

Authority: Executive Committee Report 21, Clause 42, as adopted by the former City of Toronto Council on April 22, 1982; Executive Committee Report 8, Clause 24, as adopted by the former City of Toronto Council on May 3 and 4, 1993; Government Management Committee Item 16.5, adopted as amended, by City of Toronto Council on July 15, 16 and 17, 2008 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City

CITY OF TORONTO

BY-LAW No. 207-2013

To amend further By-law No. 380-74 of the former Corporation of the City of Toronto respecting civic employees' pensions and other benefits.

Whereas By-law No. 380-74 of the former Corporation of the City of Toronto, a by-law "To establish a pension plan to be known as the '1974 Improved Plan'", as heretofore amended, governs the Toronto Civic Employees Pension and Benefit Fund; and

Whereas By-law No. 262-82 of the former Corporation of the City of Toronto amended said By-law No. 380-74 in respect, *inter alia*, of actuarial reductions for age differences and it is desired correct a clerical error in said By-law No. 262-82; and

Whereas By-law No. 1994-0031 of the former Corporation of the City of Toronto further amended said By-law No. 380-74 in respect of the frequency of the meetings of the pension committee of such pension plan and it is desired to modify said By-law No. 1994-0031 so as to exclude from its ambit the stipulation in said By-law No. 380-74 as to the quorum of such committee; and

Whereas By-law No. 1025-2008 amended said By-law No. 380-74 in respect of the composition and operation of such pension committee, and By-law No. 996-2009 emended By-law No. 1025-2008; and

Whereas it is desired to repeal By-laws Nos. 1025-2008 and 996-2009 and re-enact the content thereof so as to eliminate certain clerical errors therein and certain chronological inconsistencies flowing therefrom;

The Council of the City of Toronto enacts:

1. In this by-law,
 - (a) "By-law No. 380-74" means hereinbefore-recited By-law No. 380-74 of the former Corporation of the City of Toronto;
 - (b) "former City" means the former Corporation of the City of Toronto.
2. Clause 1(2) of hereinbefore-recited By-law No. 262-82 of the former City, being a by-law "To further amend By-law No. 380-74 respecting 'The 1974 Improved Plan' to permit spouses' pensions to continue for their lifetime and to effect other changes respecting spouses" is amended by striking out the text "pensioner or the widow" in the last two lines of the text of paragraph 5.C(9)(aa) thereby added to By-law No. 380-74 and substituting therefor "pension and the widow".

3. Clause 1(a) of hereinbefore-recited By-law No. 1994-0331 of the former City, being a by-law "To amend By-law No. 380-74, being a By-law concerning 'The 1974 Improved Plan' of the Toronto Civic Employees' Pension and Benefit Fund" is amended by striking out the word "Deleting" at the beginning of thereof and substituting therefor "deleting the first two sentences of".
4.
 - (1) By-law No. 1025-2008, being a By-law "To amend further By-law No. 380-74 of the former Corporation of the City of Toronto respecting civic employees' pensions and other benefits", is repealed effective the 25th day of September, 2008.
 - (2) By-law No. 996-2006, being a By-law "To amend further By-law No. 380-74 of the former Corporation of the City of Toronto respecting civic employees' pensions and other benefits", is repealed effective the 1st day of October, 2009.
5.
 - (1) Effective the 1st day of January, 1998, section 15 of By-law No. 380-74 as theretofore amended is further amended by,
 - (a) striking out, in each of clauses (2)(k) and (l) thereof as enacted by By-law No. 343-86 of the former City and subsequently amended, the text from and including the word "Council" in the second line thereof to and including the word "coincide" in the third line thereof and substituting therefor the text "that Association for a term coinciding";
 - (b) striking out in said clause (k) the period at the end thereof word and substituting therefor the text "; and"; and
 - (c) adding thereto the following new subsection:

"(3.1) Nothing in subsection (3) shall prevent an alternate member referred to therein from attending any meeting of the Committee or, if the Committee so permits, from participating in any discussion thereat".
 - (2) Effective the 1st day of January, 2000,
 - (a) section 15 of By-law No. 380-74 as theretofore amended is further amended by,
 - (i) striking out the text "subject to subsection (3) of this Section" at the beginning of each of paragraphs (2)(b), (d) and (f) thereof and substituting therefor in each case the text "subject to subsections (3) to (3.2)";
 - (ii) striking out the text "referred to in paragraphs (b), (d), (f) and (l) of subsection (2)" in the first line of subsection (3) thereof and substituting therefor the text "of the Committee as provided for in this subsection";

(iii) adding thereto the following new subsections:

"(3.2) None of the alternates referred to in paragraphs (2)(b), (d), (f) and (l) shall when not acting in the stead of an absent member be considered to be a member of the Committee for the purposes of establishing a majority to determine any question or matter, and those paragraphs other than (l) shall cease to apply in each case once the number of members of the Local or employee group referred to therein falls below two.

