

Authority: Government Management Committee Item 16.5, adopted as amended, by City of Toronto Council on July 15, 16 and 17, 2008 and § 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City
Enacted by Council: September 25, 2008

CITY OF TORONTO

BY-LAW No. 1024-2008

To amend further By-law No. 10649 of the former Corporation of the City of Toronto respecting the Toronto Fire Department Superannuation and Benefit Fund.

WHEREAS By-law No. 10649 of the former Corporation of the City of Toronto, a by-law “Respecting the Toronto Fire Department Superannuation and Benefit Fund”, as heretofore amended, governs the Toronto Fire Department Superannuation and Benefit Fund; and

WHEREAS it is desired to modify the composition of the pension committee constituting the administrator of such pension plan, to make certain other modifications consequent thereupon, to modify the provision for frequency of the meetings of such committee and to amend or clarify parts of the text of such By-law;

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

1. In this by-law,
 - (a) “By-law No. 10649” shall mean By-law No. 10649 of the former City as heretofore amended;
 - (b) “former City” means the former Corporation of the City of Toronto.
2. Section II of By-law No. 10649 as heretofore amended is further amended by
 - (a) inserting at the beginning thereof, immediately preceding the definition of “Act”, the text “In this By-law, unless the context clearly indicates otherwise, every instance of each expression defined in this Section shall be interpreted accordingly;
 - (b) striking out the word “committee” where same appears in paragraphs (i) and (ii) of the definition of “ ‘Spouse’ after December 31, 1987” therein and substituting therefor the word “Committee”;
 - (c) striking out the word “establish” where same appears in the definition of “Fund” therein and substituting therefor the word “established”;
 - (d) striking out the word “plan” where same appears in the definition of “member” therein and substituting therefor the word “Plan”;
 - (e) striking out the word “Fund” where same appears in the definition of “Service Credits” therein and substituting therefor the word “Plan”;

- (f) adding thereto the following new definitions:

“ ‘Committee’ means The Benefit Fund Committee as provided for in clauses VII(e) and (f).

* * * * *

‘Deputy City Treasurer’ means such senior subordinate of the City Treasurer as such Treasurer may from time to time appoint for the purpose.

* * * * *

‘Plan’ means the pension plan provided for in this By-law.”

3. Section VII of By-law No. 10649 as heretofore amended is further amended by

- (a) repealing paragraph (a) thereof and substituting therefor the following:

“(a) The composition of the Benefit Fund Committee shall be as specified in paragraph (e).” ;

- (b) modifying paragraph (e) thereof by

- (i) repealing clauses (iv) and (v) thereof as enacted by By-law No. 445-91 of the former City and substituting therefor the following:

“(iv) two representatives of the Toronto Fire Department Pensioners’ Association appointed by that Association for a term coinciding with the election term of its officers;

(v) subject to clauses (ix) and (ix.1), two alternate representatives of the said Association appointed in like manner for the same term;

- (ii) inserting between clauses (viii) and (ix) thereof the text “subject to the following provisions:”;

- (iii) adding thereto the following new clause:

“(ix.1) nothing in clause (ix) shall prevent an alternate representative referred to therein from attending any meeting of the Committee or, if the Committee so permits, from participating in any discussion thereat”;

- (c) modifying paragraph (f) thereof by striking out the text “paragraph (i) of this clause” wherever same appears in subparagraphs (ii) to (iv) thereof and substituting therefor in each case the text “subparagraph (i) of this paragraph”;

- (d) striking out the word “plan” at the end of clause (g)(i) thereof and substituting therefor the word “Plan”.
4. Section VII of By-law No. 10649 as amended by section 3 is further amended by
- (a) modifying paragraph (e) thereof by
 - (i) inserting at the beginning of clause (ii) thereof the text “subject to subclauses (f.1)(i)(A) and (iv)(A), ”;
 - (ii) inserting at the beginning of clause (iii) thereof the text “subject to clauses (ix) to (ix.2) and (f.1)(i) and (ii), ”;
 - (iii) inserting at the beginning of clause (iv) thereof the text “subject to subclauses (f.1)(iii)(B) and (iv)(B) and clause (f.2)(i), ”;
 - (iv) striking out the words “clauses (ix) and (ix.1)” at the beginning of clause (v) thereof and substituting therefor the text “clauses (ix.2) to (ix.4) and (f.2)(ii), and subclauses (f.1)(iii)(B) and (iv)(B)”;
 - (v) inserting at the beginning of clause (viii) thereof the text “subject to paragraph (f.2), ”;
 - (vi) adding thereto the following new clauses:
 - “(ix.2) none of the alternate representatives referred to in clauses (iii) and (v) shall when not acting in the stead of an absent representative be considered to be a member of the Committee for the purposes of establishing a quorum or a majority to determine any question or matter;
 - (ix.3) each alternate representative referred to in clause (v) shall receive notices, agendas and minutes of each Committee meeting, and may attend same, but unless clause (ix.4) is applicable to him shall not have the right at any such meeting to
 - (A) participate in any discussion thereat, unless the Committee so permits; or
 - (B) vote on any matter.
 - (ix.4) if any representative appointed pursuant to clause (iv) is absent from a meeting of the Committee or any part thereof,
 - (A) any alternate representative appointed pursuant to clause (v) and who is present thereat may for all purposes act in the stead of such absent representative during such absence,

but

(B) no such alternate representative may simultaneously act in the stead of more than one absent representative; and

