

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. 130-2016

To amend further By-law No. 15-92 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits.

Whereas By-law No. 15-92 of the former Municipality of Metropolitan Toronto, a by-law "To provide pensions for employees, their spouses and children of the Metropolitan Corporation and other participating employers", as amended, governs the Metropolitan Toronto Pension Plan; and

Whereas it is desired to update such By-law as so amended by eliminating various provisions which have ceased to be operable, by correcting certain clerical errors, by harmonizing its terminology with current legislation 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, "By-law No. 15-92" means By-law No. 15-92 of the former Municipality of Metropolitan Toronto as amended.
2. Subclause 1(1)(ee)(i) of By-law No. 15-92 is amended by striking out the words "on account of a member" where they occur and substituting "on account of the member".
3. Clauses 3(1)(b) to (e) of By-law No. 15-92 are repealed and the following substituted: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;
Pensioners	(e)	three members of the Plan elected by the pensioners in accordance with section 5."

4. (1) Subsections 3(1.1) and (1.2) of By-law No. 15-92 as enacted by By-law No. 1042-2008 are repealed.
- (2) Section 3 of By-law No. 15-92 is amended by adding the following four new subsections immediately following subsection (1):

"Further Appointment (1.1) 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 (1.2) 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.

Powers of Office (1.3) If there is a cessation of office as described in subsection (1.2), the individual exercising the powers of that office during any resulting vacancy shall have the power to make a further appointment under subsection (1.1).

Cessation of Employment (1.4) 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."

5. Subsection 3(2) of By-law No. 15-92 is repealed and the following substituted:

"Term of Office (Non-Designates) (2) Except as provided for in subsection (2.1), the term of office of a Trustee shall coincide with the term of office of the Council in existence when the Trustee is elected or appointed and until the Trustee's successor has been elected or appointed.

Term of Office (Designates) (2.1) Subject to subsection (1.1), the term of office of any designate provided for in clause (1)(b) or (c) shall coincide with the remainder of the term of the Council in existence when the designate is appointed, or such shorter term as the document appointing the designate may specify."

6. (1) Subsection 3(4) of By-law No. 15-92 is repealed and the following substituted:

"Board Majority Decisions/ Quorum (4) Subject to subsections (4.1) to (4.4), 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."

- (2) Subsection 3(4.3) of By-law No. 15-92 is amended by striking out the text "clause (4)(a)" where it occurs and substituting "subsection (4)".
7. Subsections 3(5) and (7) of By-law No. 15-92 are repealed.
8. (1) Subsection 3(8) of By-law No. 15-92 is amended by:
- (a) striking out the text "or (c)" in the first line of clause (a);
 - (b) striking out the part of clause (b) preceding subclause (ii) and substituting the following:
 - "Elected Trustee (b) elected by the pensioners pursuant to clause (1)(e),
 - (i) not later than the last day of May in the last year of the term of office of a Council, such vacancy shall be filled by election pursuant to the provisions of clause 7(a) for the remainder of the term described in subsection (2);"
 - (c) adding the following new clause immediately following clause (b):
 - "Designate (c) appointed pursuant to clause (1)(b) or (c), the City officer responsible for making an appointment under that clause shall expeditiously appoint a successor designate."
- (2) Subsection 3(9) of By-law No. 15-92 is repealed.
9. Subsection 4(5.1) of By-law No. 15-92 as enacted by By-law No. 109-095 of the former Metropolitan Corporation is amended by striking out the word "Pension" where it occurs and substituting "Financial Services".
10. (1) The heading immediately preceding section 5 of By-law No. 15-92 is amended by striking out the words "EMPLOYEE REPRESENTATIVE" and substituting "PENSIONER REPRESENTATIVES".
- (2) Section 5 of By-law No. 15-92 is amended by:
- (a) striking out the part thereof preceding clause (a) and substituting therefor "The election of the members of the Board of Trustees who are the representatives of the pensioners pursuant to clause 3(1)(e) shall be conducted as follows";
 - (b) striking out the phrases "employee member" and "employee members" wherever same occur therein and substituting therefor "pensioner" and "pensioners" respectively;

- (c) striking out the words "member" and "members" wherever same occur and substituting "pensioner" and "pensioners" respectively;
- (d) striking out the words "employee" and "employees" wherever same occur and substituting "pensioner" and "pensioners" respectively;
- (e) striking out subclauses (a)(i) and (ii) and substituting the following:
 - "to each pensioner
 - (i) a notice calling for nominations for such positions; and
 - (ii) a nomination form with instructions for completion, taking into appropriate account the content of clause (b) and, if and to the extent applicable, clause (a.1) or (a.2);"

(3) Section 6 of By-law No. 15-92 is repealed.

11. Section 7 of By-law No. 15-92 is repealed and the following substituted:

"Pensioner Representative Vacancy	7.	Whenever the office of a Trustee elected by the pensioners pursuant to section 5 becomes vacant	
	Before last 6 months	(a)	as described in subclause 3(8)(b)(i), the clerk of the City shall expeditiously proceed under section 5, except that <ul style="list-style-type: none">(i) the final date for receipt by the clerk of nominations as mentioned in subclause 5(b)(iii) shall be such date as the clerk determines will be one month later than the date on which the notice calling for nominations will have been fully circulated as required;(ii) the date for closing of the poll as mentioned in clause 5(d) shall be one month later than the final date referred to in subclause (i);
	During last 6 months	(b)	as described in subclause 3(8)(b)(ii), the clerk of the City shall apply to the Executive Committee of the Council for directions pursuant to that subclause"

12. Subsection 31(6) of By-law No. 15-92 is amended by striking out the part from the beginning to and including the words "pursuant to the PBA" and substituting "If at the time of an employee pensioner's death a person other than the pensioner's spouse is living who is the pensioner's former spouse within the meaning of the PBA, and who is entitled to survivor benefits under the Plan in respect of the pensioner pursuant to the PBA".

13. (1) Subject to subsections (2) to (4), this by-law shall be deemed to have come into force on the date of its enactment and passing.

- (2) Sections 2 and 12 shall be deemed to have come into force on January 1, 1992.
- (3) Section 9 shall be deemed to have come into force on April 1, 1998.
- (4) Subsections 4(1) and 8(2) and sections 10 and 11 shall be deemed to have come into force on February 1, 2012.

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)