

Municipal Affairs

Gouvernement du Québec

O.C. 299-2006, 5 April 2006

An Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001)

Amendment of certain Orders in Council relating to the municipal reorganization principally to enact measures to ensure the continuity of the pension plans of officers or employees transferred to a reconstituted municipality

WHEREAS, under section 135 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001), the Government made orders respecting the urban agglomerations of Québec, Longueuil and Montréal;

WHEREAS it is expedient to amend those orders to prescribe, in accordance with section 147 of that Act, rules to ensure the continuity of the pension plans for a transitional period and to prescribe the conditions and duration of the participation rights of the officers and employees of the reconstituted municipalities to whom section 123 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14) refers;

WHEREAS it is expedient to provide a transitional provision enabling Ville de Longueuil to collect, for the fiscal year 2006, revenues other than urban agglomeration revenues until the part of the budget relating to urban agglomeration expenditures for that fiscal year is adopted by the urban agglomeration council;

WHEREAS, in accordance with section 144 of that Act, section 37 of Order in Council 1229-2005 dated 8 December 2005 respecting the urban agglomeration of Montréal lists, by reference to a Schedule, the equipment, infrastructures and activities of collective interest;

WHEREAS, in accordance with section 145 of that Act which enables every asset of the city that becomes the property of a reconstituted municipality to be identified, the third paragraph of section 38 of the Order provides that equipment or an infrastructure of collective interest referred to in section 37 that is situated in the territory of a reconstituted municipality, if it is municipal property, becomes the property of the reconstituted municipality in the territory in which it is situated;

WHEREAS the Schedule to which section 37 of the Order refers mentions Cap-Saint-Jacques nature park, L'Anse-à-l'Orme nature park, Bois-de-l'Île-Bizard nature park, Bois-de-Liesse nature park, L'Île-de-la-Visitation nature park, Pointe-aux-Prairies nature park, Bois-de-la-Roche agricultural park, Bois-de-Saraguay nature park and Bois-d'Anjou nature park among the equipment and infrastructures of collective interest;

WHEREAS, in accordance with section 38 of the Order, the mention of those parks operated to transfer the property, in whole or in part, to a reconstituted municipality;

WHEREAS, before the constitution of Ville de Montréal by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), those parks were regional parks under the jurisdiction of the Communauté urbaine de Montréal in accordance with sections 157.1 and following of the former Act respecting the Communauté urbaine de Montréal, and consequently are under the exclusive jurisdiction of the urban agglomeration council in accordance with paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations;

WHEREAS those parks were mistakenly listed in the Order respecting the urban agglomeration of Montréal among the equipment and infrastructures of collective interest;

WHEREAS it is expedient to provide a transitional provision for the urban agglomerations of Québec, Longueuil and Montréal relating to the sharing of the growth in the tax base prescribed by the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., c. C-37.01) and the Act respecting the Communauté métropolitaine de Québec (R.S.Q., c. C-37.02);

WHEREAS, under section 119 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations, the provisions of any order under that Act may, for transition purposes, create a rule of municipal law or derogate from any provision of an Act under the administration of the Minister of Municipal Affairs and Regions, a special Act governing a municipality or an instrument under such an Act;

WHEREAS, under section 122 of that Act, the Government may make any order, in addition to the orders provided for specifically, in keeping with the objects of the Act, to further clarify the scope of a provision of the Act or to correct any omission;

WHEREAS, under section 131 of the Act to again amend various legislative provisions concerning municipal affairs (2005, c. 50), a provision of an urban agglomeration order on a matter referred to in any of sections 145 to 147 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations may have retroactive effect to 1 January 2006;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions, as follows:

1. Order in Council 1211-2005 dated 7 December 2005 respecting the urban agglomeration of Québec is amended by inserting the following after section 57:

**“TITLE V.1
SPECIAL RULES FOR THE PENSION PLANS
OF OFFICERS OR EMPLOYEES**

**CHAPTER I
PURPOSE**

57.1. The purpose of this Title is to prescribe the rules that govern how a person to whom section 123 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities applies is to maintain participation in the pension plan of which the person was a member before the reorganization of the city, and to prescribe, in respect of such a plan, the obligations of a related municipality as regards the administration, funding and management of the plan’s pension fund and the distribution or transfer of the plan’s assets and liabilities.

