

Authority: Administration Committee Report No. 2, Clause No. 2,
as adopted by City of Toronto Council on July 27, 28, 29 and 30, 1999
Enacted by Council: July 29, 1999

CITY OF TORONTO

BY-LAW No. 543-1999

To provide severance remuneration for members of Council.

WHEREAS subsection 242(1) of the Municipal Act provides that despite any general or special Act, Council may pass by-laws for paying remuneration to the members of Council, and such remuneration may be determined in any manner that Council considers advisable; and

WHEREAS under subsection 1(1) of the Municipal Act, “member” when referring to a member of a council includes the head of the council;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. In this By-law, “member” means a person who is or becomes a member of the Council of the City of Toronto, as incorporated under the City of Toronto Act, 1997 (No. 1), on or after January 2, 1998, and who is elected under the Municipal Elections Act, or appointed to fill a vacancy in the office of a member so elected.

2. (1) Subject to subsection (2), a member, who has served as a member of the Council for a minimum period of thirty (30) days, shall be paid severance remuneration upon ceasing to be a member.

(2) No severance remuneration shall be paid where the member’s seat becomes vacant by reason of, or the member resigns and the resignation is a result of or given in anticipation of the following:

- (a) the member being disqualified to be a member of the Council under the provisions of any Act of the Parliament of Canada or any Act of the Legislature of the Province of Ontario; or
- (b) the seat of the member of the Council becoming vacant by reason of the operation of any Act of the Parliament of Canada or any Act of the Legislature of the Province of Ontario.

3. (1) The severance remuneration payable under section 2 shall be equal to one-twelfth (1/12) of the member’s annual remuneration, at the rate in force immediately before he or she ceases to be a member, for each year of consecutive service to a maximum of twelve (12) years.

(2) The annual remuneration paid to a member for the discharge of duties as a member of the Council includes any salary, indemnity, allowance or other remuneration deemed by section 255, of the Municipal Act to be expenses incidental to the discharge of his or her duties as a member of the Council.

(3) Where a member's eligible years of consecutive service includes part of a year, the severance remuneration payable shall be calculated in proportion to the time actually served.

(4) If on December 31, 1997, a member was a member of the council of the former Municipality of Metropolitan Toronto, the former Borough of East York or the former Cities of Etobicoke, North York, Scarborough, Toronto or York, the member's prior years of continuous consecutive service as a member of the council of one or more of the former municipalities shall be counted for the purposes of calculating the member's years of consecutive service under subsection (1).

(5) A member's service shall be deemed to be consecutive despite any temporary break in the period of service as a result of a recount under the Municipal Elections Act.

4. (1) Severance remuneration shall be calculated by the Chief Financial Officer and Treasurer and shall be paid to the member at the same time as any other final payment by the City to the member.

(2) Despite subsection (1), the severance remuneration may be paid in two payments at the request of the member.

(3) Member contributions to the Ontario Municipal Employee Retirement System shall not be deducted from the severance remuneration.

5. (1) A member, who is eligible to receive severance remuneration under section 2, may also receive additional severance remuneration in the form of an allowance for out-placement, transition or retirement counselling of up to a maximum of three thousand, five hundred dollars (\$3,500.00).

(2) If a member does not use counselling services within one (1) year of ceasing to be a member, the counselling allowance shall not be due or paid.

(3) Despite section 4, the allowance for counselling services is payable only after approval of the receipts for the counselling services by the Chief Financial Officer and Treasurer.

ENACTED AND PASSED this 29th day of July, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)