance with section 34, until the date on which the pension becomes payable to him after his last term in office, the difference shall be paid to his assigns in a single payment as soon as the payment of the pension to the last person entitled to it ceases.

However, no interest shall be counted in respect of any period during which a pension is paid.

**48.** If a participant dies before becoming entitled to a pension and before having two years of service to his credit, the contributions paid by him to participate in this plan shall be refunded to his assigns with interest computed in accordance with section 34.

**49.** If a participant having at least two years of service to his credit dies before becoming entitled to a pension, his assigns shall be entitled to receive the actuarial value of the deferred annuity vested in the participant at the time of his death and which would have been payable to him at 60 years of age.

**50.** No refund under sections 47 to 49 shall be payable unless an application therefor is filed with the Commission.

### DIVISION III

#### REFUNDS AND DEFERRED ANNUITIES

**51.** Every participant who ceases to be a member of the council of a municipality after accumulating eight years of credited service but before becoming entitled to a pension is entitled only to a deferred annuity.

**52.** A participant who ceases to be a member of the council of a municipality before becoming entitled to a pension may, after accumulating at least two but less than eight years of credited service, elect to receive a deferred annuity or a refund of his contributions with interest computed in accordance with section 34.

**53.** A participant who ceases to be a member of the council of a municipality without accumulating two years of credited service is entitled only to the refund of his contributions with interest computed in accordance with section 34.

**54.** The annual amount of the deferred annuity shall be computed in the same manner as the pension, and the rules set out in this chapter in respect of the pension apply to the deferred annuity.

### CHAPTER VI

#### REDEMPTION AND TRANSFER

**55.** Every municipality which adheres to this plan may, by by-law, permit the members of its council to obtain, in respect of years of service from 31 December 1974 to 1 January 1989, pension credits equivalent to those granted under this plan.

The by-law may limit the application of the right granted therein to the years it determines.

The by-law binds any supramunicipal body in respect of any part of the pensionable salary of the participant which derives from such a body.

**56.** A by-law adopted under section 55 may extend the right granted therein to the persons who were members of the council before 1 January 1989, who have ceased to be members of the council by that date and who do not receive any pension under a plan to which the municipality contributes in respect of council members.

Notwithstanding the foregoing, the date of 31 December 1974 may be replaced by a later date.

**57.** Every person may be credited with all or part of his years of service in accordance with a by-law adopted for that purpose by a municipality if he gives notice thereof in writing to the municipality and to the Commission before 1 January 1990 and if he pays a contribution equal to the contribution that would have been withheld under section 23 from his pensionable salary, with interest computed from 1 July of the year concerned until the date of redemption, according to the rates fixed in respect of each period in Schedule VI of the Act respecting the Government and Public Employees Retirement Plan, and compounded annually.

The person shall pay the amount determined under the first paragraph out of the sums accumulated to his credit in the general retirement plan referred to in section 4 or in any other plan to which the municipality contributes in respect of members of its council during the years credited pursuant to this chapter. Any balance of the sums accumulated in respect of those years shall be refunded.

**58.** For the purposes of sections 55 and 57, the pensionable salary for a year is the pensionable salary as of 1 January of that year, computed on an annual basis. The municipality shall, at the request of the Commission, furnish to it any information relating to the pensionable salary.

**59.** The municipality shall pay to the Commission the difference between the amount required to provide for the payment of the part of the pension which may be allocated in respect of the years of service credited to a person pursuant to this chapter and the amount determined under the first paragraph of section 57.

**60.** A municipality may, by by-law, assume all or part of the amount determined under the first paragraph of section 57 in respect of the persons referred to in the said section.



The municipality shall, however, deduct from that amount the amount paid under the second paragraph of section 57 or the amount which would have been paid had the person participated in the general retirement plan referred to in section 4 during the years in respect of which years of service are credited pursuant to this chapter.

No by-law adopted under the first paragraph may, however, apply only to that part of the pensionable salary which is paid by the municipality while excluding any part paid by a supramunicipal body.

**61.** The payment of the amount determined under the first paragraph of section 57 may be spread over a period of up to five years but shall not extend beyond the date on which the pension is paid.