**CHAPTER II
GENERAL AND INTERPRETATION**

57.2. The rules and obligations prescribed by this Title are in addition to those made by or under the Supplemental Pension Plans Act (R.S.Q., c. R-15.1). In a case of conflict, the rules and obligations prescribed by this Title prevail.

57.3. In this Title,

(1) “active member” means any person who on 31 December 2005 met the conditions set out in section 36 of the Supplemental Pension Plans Act as they apply to a pension plan applicable to officers or employees of the city;

(2) “sponsor” means the related municipality that in respect of a pension plan is considered to be the employer having established the plan.

**CHAPTER III
SPONSOR**

57.4. The central municipality is deemed to be the sponsor of any pension plan not terminated at 31 December 2005 that has officers or employees of a related municipality within the urban agglomeration as members.

57.5. The designation of the sponsor made under section 57.4 is deemed to have been authorized by the Régie des rentes du Québec pursuant to section 22 of the Supplemental Pension Plans Act.

**CHAPTER IV
CERTAIN RIGHTS, POWERS AND OBLIGATIONS
OF THE SPONSOR AND THE OTHER RELATED
MUNICIPALITIES**

57.6. The rights, powers and obligations of the sponsor of a pension plan and those of the other related municipalities having at least one officer or employee who is a member of the plan are exercised as provided in this Chapter as regards the funding and solvability of the plan and payment of contributions.

57.7. Every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan before 1 January 2002, is deemed to be an expenditure relating to a debt of the former municipality that established the pension plan.

57.8. Every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 31 December 2001 but before 1 January 2006, is deemed to be, if the pension plan was established by a former municipality whose territory corresponds to the territory of a reconstituted municipality, an expenditure relating to a debt of the reconstituted municipality.

The first paragraph applies despite any provision of an Act or statutory instrument constituting the city that provides otherwise.

57.9. Every employer contribution for the fiscal year and every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 31 December

2001 but before 1 January 2006, is deemed, in the case of a pension plan established by the city during that period, to be an expenditure relating to an urban agglomeration debt.

57.10. Every employer contribution for the fiscal year and every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 31 December 2001 but before 1 January 2006, is deemed, in the case of a pension plan established by a former municipality and amended by the city during that period to apply to all or any category of its officers or employees, to be an expenditure relating to an urban agglomeration debt.

Despite the foregoing, every contribution referred to in the first paragraph in respect of a pension plan as it existed before being replaced or amended is deemed to be an expenditure relating to a debt of the reconstituted municipality or, as the case may be, of the central municipality.

57.11. Every employer contribution for the fiscal year and every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan before 1 January 2006, is deemed, in the case of a pension plan established before 1 January 2002 by a body whose territory corresponds to the territory of the urban agglomeration, to be an expenditure relating to an urban agglomeration debt.

57.12. Every related municipality must, as of 1 January 2006, deduct the relevant member contribution from the pensionable salary of each of its officers or employees who is an active member of a pension plan for which the related municipality is not the sponsor, and pay the contribution so deducted into that plan's pension fund at the same time it pays the employer contribution for the fiscal year into the fund.

57.13. Subject to this Order, a pension plan to which section 57.12 refers is subject, with the necessary modifications, to the rules prescribed by the Supplemental Pension Plans Act as regards a multi-employer pension plan.

57.14. The sponsor of a pension plan to which section 57.12 refers may require another related municipality that has at least one officer or employee who is an active or non-active member of the plan to pay a sum that represents all or part of the proportional segment of

the amortization amounts of an unfunded actuarial liability or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 31 December 2001, that relates to the participation of such an officer or employee of the other related municipality in the pension plan.

57.15. The related municipality to which section 57.12 refers is not required to participate in the payment of the amortization amounts of an unfunded actuarial liability or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 1 January 2006, if the unfunded liability or the amount results from additional obligations that apply only to members who are officers or employees of the pension plan sponsor.

57.16. Only the sponsor of a pension plan to which section 57.12 refers is deemed the plan employer for the purposes of any amendment to the plan, termination of the plan or designation of the members of the pension committee. The sponsor among other things may, alone, make any decision the council of a municipality may make under paragraph 8 of section 464 of the Cities and Towns Act.

