

SECOND SESSION
THIRTY-FIRST LEGISLATURE

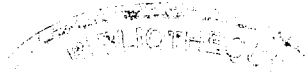
ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 260

(PRIVATE)

**An Act respecting the Association de bienfaisance et de retraite
des policiers de la Communauté urbaine de Montréal**

First reading



M. JEAN-PIERRE CHARBONNEAU

Bill 260

(PRIVATE)

An Act respecting the Association de bienfaisance et de retraite
des policiers de la Communauté urbaine de Montréal

WHEREAS the Montreal Police Benevolent and Pension Society was incorporated, with the object of assisting its members in case of illness or accident, granting them rewards and pensions for services rendered and obtaining assistance for and conferring other benefits on their widows, children and heirs;

Whereas it is the administrator of the pension plan known as the “Régime de rentes de l’Association de Bienfaisance et de Retraite de la Police de Montréal” and also wishes to administer the pension plan known as the “Régime de rentes des policiers de la Communauté urbaine de Montréal”;

Whereas it is expedient to consolidate its charter in order to specify its powers and enlarge their scope;

Therefore, Her Majesty, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. This act replaces chapters 90 of the statutes of 1892, 161 of 1935, 129 of 1937, 128 of 1954/1955, 180 of 1959/1960, 102 of 1963 (1st session), 140 of 1966/1967 and section 7 of chapter (*insert here chapter number of Bill 57*) of 1977, without, however, interrupting the corporate existence of the society.

2. The name of the society shall be “Association de bienfaisance et de retraite des policiers de la Communauté urbaine de Montréal”.

3. The corporate seat of the Association is in the territory of the Montreal Urban Community.

4. The Association is the administrator of the pension plan known as the “Régime de rentes de l’Association de Bienfaisance et de Retraite de la Police de Montréal” and of the pension plan known as the “Régime de rentes des policiers de la Communauté urbaine de Montréal”. For the purposes of the Supplemental Pension Plans Act (1965, 1st session, chapter 25), the pension fund of each of such plans shall form a patrimony administered by the Association which is to become the trustee thereof as of the coming into force of this act.

The assets of the pension fund of each of such plans are invested in a common fund that the Association is authorized to establish for such purpose. The Association shall manage such common fund and invest the assets in accordance with the rules enacted under the Supplemental Pension Plans Act.

5. The following persons are members of the Association:

(a) persons employed as policemen by the Police Department of the Montreal Urban Community on the date of the coming into force of this act or who become so thereafter; and

(b) persons who, having left the Police Department of the City of Montreal or of the Montreal Urban Community, nevertheless retain rights under one or both of the pension plans mentioned in section 4.

6. (a) The Association is a civil corporation within the meaning of the Civil Code. Its sole object is the administration of the pension plans mentioned in section 4 and, for such object, it has all the powers necessary or inherent in such administration. The Association has, however, no property of its own.

(b) Without limiting the scope of paragraph *a* but for the sole purpose mentioned therein, the Association may:

i. bind itself and bind others towards it by any legal means;
ii. participate in the training and instruction of its members and provide them with any assistance, advice or help that may be useful or necessary; and

iii. establish a common fund, deposit therein the funds and securities of the fund of each of the plans mentioned in section 4, and invest and reinvest the funds and securities of such common fund, as well as their yield and income, in accordance with the Supplemental Pension Plans Act. Such fund is a pension fund for the purposes of the said act and Division VII thereof applies to it as if it were a supplemental pension plan.

7. (a) The board of directors of the Association shall be composed of twelve persons, namely:

i. one member of the Association who is employed as a policeman by the Police Department of the Montreal Urban Community, and who is elected chairman by the members of the Association contemplated in section 5;

ii. five members of the Association who are employed as policemen by the Police Department of the Montreal Urban Community, and who are elected by the members of the Association contemplated in paragraph *a* of section 5;

iii. one member of the Association contemplated in paragraph *b* of section 5, elected by the members of the Association contemplated in that paragraph; and

iv. five persons appointed by resolution of the executive committee of the Montreal Urban Community.

(*b*) The term of office of the elected members of the board of directors is four years; the term of office of the other members of the board of directors shall be fixed by the resolution by which they are appointed. Every member of the board of directors shall remain in office until the election or appointment of his successor.

(*c*) In the case of a vacancy among the members of the board of directors mentioned in subparagraphs i, ii and iii of paragraph *a* for any cause whatsoever, the members of the board of directors then in office, by a majority vote, even if such majority does not constitute a quorum, have the power, at any time and whenever necessary, to elect any other person to fill such vacancy, and every person so elected shall remain in office until the end of the term of the member so replaced. The person so elected must be chosen from among the members of the Association contemplated in paragraph *a* or *b* of section 5, according to whether the member so replaced had been elected by the first or by the second category of members, except in the case of the chairman, who must be chosen from among the members of the Association contemplated in paragraph *a* of section 5.