The payment of the instalments and related interest shall be made on the conditions and in the manner determined by government regulations.

**62.** A person who is credited with years of service in accordance with sections 55 to 61 is deemed to have participated in this plan in respect of those years of credited service.

**63.** The Commission may, with the authorization of the Government, enter into a transfer agreement with a government of Canada or any other agency maintaining a pension plan, and with the body administering that plan, to obtain, in respect of a person participating in this plan, the transfer of all or part of the years of service accumulated in the pension plan in which the person was participating. Where a transfer agreement thus entered into provides that years and parts of years of service accumulated under the other pension plan are recognized only for the purposes of entitlement to a pension under this plan, a council member who pays an amount determined by the agreement to obtain, under this plan, the transfer of all or part of those years and parts of years of service shall pay the amount in the manner prescribed under the second paragraph of section 115.8 of the Act respecting the Government and Public Employees Retirement Plan.

An agreement under the first paragraph may provide that it applies to a person participating in this plan who enters the service of a government in Canada or any other agency maintaining a pension plan.

## CHAPTER VII

## ACTUARIAL VALUATION

**64.** At least once every three years, the Commission must cause an actuarial valuation of this plan to be prepared by the actuaries it designates.

The Government shall appoint an independent actuary who will be responsible for reporting to the Minister within a period of 30 days from his appointment, on the validity of the assumptions on which the actuarial valuation of the plan is based.

The Minister shall send the report of the actuary to the Commission within 90 days of receiving it.

**65.** The Government may, by regulation, revise the rate of contribution of a participant under this plan following an actuarial valuation of the plan.

The revised rate of contribution shall become effective on 1 January following the date on which the Minister has received the report of the independent actuary as regards the actuarial valuation.

## CHAPTER VIII

## AMALGAMATION AND ANNEXATION

**66.** A participant who, following the amalgamation or annexation of the territory of the municipality of which he is a council member, becomes a council member of the municipality resulting from the amalgamation or of the annexing municipality, as the case may be, shall continue to be a beneficiary of this plan. The participant and the municipality of which he becomes a council member shall discharge the obligations arising from the plan.

**67.** A participant who ceases to be a council member following the amalgamation or annexation of the territory of the municipality of which he is a council member may continue to participate in this plan until the date of the next regular election. The participant and the municipality resulting from the amalgamation or the annexing municipality, as the case may be, shall discharge the obligations arising from the plan until that date.

For the purposes of the first paragraph, the pensionable salary is the salary received by the participant on the day preceding the day the amalgamation or annexation becomes effective.

## CHAPTER IX

## PENSION FUND

**68.** The Commission shall deposit the sums paid to it under this Act with the Caisse de dépôt et placement du Québec, except the part of such sums it considers immediately required to make payments under this Act.

**69.** The Commission may prescribe, in respect of the funds entrusted to the Caisse de dépôt et placement du Québec, general standards of allocation of investments that the Caisse must take into account.

**70.** The Caisse de dépôt et placement du Québec must submit to the Commission an annual report on the state of the fund of this plan.

The Commission shall transmit a copy of the report to the municipalities which have adhered to the plan.

## CHAPTER X

## REVIEW AND APPEAL

**71.** Every member of the council of a municipality and every beneficiary or person who claims to be a beneficiary may apply for a review of any decision rendered by the Commission concerning

- (1) his entitlement to benefits under the plan;
- (2) the number of years of service;
- (3) the pensionable salary and the amount of contributions;
- (4) the amount of the pension;
- (5) any benefit, ancillary benefit or refund under the plan.

The application must be made to the Commission within one year of the mailing of the decision.

**72.** A review committee shall be set up to hear the applications for review filed under section 71.

The committee shall be composed of four members appointed by the Government including one member designated after consultation

with the Union des municipalités du Québec and one member designated after consultation with the Union des municipalités régionales de comté et des municipalités locales du Québec inc. on the recommendation of each union.

Four members of the committee constitute a quorum and every decision of the committee requires the vote of a majority of the members. Where opinions are equally divided, the decision of the Commission is deemed to be confirmed.