The first paragraph ceases to apply in respect of a related municipality, other than the sponsor, as of the day on which no member of the plan who is an officer or employee of the related municipality is contemplated by section 123 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities.

A related municipality may agree with the sponsor on any procedural arrangement or modification of the first paragraph in its regard.

57.17. Every related municipality, other than the sponsor, is deemed to have withdrawn from a pension plan to which section 57.12 refers as of the date on which none of its officers or employees is an active member of the plan.

The pension plan is deemed to be amended on that date to reflect the related municipality's withdrawal.

CHAPTER V CONTINUED PENSION PLAN PARTICIPATION

57.18. The continued participation of an officer or employee to whom section 123 of the Act respecting the consultation of citizens with respect to the territorial

reorganization of certain municipalities applies in the pension plan of which he or she was a member before the reorganization of the city is subject to the provisions of this Chapter.

57.19. Subject to the provisions of this Chapter, no officer or employee referred to in section 57.18 has, in respect of the duration of participation in the pension plan of which he or she was a member before the reorganization of the city, more rights than the officer or employee had before the reorganization.

57.20. Every officer or employee referred to in section 57.18 who is represented by a certified association and, as of 1 January 2006, continues to participate in a pension plan for which the sponsor becomes, pursuant to section 57.4, a municipality that is not the employer of the officer or employee, ceases to be an active member of that plan on the earlier of

(1) the date on which the officer or employee begins, pursuant to an agreement between the employer and the certified association representing the officer or employee, to participate in a pension plan or a retirement savings plan established by the employer or in which the employer participates; and

(2) the date on which the plan has no active member, and the sponsor is the employer.

For the purposes of subparagraph 2 of the first paragraph, an active member is any person paying contributions under the plan, regardless of whether the person was paying contributions before 1 January 2006.

57.21. Every officer or employee referred to in section 57.18 who is not represented by a certified association and, as of 1 January 2006, continues to participate in a pension plan for which the sponsor becomes, pursuant to section 57.4, a municipality that is not the employer of the officer or employee, may elect to cease to be a member of the plan.

Despite the foregoing, an officer or employee referred to in the first paragraph ceases to be an active member of the plan mentioned in that paragraph on the earliest of

(1) the date on which the plan has no active member, and the sponsor is the employer;

(2) the date on which the plan is replaced by a new pension plan or by a retirement savings plan that applies to all the officers or employees of the sponsor or to the category of officers or employees that corresponds to the category of the person referred to in the first paragraph; and

(3) the date on which an existing plan of which the person referred to in the first paragraph was not a member is amended to apply to all the officers or employees of the sponsor or to a category of officers or employees that corresponds to the category of the person referred to in the first paragraph.

For the purposes of subparagraph 1 of the second paragraph, an active member is any person paying contributions under the plan, regardless of whether the person was paying contributions before 1 January 2006.

57.22. Every officer or employee referred to in the first paragraph of section 57.21 may, despite the second paragraph of that section, continue to participate in the pension plan referred to in that first paragraph if, under the plan, the officer or employee is entitled to a pension without actuarial reduction before 1 January 2010.

57.23. The approval of the officers or employees to whom any of sections 57.20 to 57.22 apply or of the certified association representing them is not required in the event that the by-law that established the pension plan is amended or revoked by the sponsor.

CHAPTER VI BENEFICIARIES OF CERTAIN BENEFITS

57.24. The benefits arising from the exercise by a municipality or body of a right under section 12 or 13 of the Act to amend various legislative provisions concerning municipal affairs (2003, c. 3) must, if applicable, benefit exclusively the inhabitants and ratepayers in the territory of the related municipality, or in the part of that territory corresponding to the territory providing the revenue that financed the amounts paid in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act determined by an actuarial valuation of the whole pension plan at a date that is neither earlier than 31 December 2001 nor later than 1 January 2003.

Any decision to appropriate surplus assets to the payment of contributions payable by a municipality or body must be made by the related municipality whose territory corresponds to the territory in which the inhabitants and ratepayers are to be the beneficiaries of the benefits referred to in the first paragraph, or in the territory that includes such a territory.”