However, if there remain more than six months to run before the end of the term of office of the member of the board of directors being replaced, the board of directors shall forthwith convene a special general meeting of the members contemplated in paragraph *a* or *b* of section 5, as the case may be, for the purpose of electing a person to replace the member of the board of directors to be replaced. If the chairman is being replaced, a special general meeting of all the members of the Association must be convened. The person so elected shall remain in office only for the time that the member of the board of directors that he replaces would have been in office if he had not been replaced.

Every person so elected or appointed to replace a member of the board of directors shall occupy upon his election or appointment, any position as officer that was occupied by the member replaced.

(d) In the case of a vacancy among the other members of the board of directors, their successors shall be appointed in accordance with subparagraph iv of paragraph *a*.

(e) Notwithstanding paragraph *b*, the term of office of the elected members of the board of directors of the Association holding office on the date of the coming into force of this act ends as of the election following the first general meeting of the members of the Association held after such date. The term of office of the other members of the board of directors of the Association ceases on the date of the coming into force of this act; within ten days following such date, the executive committee of the Montreal Urban Community shall appoint five persons to represent it on the board of directors as provided for in subparagraph iv of paragraph *a*.

(f) The meeting provided for in paragraph *e* must take place within six months after the date of the coming into force of this act. At such meeting, the chairman, the assistant to the secretary and the assistant to the treasurer shall be nominated, both as directors and as officers, for a term of four years, and the vice-chairman, the secretary and the treasurer shall be nominated, both as officers and as directors, for a term of two years. At such meeting, one member of the Association representing the members of the Association contemplated in paragraph *b* of section 5 shall be nominated, as a director, for a term of four years. The election of such officers and directors shall be held in the manner provided for in the by-laws of the Association and all such officers shall be, from their election, members of the board of directors of the Association.

8. (a) The powers of the Association shall be exercised by its board of directors. The quorum of meetings of the board of directors shall be fixed at seven persons including five of the members of the board of directors contemplated in subparagraphs i, ii and iii of paragraph *a* of section 7.

(b) The board of directors of the Association must adopt, within fifteen days following the date of the coming into force of this act, and, thereafter, maintain in force:

- i. a by-law concerning investments providing for the establishment of the common fund contemplated in section 6 and the constitution of a committee having as its object the determination of the policies and objectives respecting the investment of the funds and securities of such common fund. Such committee is composed of the chairman of the Association and two other members of the board of directors of the Association appointed by resolution of the

executive committee of the Montreal Urban Community; such committee has no right of inspection, however, in respect of the investment of the funds and securities in investments made in the form of hypothecary loans on the house of a member or employee of the Association or of the spouse or the child of such member or employee;

ii. a by-law concerning the constitution of a medical committee having as its objects those provided for in the pension plans mentioned in section 4. Such committee is composed of three physicians, two of whom are appointed by resolution of the executive committee of the Montreal Urban Community and one, by resolution of the board of directors of the Association; and

iii. a by-law providing for the replacement of the by-laws of the Régime de rentes de l'Association de Bienfaisance et de Retraite de la Police de Montréal.

(c) To have effect, the adoption, amendment or repeal of any by-law of the Association must be approved by resolution of the executive committee of the Montreal Urban Community.

(d) Any by-law of the Association and any revocation, amendment or putting back into force of such a by-law of the Association, unless it has been sanctioned in the meantime at a special general meeting of the members of the Association duly called for such purpose, has effect only until the next general meeting of the members of the Association and, if not sanctioned at such meeting, ceases to have effect from the date of such meeting; however, the validity of decisions taken and of acts performed until then under such by-laws is not affected. Notwithstanding the foregoing, the adoption of the by-law contemplated in paragraph *b* as well as the adoption of any internal management by-law by the board of directors of the Association within fifteen days following the date of the coming into force of this act does not require sanction in the manner provided for in this paragraph; such by-laws shall come into force on being approved in accordance with paragraph *c*, and, in the case of a by-law contemplated in subparagraph iii of paragraph *b*, on being approved in accordance with section 10.

9. (a) The by-laws and resolutions of the board of directors of the Association in force on the date of the coming into force of this act continue to have effect until they are amended or repealed by the board of directors, unless they are wholly or partly inconsistent with this act.

(b) The officers of the Association in office on the date of the coming into force of this act remain so until the election following the first general meeting of the members of the Association held after such date.

10. The by-law providing for the replacement of the by-laws of the Régime de rentes de l'Association de bienfaisance et de retraite de la Police de Montréal shall not be adopted, amended or repealed without the consent of the City of Montreal, expressed by resolution of its executive committee, nor without the consent of the Montreal Urban Community expressed by resolution of its executive committee. The consent of the said Community is required only to the extent that it assumes engagements towards the plan.

11. Subject to the deed signed 22 June 1977 between the City of Montreal and the Association before Jean-Paul Langlois, notary at Montreal, under number 9053 of his minutes, the books that the Association is required to keep must be audited at least once every financial year by the auditor or auditors designated to the Association by the executive committee of the Montreal Urban Community.

12. This act shall come into force on the day of its sanction.