**73.** The review committee must dispose of the application for review without delay and notify the applicant in writing of its decision or of the fact that the opinions were equally divided and that the Commission's decision is thus deemed to have been confirmed.

The decision must set out the reasons on which it is based.

**74.** The member of the council of a municipality or the beneficiary may, within 90 days of the date of mailing of the written notice of the review committee, appeal to the Commission des affaires sociales.

## CHAPTER XI

### REGULATIONS

**75.** The Government may, by regulation,

(1) determine the rates of interest which must be fixed by regulation pursuant to this Act and, where that is the case, the rules governing the computation of the interest;

(2) determine the factor to be used in fixing the provisional contribution payable by the municipality under section 26;

(3) determine the terms and conditions applicable to the payment of contributions relating to the redemption of years of service;

(4) determine, for the purposes of this Act, the standards for calculating the actuarial value of a pension;

(5) revise the rate of contribution, in accordance with section 65.

**76.** A by-law adopted by a municipality under this Act requires no approval. The municipality shall transmit a copy of the by-law to the Commission and to the Minister of Municipal Affairs within 30 days of its adoption.

## CHAPTER XII

## MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

## DIVISION I

## RESIDUAL PROVISIONS

**77.** The chairman of the executive committee of the Communauté urbaine de Montréal or of the Communauté urbaine de Québec who, on 31 December 1988, was participating in the general retirement plan established under the Act respecting retirement plans for the mayors and councillors of municipalities shall participate in this plan from 1 January 1989.

This Act applies, adapted as required, in respect of the chairman of the executive committee as if the Community were a municipality having adhered to the plan.

The chairman is deemed to be a member of the council of the municipality from which he resigned upon taking office as chairman of the executive committee for the purposes of Chapter VI as regards his years of service as a member of the council of that municipality.

**78.** Any member of the council of a municipality who, on 31 December 1988, was participating in the general retirement plan referred to in section 4 and who does not avail himself of sections 55 to 62 may, by applying therefor to the Commission, obtain the refund of the sums accumulated to his credit under that plan.

**79.** Any member of the council of a municipality who, on 31 December 1988, was participating in the general retirement plan established under the Act respecting retirement plans for the mayors and councillors of municipalities is deemed, notwithstanding section 23 of the said Act, to have acquired the right to a pension under the said Act even if he has less than eight years of credited service.

**80.** The beneficiary of a pension granted under the Act respecting retirement plans for the mayors and councillors of municipalities who again becomes a member of the council of a municipality which has adhered to this plan shall continue to receive his pension. He shall participate in this plan unless he is 71 years of age or over.

**81.** Municipalities which adhere to this plan shall provide, out of the provisional contributions provided for in section 26, the amounts

necessary to cover any expenses incurred by the Commission in the course of a year for the administration of the plan.

**82.** The Minister of Municipal Affairs is responsible for the administration of this Act.

## DIVISION II

### REPEAL AND AMENDMENTS

#### CITIES AND TOWNS ACT

**83.** Section 14.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the second paragraph by the following paragraph:

“For the purposes of this section, the expression “supramunicipal body” has the meaning given to it by sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*).”

**84.** Section 66 of the said Act is amended by adding, after the seventh paragraph, the following paragraph:

“In no case may the council of a municipality adopt a by-law, after 12 December 1974, to grant a pension pursuant to this section.”

#### MUNICIPAL CODE OF QUÉBEC

**85.** Article 19 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the second paragraph by the following paragraph:

“For the purposes of this article, the expression “supramunicipal body” has the meaning given to it by sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*).”

#### ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

**86.** Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), amended by section 47 of chapter 68 and by section 149 of chapter 107 of the statutes of 1987, is again amended by replacing paragraph *p* by the following paragraph:

“(p) the appeals brought under section 143 of the Act respecting the Pension Plan of Peace Officers in Penal Institutions (1987, chapter 107), appeals brought under paragraph 2 of section 181 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) and appeals brought under section 74 of the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*);”.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**87.** .Section 19 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the third paragraph by the following paragraph:

“The by-law fixing the pension does not apply to a person who participates in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*).”

