

Chapter 223

REMUNERATION FOR COUNCIL MEMBERS

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[HISTORY: Adopted by the Council of the City of Toronto as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Council procedures — See Ch. 27.

ARTICLE I Remuneration of Mayor and Members of Council

[Adopted 2000-10-05 by By-law No. 872-2000¹; amended in its entirety 2002-11-28 by By-law No. 1031-2002²; 2006-09-27 by By-law No. 968-2006³]

§ 223-1. Four-year adjustment.

- A. A study shall be done before the beginning of each term of Council to determine an appropriate comparator group defined by a specialist consultant for the Mayor and for the other members of Council.
- B. On the first January 1 of each term of Council:

¹ Editor's Note: This by-law was passed under the authority of sections 242 and 255 of the *Municipal Act*, R.S.O. 1990, c. M.45.

² Editor's Note: This by-law was passed under the authority of sections 8, 9 and 283 of the *Municipal Act*, 2001, S.O. 2001, c. 25. This by-law came into force on 2003-01-01.

³ Editor's Note: This by-law was passed under the authority of sections 8, 9 and 283 of the *Municipal Act*, 2001, S.O. 2001, c. 25; and sections 6, 7 and 222 of the *City of Toronto Act*, 2006, S.O. 2006, c. 11. This by-law came into force 2007-01-01.

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§ 223-2

- (1) The remuneration paid to the Mayor shall be the greater of the current remuneration for the Mayor and the 75th percentile of the comparator group for the Mayor on that date.
- (2) The remuneration paid to each member of Council, other than the Mayor, shall be the greater of the current remuneration for the other members of Council and the 75th percentile of the comparator group for the other members of Council on that date.

§ 223-2. Annual increase.

In the years following 2007, the remuneration paid to the Mayor and the 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 Deputy City Manager and Chief Financial Officer and based on the previous year's average.

§ 223-3. (Reserved)

ARTICLE II
Severance Remuneration for Members of Council
[Adopted 1999-07-29 by By-law No. 543-1999⁴]

§ 223-4. 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 Deputy City Manager and Chief Financial Officer and includes the Treasurer acting under delegated authority. **[Added 2005-05-19 by By-law No. 441-2005]**

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)*,⁵ on or after January 2, 1998, and who is elected under the *Municipal Elections Act*,⁶ 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 286 of the *Municipal Act, 2001*.⁷ **[Added 2005-05-19 by By-law No. 441-2005]**

⁴ Editor's Note: This by-law was passed under the authority of subsection 242(1) of the *Municipal Act*, R.S.O. 1990, c. M.45.

⁵ Editor's Note: See S.O. 1997, c. 2.

⁶ Editor's Note: See S.O. 1996, c. 32.

⁷ Editor's Note: See S.O. 2001, c. 25.

§ 223-5. 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. **[Amended 1999-12-16 by By-law No. 893-1999]**
- 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. **[Added 1999-12-16 by By-law No. 893-1999]** 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).

§ 223-6. Amount.

- A. The severance remuneration payable under § 223-5 shall be equal to 1/12 of the member's annual remuneration, at the rate in force immediately before he or she ceases to be a member, for each year of consecutive service to a maximum of 12 years.
- B. 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*⁸ to be expenses incidental to the discharge of his or her duties as a member of the Council. **[Amended 2005-05-19 by By-law No. 441-2005]**
- C. 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.

⁸ Editor's Note: See S.O. 2001, c. 25.

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§ 223-7

- D. 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.
- E. 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*.⁹
- F. 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. **[Added 1999-12-16 by By-law No. 893-1999]**

§ 223-7. Severance remuneration.

- A. Severance remuneration shall be calculated by the Chief Financial Officer, subject to Subsections B, D and E, and shall be paid to the member at the same time as any other final payment by the City to the member. **[Amended 1999-12-16 by By-law No. 893-1999; 2005-05-19 by By-law No. 441-2005]**
- B. The severance remuneration may be paid in two payments at the request of the member. **[Amended 1999-12-16 by By-law No. 893-1999]**
- C. Member contributions to the Ontario Municipal Employee Retirement System shall not be deducted from the severance remuneration.
- D. A member who is charged with an offence as set out in § 223-5C 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. **[Added 1999-12-16 by By-law No. 893-1999]**
- E. While any of the charges as set out in § 223-5C 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. **[Added 1999-12-16 by By-law No. 893-1999; amended 2005-05-19 by By-law No. 441-2005]**

⁹ Editor's Note: See S.O. 1996, c. 32.

§ 223-8. Counselling service.

- A. A member who is eligible to receive severance remuneration under § 223-5 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 § 223-7, the allowance for counselling services is payable only after approval of the receipts for the counselling services by the Chief Financial Officer. **[Amended 2005-05-19 by By-law No. 441-2005]**

§ 223-9. Transition.

[Added 2002-11-29 by By-law No. 1092-2002]

Despite §§ 223-5B(2) and 223-6D, severance remuneration shall be paid to the personal representative of the former member for Ward 16 (Scarborough Highland Creek) who was the Mayor of the former City of Scarborough, and the following provisions apply to the calculation of the severance remuneration:

- A. The member's prior years of continuous consecutive service as a member of the Council of the former City of Scarborough shall be counted for the purposes of calculating the member's years of consecutive service under § 223-6A.
- B. The severance remuneration attributed to the member's period of service as a member of the Council of the former City of Scarborough shall be calculated using the member's final rate of remuneration as Mayor of the former City of Scarborough.
- C. For the purposes of Subsection B, the member's final rate of remuneration does not include a premium paid by the former City of Scarborough to a committee chair and the remuneration paid by the former Municipality of Metropolitan Toronto to a Mayor.