2. Order in Council 1214-2005 dated 7 December 2005 respecting the urban agglomeration of Longueuil, amended by Order in Council 10-2006 dated 17 January 2006, is further amended by inserting the following after section 62:

**“TITLE V.1
SPECIAL RULES FOR THE PENSION PLANS
OF OFFICERS OR EMPLOYEES**

**CHAPTER I
PURPOSE**

62.1. The purpose of this Title is to prescribe the rules that govern how a person to whom section 123 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities applies is to maintain participation in the pension plan of which the person was a member before the reorganization of the city, and to prescribe, in respect of such a plan, the obligations of a related municipality as regards the administration, funding and management of the plan’s pension fund and the distribution or transfer of the plan’s assets and liabilities.

**CHAPTER II
GENERAL AND INTERPRETATION**

62.2. The rules and obligations prescribed by this Title are in addition to those made by or under the Supplemental Pension Plans Act (R.S.Q., c. R-15.1). In a case of conflict, the rules and obligations prescribed by this Title prevail.

62.3. In this Title,

(1) “active member” means any person who on 31 December 2005 met the conditions set out in section 36 of the Supplemental Pension Plans Act as they apply to a pension plan applicable to officers or employees of the city;

(2) “sponsor” means the related municipality that in respect of a pension plan is considered to be the employer having established the plan.

**CHAPTER III
SPONSOR**

62.4. As of 1 January 2006, the sponsor of a pension plan that is not terminated is deemed to be

(1) subject to paragraph 3, the related municipality whose territory corresponds to or includes the territory of the former municipality that established the pension plan;

(2) the central municipality, if the pension plan was established by the city between 31 December 2001 and 1 January 2006; or

(3) the central municipality, if the pension plan was established by a former municipality and was, between 31 December 2001 and 1 January 2006, amended by the city to apply to all or a category of its officers or employees.

62.5. Every designation of a sponsor under this Chapter that operates to replace the employer as the sponsor of a pension plan is deemed to have been authorized by the Régie des rentes du Québec pursuant to section 22 of the Supplemental Pension Plans Act.

**CHAPTER IV
CERTAIN RIGHTS, POWERS AND OBLIGATIONS
OF THE SPONSOR AND THE OTHER RELATED
MUNICIPALITIES**

62.6. The rights, powers and obligations of the sponsor of a pension plan and those of the other related municipalities having at least one officer or employee who is a member of the plan are exercised as provided in this Chapter as regards the funding and solvability of the plan and payment of contributions.

62.7. Every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan before 1 January 2002, is deemed to be an expenditure relating to a debt of the former municipality that established the pension plan.

62.8. Subject to section 62.9, every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 31 December 2001 but before 1 January 2006, is deemed to be, if the pension plan was established by a former municipality whose territory corresponds to the territory of a reconstituted municipality, an expenditure relating to a debt of the reconstituted municipality.

The first paragraph applies despite any provision of an Act or statutory instrument constituting the city that provides otherwise.

62.9. Every employer contribution for the fiscal year and every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 31 December 2001 but before 1 January 2006, is deemed to be, in the

case of a pension plan referred to in paragraph 2 or 3 of section 62.4, an expenditure relating to an urban agglomeration debt.

Despite the foregoing, every contribution referred to in the first paragraph in respect of a pension plan as it existed before being replaced or amended is deemed to be an expenditure relating to a debt of the reconstituted municipality or, as the case may be, of the central municipality.

62.10. Every related municipality must, as of 1 January 2006, deduct the relevant member contribution from the pensionable salary of each of its officers or employees who is an active member of a pension plan for which the related municipality is not the sponsor, and pay the contribution so deducted into that plan's pension fund at the same time it pays the employer contribution for the fiscal year into the fund.

62.11. Subject to this Order, a pension plan to which section 62.10 refers is subject, with the necessary modifications, to the rules prescribed by the Supplemental Pension Plans Act as regards a multi-employer pension plan.

62.12. The sponsor of a pension plan to which section 62.10 refers that is a reconstituted municipality may require another related municipality that has at least one officer or employee who is an active or non-active member of the plan to pay a sum that represents all or part of the proportional segment of the amortization amounts of an unfunded actuarial liability or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 31 December 2001, that relates to the participation of such an officer or employee of the other related municipality in the pension plan.

62.13. The related municipality to which section 62.10 refers is not required to participate in the payment of the amortization amounts of an unfunded actuarial liability or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 1 January 2006, if the unfunded liability or the amount results from additional obligations that apply only to members who are officers or employees of the pension plan sponsor.

