

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. 1025-2008

To amend further By-law No. 380-74 of the former Corporation of the City of Toronto respecting civic employees' pensions and other benefits.

WHEREAS By-law No. 380-74 of the former Corporation of the City of Toronto, a by-law "To establish a pension plan to be known as the '1974 Improved Plan' ", as heretofore amended, governs the Toronto Civic Employees Pension 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 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. 380-74" shall mean By-law No. 380-74 of the former City as heretofore amended;
 - (b) "former City" means the former Corporation of the City of Toronto.
2. Section 1 of By-law No. 380-74 as heretofore amended is further amended by adding thereto the following new definition:

" 'Deputy City Treasurer' means such senior subordinate of the City Treasurer as such Treasurer may from time to time appoint for the purpose".
3.
 - (1) Paragraph 15(2)(i) of By-law No. 380-74 is repealed.
 - (2) Subsections 15(4) and (5) of By-law No. 380-74 as heretofore amended are repealed and the following substituted therefor:
 - "(4) The City Treasurer shall be an *ex officio* member of the Committee and may appoint one of his or her subordinates, other than the Secretary of the Committee or a person acting for that Secretary, to attend and vote at meetings thereof in his or her stead.
 - (5) When the office of the City Treasurer is vacant, the Deputy City Treasurer shall be *pro tempore* an *ex officio* member of the Committee with the powers of the City Treasurer in that respect."

4. (1) Subsection 15(2) of By-law No. 380-74 as heretofore amended is further amended by
- (a) inserting at the beginning of paragraph (a) thereof the text “subject to paragraph (2.1)(a), ”;
 - (b) striking out the text “subject to subsection (3) of this Section” at the beginning of each of paragraphs (b), (d) and (f) thereof and substituting therefor in each case the text “subject to subsections (3) to (3.2)”;
 - (c) inserting at the beginning of paragraph (c) thereof the text “subject to paragraph (2.2)(a), ”;
 - (d) inserting at the beginning of paragraph (e) thereof the text “subject to paragraph (2.3)(a), ”;
 - (e) modifying paragraph (k) thereof as enacted by By-law No. 343-86 of the former City by
 - (i) inserting at the beginning thereof the text “subject to paragraphs (2.1)(b), (2.2)(b) and (2.3)(b) and (2.4)(b), ”;
 - (ii) striking out the text from and including the word “Council” in the second line thereof to and including the word “coincide” in the third line thereof and substituting therefor the text “that Association for a term coinciding”; and
 - (iii) striking out the period at the end thereof word and substituting therefor the text “; and”;
 - (f) modifying paragraph (l) thereof as enacted by By-law No. 343-86 of the former City by
 - (i) striking out the text “Subject to subsection (3) of this Section” at the beginning thereof and substituting therefor the text “subject to subsections (3.2) to (3.4)”;
 - (ii) striking out the text from and including the word “Council” in the second line thereof to and including the word “coincide” in the fourth line thereof and substituting therefor the text “that Association for a term coinciding”.
- (2) Section 15 of By-law No. 380-74 as heretofore amended is further amended by adding thereto the following new subsection:
- “(3.1) Nothing in subsection (3) shall prevent an alternate member referred to therein from attending any meeting of the Committee or, if the Committee so permits, from participating in any discussion thereat”.

- (3) Section 15 of By-law No. 380-74 as heretofore amended is further amended by adding thereto the following new subsections:

“(2.1) Effective the 1st day of December, 2001,

- (a) paragraph (2)(a) shall cease to apply;
- (b) in paragraph (2)(k),
 - (i) subject to paragraph (2.2)(b), the words ‘one member’ near the beginning thereof shall be treated as if they read ‘two members’; and
 - (ii) the word ‘term’ where it first appears therein shall be treated as if it read ‘term in each case’; and
- (c) in paragraph (2)(l),
 - (i) subject to paragraph (2.2)(c), the words ‘one alternate who is’ near the beginning thereof shall be treated as if they read ‘two alternates who are’; and
 - (ii) the word ‘term’ where it first appears therein shall be treated as if it read ‘term in each case’.