(C) if the number of such alternate representatives present at any meeting of the Committee is greater than the number of such absent representatives, the determination of which of them shall act pursuant to subclause (A) shall be made by agreement among them, failing which they shall draw lots.”
; and

(vii) inserting at the beginning of each of clauses (x) and (xi) thereof the text “Subject to clause (f.2)(iv), ”; and

(b) adding thereto the following new paragraphs:

“(f.1) From the time that the number of fire fighters who are members of the Plan declines to

(i) three, clause (e)(iii) shall, subject to clause (ii) below, be treated as if the opening words thereof to and including the word ‘members’ in the first line thereof read ‘one alternate representative of the fire fighters who is a member’; and

(ii) two, clause (e)(iii) shall cease to apply;

(iii) one,

(A) clause (e)(ii) shall, subject to subclause (iv)(A) below, be treated as if the opening words thereof to and including the word ‘members’ in the first line thereof read ‘one representative of the fire fighters who is a member’; and

(B) clauses (e)(iv) and (v) shall, subject to subclause (iv)(B) below respectively, be treated as if the word ‘two’ where it appears therein in each case read ‘three’

(iv) zero,

(A) clause (e)(ii) and Sections VIII to X shall cease to apply;

(B) clauses (e)(iv) and (v) shall, subject respectively to clauses (f.2)(i) and (ii), be treated as if the word ‘two’ where it appears therein in each case read ‘four’;

- (f.2) Effective the 1st day of January, 2009,
- (i) clause (e)(iv) shall be treated as if the word ‘two’ where it appears therein in each case read ‘three’;
 - (ii) clause (e)(v) shall be treated as if the word ‘two’ where it appears therein in each case read ‘three or fewer’;
 - (iii) clause (e)(viii) shall cease to apply;
 - (iv) in clauses (x) and (xi), the reference in each to ‘the Chief of the Fire Department’ shall be disregarded.”
- 5.** (1) Section VIII and paragraphs X(1)(a) and (b) of By-law No. 10649 as heretofore amended are further amended by inserting at the beginning of each thereof the text “Subject to subclause VII(f.1)(iv)(A), ”;
- (2) Section IX of By-law No. 10649 as heretofore amended is further amended by
- (a) inserting at the beginning thereof, immediately preceding clause (a), a new paragraph as follows:
 - (a.0) “Subject to subparagraph VII(f.1)(iv)(A), nominations for the representatives and alternate representatives to be elected pursuant to Section VIII shall be made in accordance with paragraphs (a) to (c).” ;
 - (b) adding thereto the following new paragraphs:
 - “(b.1) If there are fewer than three fire fighters who are members of the Plan, no seconder shall be required for a nomination of a candidate.
 - (b.2) If there is only a single fire fighters who is a member of the Plan, he may nominate himself as the candidate.” ;
 - (c) inserting at the beginning of paragraph (c) thereof the text “Subject to paragraphs (b.1) and (b.2).”
- 6.** Section XII of By-law No. 10649 as heretofore amended is further amended by striking out its first sentence and substituting therefor the sentence “The Benefit Fund Committee shall meet, taking into account the meeting provided for in Section XI, quarterly at such time and place as the Committee may decide”.

7. Section XXIIA of By-law No. 10649 as enacted by By-law No. 22402 of the former City and amended by By-law No. 584-91 thereof is further amended by
- (a) striking out the words “pension plan provided herein” where same appear therein and substituting therefor the word “Plan”;
 - (b) striking out the words “with the reference” where same appear therein and substituting therefor the words “with reference”; and
 - (c) striking out the words “said plan” where same appear therein and substituting therefor the word “Plan”.
8. Paragraph XXIII(1)(f) of By-law No. 10649 as heretofore amended is further amended by striking out the words “this Plan” in the second line thereof and substituting therefor the words “the Plan”.
9. (1) Except as provided in subsections (2) to (3), this by-law shall come into force on the date of its enactment and passing.
- (2) Sections 3, 7 and 8 shall be deemed to have come into force on the 1st day of January, 1998.
- (3) Sections 4 and 5 shall be deemed to have come into force on the 1st day of January, 2001.

ENACTED AND PASSED this 25th day of September, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)