62.14. Only the sponsor of a pension plan to which section 62.10 refers is deemed the plan employer for the purposes of any amendment to the plan, termination of the plan or designation of the members of the pension committee. The sponsor among other things may, alone,

make any decision the council of a municipality may make under paragraph 8 of section 464 of the Cities and Towns Act.

The first paragraph ceases to apply in respect of a related municipality, other than the sponsor, as of the day on which no member of the plan who is an officer or employee of the related municipality is contemplated by section 123 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities.

A related municipality may agree with the sponsor on any procedural arrangement or modification of the first paragraph in its regard.

62.15. Every related municipality, other than the sponsor, is deemed to have withdrawn from a pension plan to which section 62.10 refers as of the date on which none of its officers or employees is an active member of the plan.

The pension plan is deemed to be amended on that date to reflect the related municipality's withdrawal.

CHAPTER V CONTINUED PENSION PLAN PARTICIPATION

62.16. The continued participation of an officer or employee to whom section 123 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities applies in the pension plan of which he or she was a member before the reorganization of the city is subject to the provisions of this Chapter.

62.17. Subject to the provisions of this Chapter, no officer or employee referred to in section 62.16 has, in respect of the duration of participation in the pension plan of which he or she was a member before the reorganization of the city, more rights than the officer or employee had before the reorganization.

62.18. Every officer or employee referred to in section 62.16 who is represented by a certified association and, as of 1 January 2006, continues to participate in a pension plan for which the sponsor becomes, pursuant to section 62.4, a municipality that is not the employer of the officer or employee, ceases to be an active member of that plan on the earlier of

(1) the date on which the officer or employee begins, pursuant to an agreement between the employer and the certified association representing the officer or employee, to participate in a pension plan or a retirement savings plan established by the employer or in which the employer participates; and

(2) the date on which the plan has no active member, and the sponsor is the employer.

For the purposes of subparagraph 2 of the first paragraph, an active member is any person paying contributions under the plan, regardless of whether the person was paying contributions before 1 January 2006.

62.19. Every officer or employee referred to in section 62.16 who is not represented by a certified association and, as of 1 January 2006, continues to participate in a pension plan for which the sponsor becomes, pursuant to section 62.4, a municipality that is not the employer of the officer or employee, may elect to cease to be a member of the plan.

Despite the foregoing, an officer or employee referred to in the first paragraph ceases to be an active member of the plan mentioned in that paragraph on the earliest of

(1) the date on which the plan has no active member, and the sponsor is the employer;

(2) the date on which the plan is replaced by a new pension plan or by a retirement savings plan that applies to all the officers or employees of the sponsor or to the category of officers or employees that corresponds to the category of the person referred to in the first paragraph; and

(3) the date on which an existing plan of which the person referred to in the first paragraph was not a member is amended to apply to all the officers or employees of the sponsor or to a category of officers or employees that corresponds to the category of the person referred to in the first paragraph.

For the purposes of subparagraph 1 of the second paragraph, an active member is any person paying contributions under the plan, regardless of whether the person was paying contributions before 1 January 2006.

62.20. Every officer or employee referred to in the first paragraph of section 62.19 may, despite the second paragraph of that section, continue to participate in the pension plan referred to in that first paragraph if, under the plan, the officer or employee is entitled to a pension without actuarial reduction before 1 January 2010.

62.21. The approval of the officers or employees to whom any of sections 62.18 to 62.20 apply or of the certified association representing them is not required in the event that the by-law that established the pension plan is amended or revoked by the sponsor.

CHAPTER VI BENEFICIARIES OF CERTAIN BENEFITS

62.22. The benefits arising from the exercise by a municipality or body of a right under section 12 or 13 of the Act to amend various legislative provisions concerning municipal affairs (2003, c. 3) must, if applicable, benefit exclusively the inhabitants and ratepayers in the territory of the related municipality, or in the part of that territory corresponding to the territory providing the revenue that financed the amounts paid in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act determined by an actuarial valuation of the whole pension plan at a date that is neither earlier than 31 December 2001 nor later than 1 January 2003.

Any decision to appropriate surplus assets to the payment of contributions payable by a municipality or body must be made by the related municipality whose territory corresponds to the territory in which the inhabitants and ratepayers are to be the beneficiaries of the benefits referred to in the first paragraph, or in the territory that includes such a territory.”

