

Authority: Executive Committee Item EX34.31, as adopted by City of Toronto Council on May 22, 23 and 24, 2018

CITY OF TORONTO

BY-LAW 611-2018

To amend City of Toronto Municipal Code Chapter 223, Remuneration for Council Members, to impose a lifetime maximum severance amount of 12 months.

Whereas the City of Toronto Act, 2006 provides the authority to pay remuneration to members of Council, subject to the limitations contained in section 222; and

Whereas Toronto Municipal Code Chapter 223, Remuneration for Council Members provides for the payment of severance remuneration to any member who has served a minimum period of 30 days upon the member ceasing to be a member; and

Whereas Council wishes to impose a lifetime maximum severance amount of twelve months for any member who ceases to be a member; and

Whereas Chapter 223, Remuneration for Council Members requires housekeeping updates to reflect recent Council decisions and to align the style and formatting of the chapter to the current Municipal Code standard;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 223, Remuneration for Council Members, is amended by replacing Chapter 223, with the updated version attached as Schedule A to this by-law.

Enacted and passed on May 24, 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A

Chapter 223

REMUNERATION FOR COUNCIL MEMBERS

ARTICLE 1

Remuneration of Mayor and Members of Council

§ 223-1.1. Annual increase.

The remuneration paid to the Mayor and to other Members of Council shall be increased annually on January 1 of the year by the increase in Statistics Canada's Toronto Consumer Price Index, as calculated by the Chief Financial Officer and based on the previous year's average.

ARTICLE 2

Severance Remuneration for Members of Council

§ 223-2.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CHIEF FINANCIAL OFFICER - The person appointed by Council as the City's Chief Financial Officer and includes the Treasurer acting under delegated authority.

MEMBER - A person who is or becomes a member of the Council of the City of Toronto, as incorporated under the City of Toronto Act, 1997 (No. 1), on or after January 2, 1998, and who is elected under the Municipal Elections Act, or appointed to fill a vacancy in the office of a member so elected.

TREASURER - A person appointed to the management position of Treasurer in the City's administrative organization and who has also been appointed as a deputy treasurer under section 138 of the City of Toronto Act, 2006.

§ 223-2.2. Eligibility to receive remuneration.

- A. Subject to Subsections B and C, a member who has served as a member of the Council for a minimum period of 30 days shall be paid severance remuneration upon ceasing to be a member.
- B. No severance remuneration shall be paid where the member's seat becomes vacant by reason of, or the member resigns and the resignation is a result of or given in anticipation of the following:

- (1) The member being disqualified to be a member of the Council under the provisions of any Act of the Parliament of Canada or any Act of the Legislature of the Province of Ontario; or
 - (2) The seat of the member of the Council becoming vacant by reason of the operation of any Act of the Parliament of Canada or any Act of the Legislature of the Province of Ontario.
- C. No severance remuneration shall be paid to a member where the member is convicted of any of the following offences under the Criminal Code, R.S.C. 1985, as amended from time to time, in connection with the member's conduct as a member of the Council:
- (1) Section 122 (breach of trust; fraud);
 - (2) Section 123 (municipal corruption); or
 - (3) Section 426 (secret commissions).

§ 223-2.3. Amount.

- A. Subject to Subsection B, the severance remuneration payable under § 223-2.2 shall be equal to 1/12 of the member's annual remuneration, at the rate in force immediately before the member ceases to be a member, for each year of consecutive service.
- B. The total severance remuneration payable during a member's lifetime shall be for a maximum of 12 years of service.
- C. The annual remuneration paid to a member for the discharge of duties as a member of the Council includes any salary, indemnity, allowance or other remuneration deemed by section 283(5) of the Municipal Act, 2001 to be expenses incidental to the discharge of the member's duties as a member of the Council.
- D. Where a member's eligible years of consecutive service includes part of a year, the severance remuneration payable shall be calculated in proportion to the time actually served.
- E. If on December 31, 1997, a member was a member of the Council of the former Municipality of Metropolitan Toronto, the former Borough of East York or the former Cities of Etobicoke, North York, Scarborough, Toronto or York, the member's prior years of continuous consecutive service as a member of the council of one or more of the former municipalities shall be counted for the purposes of calculating the member's years of consecutive service under Subsection A.
- F. A member's service shall be deemed to be consecutive despite any temporary break in the period of service as a result of a recount under the Municipal Elections Act.
- G. Subject to the lifetime maximum set out in Subsection B, where a person who has ceased to be a member of the Council, whether or not the person was eligible for severance

remuneration under this article at that time, becomes again a member of the Council, any subsequent remuneration paid under this article shall be based on the member's eligible years of consecutive service from the date that the person again becomes a member of the Council.

§ 223-2.4. Severance remuneration.

- A. Severance remuneration, including the number of years served, shall be calculated by the Chief Financial Officer subject to Subsections B, C, D, E and F, as of the date the member ceases to be a member and shall be paid to the member at the same time as any other final payment by the City to the member.
- B. If a member of Council ceases to be a member and becomes again a member of Council, any subsequent severance remuneration calculation(s) to be made by the Chief Financial Officer shall:
 - (1) not recalculate any previous severance remuneration paid;
 - (2) not include any salary, indemnity, allowance or other remuneration used to calculate a previous severance remuneration paid; and
 - (3) calculate the member's lifetime years of service and ensure that no severance remuneration paid results in the maximum of 12 years of service being exceeded.
- C. The severance remuneration may be paid in two payments at the request of the member.
- D. Member contributions to the Ontario Municipal Employee Retirement System shall not be deducted from the severance remuneration.
- E. A member who is charged with an offence as set out in § 223-2.2C shall not receive any severance remuneration until all the charges are withdrawn or the member is acquitted of all the charges that are not withdrawn.
- F. While any of the charges as set out in § 223-2.2C are pending or a conviction is under appeal, the severance remuneration to which the member is otherwise entitled shall be held in trust by the Chief Financial Officer.

§ 223-2.5. Counselling service.

- A. A member who is eligible to receive severance remuneration under § 223-2.2 may also receive additional severance remuneration in the form of an allowance for out-placement, transition or retirement counselling of up to a maximum of \$3,500.
- B. If a member does not use counselling services within one year of ceasing to be a member, the counselling allowance shall not be due or paid.
- C. Despite § 223-2.4, the allowance for counselling services is payable only after approval of the receipts for the counselling services by the Chief Financial Officer.