(2.2) Effective the 1st day of March, 2004,

- (a) paragraph (2)(e) shall cease to apply;
- (b) in paragraph (2)(k), subject to paragraph (2.3)(a), the words ‘one member’ at the beginning thereof shall be treated as if they read ‘three members’; and
- (c) subject to paragraph (2.3)(b), in paragraph (2)(l), the words ‘one alternate who is’ near the beginning thereof shall be treated as if they read ‘one or more alternates not in excess of three who are’.

(2.3) Effective the 1st day of January, 2008,

- (a) subject to paragraph (2.4)(b), in paragraph (2)(k), the words ‘one member’ at the beginning thereof shall be treated as if they read ‘two members’;
- (b) subject to paragraph (2.4)(c), in paragraph (2)(l), the words ‘one alternate who is’ near the beginning thereof shall be treated as if they read ‘one or two alternates who are’.

- (2.4) From the time of the cessation of the existence of the class of members of the 1974 Improved Plan who are members of Local 79 as described in paragraph (2)(c),
- (a) that paragraph, subsection (6) and Sections 16 and 21 shall cease to apply; and
 - (b) in paragraph (2)(k), the words ‘one member’ at the beginning thereof shall be treated as if they read ‘three members’;
 - (c) in paragraph (2)(l), the words ‘one alternate who is’ near the beginning thereof shall be treated as if they read ‘one or more alternates not in excess of three who are’.

* * * * *

- (3.2) None of the alternates referred to in paragraphs (2)(b),(d), (f) and (l) shall when not acting in the stead of an absent member be considered to be a member of the Committee for the purposes of establishing a majority to determine any question or matter, and those paragraphs other than (l) shall cease to apply in each case once the number of members of the Local or employee group referred to therein falls below two.
- (3.3) Each alternate member referred to in paragraph (2)(l) or subsection (6) shall receive notices, agendas and minutes of each Committee meeting, and may attend same, but unless subsection (3.4) is applicable to him or her 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.
- (3.4) If any member of the Committee appointed pursuant to paragraph (2)(l) is absent from a meeting of the Committee or any part thereof,
- (a) any member of the Committee appointed as an alternate pursuant to paragraph (2)(k) and who is present thereat may for all purposes act in the stead of such absent member during such absence,
- but
- (b) no such alternate may simultaneously act in the stead of more than one absent member of the Committee; and

- (c) if the number of such alternates present at any meeting of the Committee is greater than the number of such absent members, the determination of which of them shall act pursuant to paragraph (a) shall be made by agreement among them, failing which they shall draw lots.”
 - (4) Subsection 15(3) of By-law No. 380-74 as heretofore amended is further amended by
 - (a) inserting at the beginning of paragraph (a) thereof the text “subject to paragraphs (2.1)(a) and (2.2)(a), ”;
 - (b) striking out the text “(d), (f) and (l)” and substituting therefor the text “(d) and (f)”.
 - (5) Subsection 15(6) of By-law No. 380-74 as heretofore amended is further amended by inserting immediately following the text “(2)(a) to (f)” in the part thereof preceding paragraph (a) the text “or Section 16”.
- 5.** Section 21 of By-law No. 380-74 as heretofore amended is further amended by
- (a) inserting at the beginning thereof the text “Subject to paragraph 15(2.4)(a), “;
 - (b) inserting at the beginning of each of subsections (3) and (4) thereof the text “Subject to subsections (3.1) and (3.2), “;
 - (c) adding thereto the following new subsections:
 - “(3.1) If there are fewer than three members of an employee group to which subsection (3) applies, no seconder shall be required for a nomination of a candidate from that group.
 - (3.2) if there is only a single member in an employee group to which subsection (3) applies, the member may nominate himself as the candidate from that group.”
- 6.**
- (1) Except as provided in subsections (2) to (4), this by-law shall come into force on the date of its enactment and passing.
 - (2) Section 3 shall be deemed to have come into force on the 1st day of January, 2008.
 - (3) Except for subclauses 4(1)(e)(ii) and 4(1)(f)(ii) and subsection 4(2), sections 4 and 5 shall be deemed to have come into force on the 1st day of January, 2000.

- (4) Subclauses 4(1)(e)(ii) and 4(1)(f)(ii) and subsection 4(2) shall be deemed to have come into force on the 1st day of January, 1998.

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

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)