3. Section 70 of the Order is amended by adding the following paragraphs:

“In addition, in the case of the central municipality, a by-law pertaining to the collection of the revenues provided for in the part of its budget adopted by its regular council may be adopted by the regular council before the part of the budget within the powers of the urban agglomeration council is adopted by that council.

The regular council does not take the measures referred to in subparagraph 4 of the second paragraph of section 109 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations on or following the adoption of the by-law under the third paragraph. It must, however, take those measures as soon as possible after the urban agglomeration council adopts the part of the budget within its powers and, if necessary for the purposes of the measures or after they have been taken, amend the by-law adopted under the third paragraph.

At the time the taxes and other revenues deriving from the part of its budget adopted by the urban agglomeration council are collected, the central municipality is to inform each ratepayer of the final amounts owing after the modification under the fourth paragraph and make the necessary compensatory adjustments out of that collection.”

4. Order in Council 1229-2005 dated 8 December 2005 respecting the urban agglomeration of Montréal, amended by Order in Council 10-2006 dated 17 January 2006, is further amended by inserting the following after section 61 :

**“TITLE V.1
SPECIAL RULES FOR THE PENSION PLANS
OF OFFICERS OR EMPLOYEES**

**CHAPTER I
PURPOSE**

61.1. The purpose of this Title is to prescribe the rules that govern how a person to whom section 123 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities applies is to maintain participation in the pension plan of which the person was a member before the reorganization of the city, and to prescribe, in respect of such a plan, the obligations of a related municipality as regards the administration, funding and management of the plan’s pension fund and the distribution or transfer of the plan’s assets and liabilities.

**CHAPTER II
GENERAL AND INTERPRETATION**

61.2. The rules and obligations prescribed by this Title are in addition to those made by or under the Supplemental Pension Plans Act (R.S.Q., c. R-15.1). In a case of conflict, the rules and obligations prescribed by this Title prevail.

61.3. In this Title,

(1) “active member” means any person who on 31 December 2005 met the conditions set out in section 36 of the Supplemental Pension Plans Act as they apply to a pension plan applicable to officers or employees of the city;

(2) “sponsor” means the related municipality that in respect of a pension plan is considered to be the employer having established the plan.

**CHAPTER III
SPONSOR**

61.4. As of 1 January 2006, the sponsor of a pension plan that is not terminated is deemed to be

(1) subject to paragraph 3, the related municipality whose territory corresponds to or includes the territory of the former municipality that established the pension plan;

(2) the central municipality, if the pension plan was established by the city between 31 December 2001 and 1 January 2006;

(3) the central municipality, if the pension plan was established by a former municipality and was, between 31 December 2001 and 1 January 2006, amended by the city to apply to all or a category of its officers or employees;

(4) the central municipality, if the pension plan was established before 1 January 2002 by a body whose territory corresponds to the territory of the urban agglomeration; or

(5) the central municipality, if the pension plan was established before 1 January 2002 by a body whose territory was within the territory of the central municipality.

61.5. Every pension plan referred to in paragraph 1 of section 61.4 that on 31 December 2005 had active members who were fire fighters employed by the city and non-active members who, on the day preceding the day on which they ceased being active members of the plan, were fire fighters employed by the former municipality that established the plan or by the city, must have its assets and liabilities divided as provided in section 195 of the Supplemental Pension Plans Act not later than 31 December 2007. The obligations relating to the benefits of any such person must be transferred to the pension plan listed in paragraph 5 of section 135.1 of that Act.

Until the pension plan has been divided as provided in the first paragraph, the sponsor may neither amend nor terminate the plan as regards the fire fighters who are members without first obtaining the consent of the central municipality.

61.6. Every designation of a sponsor under this Chapter that operates to replace the employer as the sponsor of a pension plan is deemed to have been authorized by the Régie des rentes du Québec pursuant to section 22 of the Supplemental Pension Plans Act.

**CHAPTER IV
CERTAIN RIGHTS, POWERS AND OBLIGATIONS
OF THE SPONSOR AND THE OTHER RELATED
MUNICIPALITIES**

61.7. The rights, powers and obligations of the sponsor of a pension plan and those of the other related municipalities having at least one officer or employee who is a member of the plan are exercised as provided in this Chapter as regards the funding and solvability of the plan and payment of contributions.

