

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. 129-2016**

#### **To amend further By-law No. 181-81 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits.**

Whereas By-law No. 181-81 of the former Municipality of Metropolitan Toronto, a by-law "To provide pensions and death benefits to members of the Metropolitan Police Force", as amended, governs both the fund known as the "Metropolitan Toronto Police Benefit Fund" and the pension plan which it underwrites; and

Whereas it is desired to update such By-law as so amended by correcting certain clerical errors therein and in certain previous amending by-laws, by eliminating various provisions which have ceased to be operable, and by modifying the provisions relating to City representation on the said plan's Board of Trustees;

The Council of the City of Toronto enacts:

1. In this by-law, any reference to an "amalgamation By-law" means a By-law of the former Municipality of Municipality of Metropolitan Toronto as amended.
2. Subsection 4(2) of amalgamation By-law No. 149-97 is amended by striking out the text "15-92" in the first line and substituting "181-81".
3. (1) Section 2 of By-law No. 1104-2009 is amended by:
  - (a) striking out the text:
    - (i) "clause 1(a)" in clause (2)(a) and substituting "clause 1(1)(a)";
    - (ii) "clause 1(c)" in clause (2)(b) and substituting "clause 1(1)(c)";
    - (iii) "subsection 6(2)" in clause (2)(d) and substituting "subsections 6(2) and (7)";
  - (b) striking out the text "Subsection 1(2.1)" at the beginning of subsection (3) and substituting "Subsection 1(1.2)";
  - (c) striking out the text "Subsection 6(2.1)" at the end of subsection (8) and substituting "Subsection 5(2.2)";
  - (d) repealing subsection (9).
- (2) Subsection 11(4) of By-law No. 1104-2009 is amended by striking out the text "section 10" in the first line and substituting "section 9".
4. (1) Clauses 3(1)(c) and 3(1.1)(a) and subsections 3(2.1) and (4.1) of amalgamation By-law No. 181-81 are repealed.

- (2) Clauses 3(1)(b) and (d) of amalgamation By-law No. 181-81 are repealed and the following substituted:

"CM Appointee	(b)	one person appointed by the City Manager from among his or her subordinates;
DCM/CFO Appointee	(c)	one person appointed by the Deputy City Manager and Chief Financial Officer from among his or her subordinates;
City Treasurer	(d)	the City Treasurer, who may from time to time designate one of his or her subordinates, other than the secretary of the Board or a person acting for that secretary, to attend and vote at one or more specific Board meetings or at Board meetings generally, in his or her stead;"

- (3) Clause 3(1)(ea) of amalgamation By-law No. 181-81 is amended by:
- (a) striking out the text "subject to clauses (1.1)(b) and (1.3)(b) and (c)" at the beginning and substituting "subject to clauses (1.1)(b) and (1.3)(b)"; and
  - (b) striking out the text "three persons" where it occurs and substituting "two persons".
- (4) Clause 3(1)(f) of amalgamation By-law No. 181-81 is repealed.
- (5) Subsection 3(2) of amalgamation By-law No. 181-81 is amended by striking out the text "clause (1.1)(a) and" in the first line.
- (6) Section 3 of amalgamation By-law No. 181-81 is amended by adding the following four new subsections immediately following subsection (2):

"Further Appointment (2.1) Notwithstanding the appointment of a person under clause (1)(b) or (c), 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 such clause and thereupon such further appointment shall, to the extent inconsistent with any previous appointment, supersede such previous appointment.

Cessation of Office (2.2) The cessation in office of the City officer who has made the appointment of a designate under clause (1)(b) or (c), shall not affect the continuing validity of such appointment.

City of Toronto By-law No. 129-2016

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Powers of Office (2.3) If there is a cessation of office as described in subsection (2.2), 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).

Cessation of Employment (2.4) The cessation of the employment with the City of any designate appointed under clause (1)(b) or (c) shall constitute his or her resignation from the Committee."

(7) Subsection 3(3) of amalgamation By-law No. 181-81 is amended by striking out the text "as may be given to him" at the end and substituting "as the Board may issue".

(8) Subsection 3(4) of amalgamation By-law No. 181-81 is repealed and the following substituted:

"Board Majority Decisions/ Quorum (4) Subject to subsections (4.2) to (4.5), decisions of the Board of Trustees shall be by majority vote at a meeting of which all its members have been given reasonable advance notice and at which there is present a quorum consisting of

Treasurer (a) the City Treasurer or such Treasurer's designate; and

Trustees (b) three other Trustees."

(9) Subsection 3(4.4) of amalgamation By-law No. 181-81 is amended by striking out the text "clause (4)(a) or subsection (4.1), as applicable" where it occurs and substituting "subsection (4)".

(10) Clause 3(6a)(b) of amalgamation By-law No. 181-81 is amended by striking out the text "clause (3)(1.3)(c)" where it occurs and substituting "clause (3)(1.3)(b)".

5. (1) Clauses 5(2)(a) to (c) of amalgamation By-law No. 181-81 are repealed and the following substituted:

"(a) disregard of item (b)(i)(C) and subclause (d)(i.1) thereof;

(b) treatment of each instance of the word 'officer' or its plural wherever same occurs in those clauses as if such word read "pensioner" or its plural, as applicable."

(2) Subsection 5(2.1) of amalgamation By-law No. 181-81 is amended by striking out the word "employee" where it occurs in the part preceding clause (a) and substituting "officer".

6. (1) Subject to subsections (2) to (5), this by-law shall be deemed to have come into force on the date of its enactment and passing.

(2) Section 2 shall be deemed to have come into force on October 9, 1997.

- (3) Subsection 4(10) shall be deemed to have come into force on January 1, 1998.
- (4) Clause 4(3)(a) and section 5 shall be deemed to have come into force on July 17, 2008.
- (5) Section 3 shall be deemed to have come into force on October 27, 2009.
- (6) Subsections 4(1) and (5) and clause 4(3)(b) shall be deemed to have come into force on December 1, 2010.

Enacted and passed by an affirmative vote of at least two-thirds of the Members of Council present and voting on February 4, 2016.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)