**88.** Sections 21.1 and 21.2 of the said Act are replaced by the following sections:

**“21.1** The chairman of the executive committee may continue to participate in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*).

To continue to participate in the general retirement plan, the chairman shall, within thirty days of his resignation as member of the council of a municipality, give notice in writing to that effect to the Community and the Commission administrative des régimes de retraite et d’assurances. The notice shall maintain the participation of the chairman in the plan mentioned in the first paragraph from his resignation as member of the council of a municipality.

The Act respecting the Pension Plan of Elected Municipal Officers, adapted as required, shall, in that case, apply as if the Community were a municipality having adhered to the plan in his respect.

**“21.2** A by-law of the Council fixing a pension under section 19 does not apply to the chairman of the executive committee who maintains his participation in the general retirement plan mentioned in section 21.1.”

## ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

**89.** Sections 6.7 and 6.8 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) are replaced by the following sections:

**“6.7** The chairman of the executive committee may continue to participate in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*).

To continue to participate in the general retirement plan, the chairman shall, within thirty days of his resignation as member of the council of a municipality, give notice in writing to that effect to the Community and the Commission administrative des régimes de retraite et d'assurances. The notice shall maintain the participation of the chairman in the general retirement plan mentioned in the first paragraph from his resignation as member of the council of a municipality.

The Act respecting the Pension Plan of Elected Municipal Officers, adapted as required, shall, in that case, apply as if the Community were a municipality having adhered to the plan in his respect.

**“6.8** A by-law of the Council fixing a pension under section 11 or 183 does not apply to the chairman of the executive committee who maintains his participation in the plan mentioned in section 6.7.”

**90.** Section 11 of the said Act is amended by replacing the third paragraph by the following paragraph:

“The by-law fixing the pension does not apply to a person who participates in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*).”

**91.** Section 183 of the said Act is amended by replacing the words “avails himself of Division VIII.1 of the Act respecting retirement plans for the mayors and councillors of municipalities (chapter R-16)” in the fifth, sixth and seventh lines of the third paragraph by the words “participates in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*)”.



## ACT RESPECTING RETIREMENT PLANS FOR THE MAYORS AND COUNCILLORS OF MUNICIPALITIES

**92.** Sections 3 to 8 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16) are repealed.

**93.** Division IV of the said Act is repealed.

**94.** Sections 29 and 29.1 of the said Act are repealed.

**95.** Divisions VI to VIII.1 of the said Act are repealed.

**96.** Section 42 of the said Act is amended by striking out subparagraphs *c* and *e* of the first paragraph.

**97.** Sections 43 to 49 of the said Act are repealed.

## REGULATIONS ACT

**98.** Section 3 of the Regulations Act (R.S.Q., chapter R-18.1) is amended by replacing the words "Act respecting retirement plans for the mayors and councillors of municipalities (chapter R-16)" in the fourth and fifth lines of paragraph 2 by the words "Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*)."

## ACT RESPECTING SALES OF MUNICIPAL PUBLIC UTILITIES

**99.** Section 2 of the Act respecting sales of municipal public utilities (R.S.Q., chapter V-4) is amended by replacing the figures and words "41.2 and 41.3 of the Act respecting retirement plans for the mayors and councillors of municipalities (chapter R-16)" in the third, fourth and fifth lines by the figures and words "18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*)."

## ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

**100.** Section 2 of the Act respecting the remuneration of elected municipal officers (1988, chapter 30) is amended by replacing subparagraph 2 of the fifth paragraph by the following subparagraph:

“(2) “supramunicipal body” means a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*).”

**101.** Section 63 of the said Act is repealed.

#### DIVISION III

##### TRANSITIONAL PROVISION

**102.** Until it is fixed by a regulation of the Government under section 75, the provisional contribution to be paid by a municipality pursuant to section 26 is fixed at an amount equal to 2.14 times the amount contributed by the participant.

#### DIVISION IV

##### FINAL PROVISION

**103.** This Act comes into force on 1 January 1989.