61.8. Every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan before 1 January 2002, is deemed to be an expenditure relating to a debt of the former municipality that established the pension plan.

61.9. Subject to section 61.10, every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 31 December 2001 but before 1 January 2006, is deemed to be, if the pension plan was established by a former municipality whose territory corresponds to the territory of a reconstituted municipality, an expenditure relating to a debt of the reconstituted municipality.

The first paragraph applies despite any provision of an Act or statutory instrument constituting the city that provides otherwise.

61.10. Every employer contribution for the fiscal year and every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 31 December 2001 but before 1 January 2006, is deemed to be, in the case of a pension plan referred to in paragraph 2 or 3 of section 61.4, an expenditure relating to an urban agglomeration debt.

Despite the foregoing, every contribution referred to in the first paragraph in respect of a pension plan as it existed before being replaced or amended is deemed to be an expenditure relating to a debt of the reconstituted municipality or, as the case may be, of the central municipality.

61.11. Every employer contribution for the fiscal year and every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan before 1 January 2006, is deemed to be, in the case of a pension plan referred to in paragraph 4 of section 61.4, an expenditure relating to an urban agglomeration debt.

61.12. Every employer contribution for the fiscal year and every contribution payable in relation to a technical actuarial deficiency or an amount established pursuant

to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan before 1 January 2006, is deemed to be, in the case of a pension plan referred to in paragraph 5 of section 61.4, an expenditure relating to a debt of the central municipality.

61.13. Every related municipality must, as of 1 January 2006, deduct the relevant member contribution from the pensionable salary of each of its officers or employees who is an active member of a pension plan for which the related municipality is not the sponsor, and pay the contribution so deducted into that plan's pension fund at the same time it pays the employer contribution for the fiscal year into the fund.

61.14. Subject to this Order, a pension plan to which section 61.13 refers is subject, with the necessary modifications, to the rules prescribed by the Supplemental Pension Plans Act as regards a multi-employer pension plan.

61.15. The sponsor of a pension plan to which section 61.13 refers may require another related municipality that has at least one officer or employee who is an active or non-active member of the plan to pay a sum that represents all or part of the proportional segment of the amortization amounts of an unfunded actuarial liability or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 31 December 2001, that relates to the participation of such an officer or employee of the other related municipality in the pension plan.

61.16. The related municipality to which section 61.13 refers is not required to participate in the payment of the amortization amounts of an unfunded actuarial liability or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the pension plan after 1 January 2006, if the unfunded liability or the amount results from additional obligations that apply only to members who are officers or employees of the pension plan sponsor.

61.17. Only the sponsor of a pension plan to which section 61.13 refers is deemed the plan employer for the purposes of any amendment to the plan, termination of the plan or designation of the members of the pension committee. The sponsor among other things may, alone, make any decision the council of a municipality may make under paragraph 8 of section 464 of the Cities and Towns Act.

The first paragraph ceases to apply in respect of a related municipality, other than the sponsor, as of the day on which no member of the plan who is an officer or employee of the related municipality is contemplated by section 123 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities.

A related municipality may agree with the sponsor on any procedural arrangement or modification of the first paragraph in its regard.

61.18. Every related municipality, other than the sponsor, is deemed to have withdrawn from a pension plan to which section 61.13 refers as of the date on which none of its officers or employees is an active member of the plan.

The pension plan is deemed to be amended on that date to reflect the related municipality's withdrawal.

CHAPTER V CONTINUED PENSION PLAN PARTICIPATION

61.19. The continued participation of an officer or employee to whom section 123 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities applies in the pension plan of which he or she was a member before the reorganization of the city is subject to the provisions of this Chapter.

61.20. Subject to the provisions of this Chapter, no officer or employee referred to in section 61.19 has, in respect of the duration of participation in the pension plan of which he or she was a member before the reorganization of the city, more rights than the officer or employee had before the reorganization.

61.21. Every officer or employee referred to in section 61.19 who is represented by a certified association and, as of 1 January 2006, continues to participate in a pension plan for which the sponsor becomes, pursuant to section 61.4, a municipality that is not the employer of the officer or employee, ceases to be an active member of that plan on the earlier of

(1) the date on which the officer or employee begins, pursuant to an agreement between the employer and the certified association representing the officer or employee, to participate in a pension plan or a retirement savings plan established by the employer or in which the employer participates; and

(2) the date on which the plan has no active member, and the sponsor is the employer.

