

Authority: Executive Committee Item EX11.11, as adopted by City of Toronto Council on February 3 and 4, 2016 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City

## **CITY OF TORONTO**

### **BY-LAW No. 128-2016**

#### **To amend former City of Toronto By-law No. 380-74, as amended, with respect to 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 amended, governs the Toronto Civic Employees Pension and Benefit Fund; and

Whereas it is desired to update such By-law as so amended by eliminating various provisions which have ceased to be operable and by modifying the provisions relating to City representation on the said plan's Pension Committee;

The Council of the City of Toronto enacts:

1. In this by-law, "By-law No. 380-74" means By-law No. 380-74 of the former Corporation of the City of Toronto, as amended.
2. Subsection 15(2) of By-law No. 380-74 is amended by
  - (a) striking out the words "subsection (6) and" in the first line;
  - (b) repealing paragraphs (c) and (d);
  - (c) repealing paragraph (j) and substituting the following:
    - "(j) one person appointed by the City Manager from among his or her subordinates for a term as provided for in subsection (2.1), subject to subsection (2.2);
    - (j.1) one person appointed by the Deputy City Manager and Chief Financial Officer from among his or her subordinates for a term as provided for in subsection (2.1), subject to subsection (2.2);"
  - (d) striking out the word "two" at the beginning of paragraph (k) and substituting "three";
  - (e) striking out the word "two alternates who are" in the first line of paragraph (l) and substituting "one or more alternates not in excess of three who are";
3. Subsection 15(2.1) of By-law No. 380-74 as enacted by By-law No. 207-2013 is repealed and the following substituted:

"(2.1) Subject to subsection (2.2), the term of office of any designate provided for in paragraph (2)(j) or (j.1) shall coincide with the remainder of the term of the City

Council in existence when the designate is appointed, or such shorter term as the document appointing the designate may specify.

- (2.2) Notwithstanding the appointment of a person under paragraph (2)(j) or (j.1), the City Manager, or the Deputy City Manager and Chief Financial Officer, as the case may be, may at any time make a further appointment under that paragraph and thereupon such further appointment shall, to the extent inconsistent with any previous appointment, supersede such previous appointment."
4. Subsection 15(3) of By-law No. 380-74 is repealed and the following substituted:
- "(3) Alternate members of the Committee provided for in paragraph (2)(l) shall receive notices, agendas and minutes of all Committee meetings, but only when acting in the stead of an absent member shall an alternate member have the right to participate in Committee discussions and vote on any matter coming before the Committee."
5. Subsection 15(3.2) as enacted by By-law No. 207-2013 is repealed and the following substituted:
- "(3.2) None of the alternates provided for in paragraph (2)(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."
6. Subsection 15(3.3) of By-law No. 380-74 as enacted by By-law No. 207-2013 is repealed.
7. Subsection 15(5) of By-law No. 380-74 is repealed and the following substituted:
- "(5) When the office of the City Treasurer is vacant, the person acting in his or her stead shall be *pro tempore* an *ex officio* member of the Committee with the powers of the City Treasurer in that respect."
8. Subsection 15(6) of By-law No. 380-74 is repealed and the following substituted:
- "(6) The cessation in office of the City officer who has made the appointment of a designate under paragraph (2)(j) or (2)(j.1), shall not affect the continuing validity of such appointment.
- (7) If there is a cessation of office as described in subsection (6), the individual exercising the powers of that office during any resulting vacancy shall have the power to make a further appointment under subsection (2.1).
- (8) The cessation of the employment with the City of any designate appointed under paragraph (2)(j) or (2)(j.1) shall constitute his or her resignation from the Committee."
9. Sections 16 and 21 of By-law No. 380-74 are repealed.

- 10.** (1) Except as provided for in subsection (2), this by-law shall come into force on the date of its enactment and passing.
- (2) Clauses 2(a), (b), (d) and (e) and sections 4, 5, 6 and 9 shall be deemed to have come into force on December 1, 2013.

Enacted and passed on February 4, 2016.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)