

Authority: Item CC1.1, adopted as amended, by City of Toronto Council on December 4, 5 and 13, 2018 and Section 169-5.2 of City of Toronto Municipal Code Chapter 169, Officials, City

CITY OF TORONTO

BY-LAW 456-2019

To amend further By-law 1428-2017, to change the composition of the York Employees' Pension Fund Committee to reflect the reduction in Council size.

Whereas By-law 1428-2017, a by-law "To consolidate former City of York By-law 3349-96 and all amendments respecting pensions and other benefits and privileges" governs The Corporation of the City of York Employee Pension Plan; and

Whereas the City of Toronto Act, 2006 was amended to reduce the number of wards and ward councillors in the City of Toronto to 25 effective for the 2018 to 2022 Council term; and

Whereas the reduced size of Council necessitates the reduction in the appointments of Council Members to boards, committees and external bodies, including the York Employees' Pension Fund Committee; and

Whereas Council has adopted changes to the committees structure and other changes necessitated by the new 25 ward Council; and

Whereas Council has amended the title of "Treasurer" and substituted "Controller" in its place; and

Whereas it is necessary to amend By-law 1428-2017, to give effect to these changes;

The Council of the City of Toronto enacts:

1. By-law 1428-2017, as amended, is further amended by:
 - (a) deleting "Treasurer" and "City Treasurer" wherever they appear and substituting "Controller"; and
 - (b) repealing Section 19.03 as amended to date, including its heading, and substituting the following:

19.03 Employees' Pension and Benefit Committee

 - (a) The Plan shall be administered by a Committee to be known as the York Employees' Pension and Benefit Committee which shall be composed of:
 - (i) the Controller, who may designate an individual to act as his or her representative at any meeting of the Committee and exercise his or her voting rights;

- (ii.1) the City Manager, who may designate an individual to act as his or her representative at any meeting of the Committee and exercise his or her voting rights;
 - (ii.2) the Chief Financial Officer and Treasurer, who may designate an individual to act as his or her representative at any meeting of the Committee and exercise his or her voting rights; and
 - (iii) two representatives by the Members and the retired Members from amongst their collective number.
- (a.1) Each member of the Committee shall hold office, until his successor is appointed and shall be eligible for re-appointment.
- (a.2) An appointed member of the Committee shall be deemed to have resigned if:
- (i) being a Member, he or she retires from the service of the City;
 - (ii) being a Member of City staff, he or she retires or resigns from the service of the City; or
 - (iii) he or she absents himself or herself from three consecutive meetings of the Committee without its consent.
- (a.3) If a vacancy occurs on the Committee by reason of the death or resignation of a representative referred to in clause (a)(iii), the Committee shall fill such vacancy by appointing a Member or retired Member as a successor representative for the remainder of the term.
- (a.4) The Committee shall appoint a Secretary for whom the Committee may define duties in addition to those duties as set out in this Plan and who may be paid such salary or other remuneration as from time to time fixed by the Committee and approved by Council.
- (a.5) No member of the Committee shall receive any remuneration for his or her services as such.
- (b) Responsibilities
- (i) The Committee shall:
 - (A) keep a correct record of all Members under the Plan in which shall be set out the name and date of birth of each, the date on which he entered the service of the Corporation, a cumulative record of his Credited Service, the amount of his Earnings or wages from time to time, a statement of any arrears owing, and a record of any options exercised hereunder;

- (B) determine the amount of benefits payable to or on behalf of a Member under the Plan. The Controller shall pay to the persons entitled the amounts determined by the Committee to be chargeable to the Fund. Such determination shall in each case be made after receiving a report thereon from the Actuary except where only simple calculations are involved;
- (C) keep a correct list of all Members and their current addresses, the names and current addresses of designated Beneficiaries, the amount of the annuity to which each became or will become entitled under the Plan, and of all payments made under the Plan to a Member or his beneficiaries;
- (D) keep such statistical and other records relative to the Plan as may be required by the Council or by Applicable Pension Laws and Revenue Rules;
- (E) prepare and forward annual acknowledgements for Members' payments;
- (E.1) see to the control and administration of the Fund as provided for in paragraph 15.07(iii), including without restriction the investing and reinvesting of Fund assets as provided for in paragraph 15.07(iv) and the signing of documents as provided for in paragraph 15.07(iv.1);
- (F) keep proper and correct minutes of all meetings so as to show clearly the action of the Committee in respect of every matter considered by it;
- (G) report to the Council on or before the first day of February in each year:
 - (a) the name of all Members who have retired from the service of the City or have died during the last calendar year;
 - (b) particulars relating to any disability retirement;
 - (c) statement of income and disbursements;
 - (d) detailed statement of all pensions, benefits and privileges paid or granted during the year;
 - (e) balance sheet as of December 31;
- (H) obtain good legal discharges for all payments;

- (I) provide full information in writing to each Member concerning the terms and conditions of this Plan, as amended from time to time, and with respect to his rights and duties in connection with benefits available to him thereunder; and
 - (J) generally to do all things necessary in connection with the administration of the Plan.
- (ii) Subject to the other provisions of this article, the Committee may make rules for the administration of the Plan and for the conduct of the affairs of the Committee and without limiting the generality of the foregoing, the administration committee may make rules respecting:
- (A) the election of a Chair;
 - (B) the furnishing of proof of length of service of any Employee;
 - (C) the time and place of its meetings and the proceedings thereat, subject to the provisions of paragraph (e);
 - (D) the date, time, place, and method of conducting the annual election of the three Employee members of the Committee; and
 - (E) generally for the better carrying out of the provisions of this Plan.
- (c) **Standard of Care**
- Every individual appointed to the Committee shall exercise the care, diligence and skill in the exercise of the responsibilities conferred by such appointment that a person of ordinary prudence would exercise in dealing with the property of another person and shall use all relevant knowledge and skill that the individual possesses or, by reason of such individual's profession, business or calling, ought to possess and shall act honestly and in good faith with a view to the best interests of all Participating Employers, Members and other persons entitled to benefits under the Plan.
- (d) **Entitlement to Rely on Statements**
- A member of the Committee may rely in good faith on the statements or reports of the Funding Agency, the Actuary, an accountant, an appraiser, a lawyer or other professional advisor retained by the Corporation or the Committee.
- (e) **Meetings of Committee**
- The Committee shall, so far as possible, hold a regular meeting once every four months, provided that:

- (i) if the Chair or the Secretary receives a written request by a majority of the Committee, he or she may call a meeting of the Committee at any time;
- (ii) the representatives appointed to the Committee by Council shall convene the first meeting of the Committee following the election of a new Council and exercise the duties of Chair until a regular Chair has been elected.

(f) Quorum

A quorum of the Committee shall consist of the Controller (or his or her designate) and any two other members.

(g) Tie Votes

Where the vote on any Committee resolution results in a tie, the resolution shall be declared lost.

Enacted and passed on March 27, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)