For the purposes of subparagraph 2 of the first paragraph, an active member is any person paying contributions under the plan, regardless of whether the person was paying contributions before 1 January 2006.

61.22. Every officer or employee referred to in section 61.19 who is not represented by a certified association and, as of 1 January 2006, continues to participate in a pension plan for which the sponsor becomes, pursuant to section 61.4, a municipality that is not the employer of the officer or employee, may elect to cease to be a member of the plan.

Despite the foregoing, an officer or employee referred to in the first paragraph ceases to be an active member of the plan mentioned in that paragraph on the earliest of

(1) the date on which the plan has no active member, and the sponsor is the employer;

(2) the date on which the plan is replaced by a new pension plan or by a retirement savings plan that applies to all the officers or employees of the sponsor or to the category of officers or employees that corresponds to the category of the person referred to in the first paragraph; and

(3) the date on which an existing plan of which the person referred to in the first paragraph was not a member is amended to apply to all the officers or employees of the sponsor or to a category of officers or employees that corresponds to the category of the person referred to in the first paragraph.

For the purposes of subparagraph 1 of the second paragraph, an active member is any person paying contributions under the plan, regardless of whether the person was paying contributions before 1 January 2006.

61.23. Every officer or employee referred to in the first paragraph of section 61.22 may, despite the second paragraph of that section, continue to participate in the pension plan referred to in that first paragraph if, under the plan, the officer or employee is entitled to a pension without actuarial reduction before 1 January 2010.

61.24. The approval of the officers or employees to whom any of sections 61.21 to 61.23 apply or of the certified association representing them is not required in the event that the by-law that established the pension plan is amended or revoked by the sponsor.

CHAPTER VI BENEFICIARIES OF CERTAIN BENEFITS

61.25. The benefits arising from the exercise by a municipality or body of a right under section 12 or 13 of the Act to amend various legislative provisions concerning municipal affairs (2003, c. 3) must, if applicable, benefit exclusively the inhabitants and ratepayers in the territory of the related municipality, or in the part of that territory corresponding to the territory providing the revenue that financed the amounts paid in relation to a technical actuarial deficiency or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act determined by an actuarial valuation of the whole pension plan at a date that is neither earlier than 31 December 2001 nor later than 1 January 2003.

Any decision to appropriate surplus assets to the payment of contributions payable by a municipality or body must be made by the related municipality whose territory corresponds to the territory in which the inhabitants and ratepayers are to be the beneficiaries of the benefits referred to in the first paragraph, or in the territory that includes such a territory.”.

5. Order in Council 1229-2005 dated 8 December 2005 respecting the urban agglomeration of Montréal, amended by Order in Council 10-2006 dated 17 January 2006, is further amended by striking out the references in the Schedule to Cap-Saint-Jacques nature park, L'Anse-à-l'Orme nature park, Bois-de-l'Île-Bizard nature park, Bois-de-Liesse nature park, L'Île-de-la-Visitation nature park, Pointe-aux-Prairies nature park, Bois-de-la-Roche agricultural park, Bois-de-Saraguay nature park and Bois-d'Anjou nature park.

6. If, in accordance with a by-law adopted under section 180 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., c. C-37.01) or section 170 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., c. C-37.02), the standardized property value of a related municipality must be established for a fiscal year prior to the fiscal year 2006, the standardized property value is established using the property assessment roll of the city that applied for that fiscal year and the comparative factor of the roll for that fiscal year, and taking into account the part of the roll that includes the immovables situated in the territory of the related municipality.

The same applies, with the necessary modifications, if the by-law provides that the values added to or withdrawn from the property assessment roll must be taken into account in respect of the property assessment roll of a related municipality for a fiscal year prior to the fiscal year 2006.

For each urban agglomeration concerned, the central municipality must provide, for every reconstituted municipality, the data established for the reconstituted municipality under the first two paragraphs.

7. This Order in Council comes into force on the day it is published in the *Gazette officielle du Québec*, except sections 1, 2 and 4, and section 5 to the extent that it concerns the transfer of property under the third paragraph of section 38 of Order in Council 1229-2005 dated 8 December 2005, which have effect from 1 January 2006.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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