(3.3) Each alternate member referred to in paragraph (2)(l) or subsection (6) shall receive notices, agendas and minutes of each Committee meeting, and may attend same, but unless subsection (3.4) is applicable to him or her shall not have the right at any such meeting to,

(a) participate in any discussion thereat, unless the Committee so permits; or

(b) vote on any matter.

(3.4) If any member of the Committee appointed pursuant to paragraph (2)(k) is absent from a meeting of the Committee or any part thereof,

(a) any member of the Committee appointed as an alternate pursuant to paragraph (2)(l) and who is present thereat may for all purposes act in the stead of such absent member during such absence; but

(b) no such alternate may simultaneously act in the stead of more than one absent member of the Committee; and

(c) if the number of such alternates present at any meeting of the Committee is greater than the number of such absent members, the determination of which of them shall act pursuant to paragraph (a) shall be made by agreement among them, failing which they shall draw lots.";

(iv) inserting immediately following the text "(2)(a) to (f)" in the part of subsection (6) thereof preceding paragraph (a) the text "or Section 16"; and

- (b) section 21 of By-law No. 380-74 as theretofore amended is further amended by,
 - (i) inserting at the beginning of each of subsections (3) and (4) thereof the text "Subject to subsections (3.1) and (3.2), ";
 - (ii) adding thereto the following new subsections:
 - "(3.1) If there are fewer than three members of an employee group to which subsection (3) applies, no seconder shall be required for a nomination of a candidate from that group.
 - (3.2) if there is only a single member in an employee group to which subsection (3) applies, the member may nominate himself as the candidate from that group."
- (3) Effective the 1st day of December, 2001, subsection 15(2) of By-law No. 380-74 as theretofore amended is further amended by,
 - (a) repealing clauses (a) and (b) thereof,
 - (b) striking out in paragraph (k) thereof,
 - (i) the words "one member" near the beginning thereof and substituting therefor "two members"; and
 - (ii) the word "term" where it first appears therein and substituting therefor "term in each case"; and
 - (c) striking out in paragraph (l) thereof,
 - (i) the words "one alternate who is" near the beginning thereof and substituting therefor "two alternates who are"; and
 - (ii) the word "term" where it first appears therein and substituting therefor "term in each case".
- (4) Effective the 1st day of March, 2004, subsection 15(2) of By-law No. 380-74 as theretofore amended is further amended by,
 - (a) repealing clauses (e) and (f) thereof,
 - (b) striking out in paragraph (k) thereof the words "two members" near the beginning and substituting therefor "three members"; and
 - (c) striking out in paragraph (l) thereof the words "two alternates" near the beginning and substituting therefor "two or more alternates not in excess of three".

- (5) Effective the 1st day of January, 2008,
- (a) section 15 of By-law No. 380-74 as theretofore amended is further amended by,
 - (i) inserting at the beginning of each of paragraphs (2)(c) and (d) thereof the text "subject to paragraph (2.1)(a), ";
 - (ii) repealing clause (2)(i) thereof;
 - (iii) striking out in paragraph (2)(k) thereof the words "three members" near the beginning and substituting therefor "two members";
 - (iv) striking out in paragraph (2)(l) thereof the words "two or more alternates not in excess of three" near the beginning and substituting therefor "two alternates"; and
 - (v) adding thereto the following new subsection:

"(2.1) From the time of the cessation of the existence of the class of members of the 1974 Improved Plan who are members of Local 79 as described in paragraph (2)(c),

 - (a) that paragraph, paragraph (2)(d), subsection (6) and Sections 16 and 21 shall cease to apply; and
 - (b) in paragraph (2)(k), the words 'two members' at the beginning thereof shall be treated as if they read 'three members';
 - (c) in paragraph (2)(l), the words 'two alternates who are' near the beginning thereof shall be treated as if they read 'one or more alternates not in excess of three who are'. " ;
 - (vi) repealing subsections (4) and (5) thereof as theretofore amended and substituting the following therefor:

"(4) The City Treasurer shall be an *ex officio* member of the Committee and may appoint one of his or her subordinates, other than the Secretary of the Committee or a person acting for that Secretary, to attend and vote at meetings thereof in his or her stead.

(5) When the office of the City Treasurer is vacant, the Deputy City Treasurer shall be *pro tempore* an *ex officio* member of the Committee with the powers of the City Treasurer in that respect.";

- (vii) inserting at the beginning of subsection (6) thereof the text "Subject to paragraph (2.1)(a),
 - (b) section 21 of By-law No. 380-74 as theretofore amended is further amended by inserting at the beginning thereof the text "Subject to paragraph 15(2.1)(a), "
- (6) Effective the 25th day of September, 2008, Section 1 of By-law No. 380-74 as theretofore amended is further amended by adding thereto the following new definition:

"'Deputy City Treasurer' means such senior subordinate of the City Treasurer as such Treasurer may from time to time appoint for the purpose".
- 6.
 - (1) Except as provided in subsections (2) to (9), this by-law shall be deemed to have come into force on the 25th day of September, 2008.
 - (2) Section 2 shall be deemed to have come into force on the 22nd day of April, 1982.
 - (3) Section 3 shall be deemed to have come into force on the 13th day of December, 1993.
 - (4) Subsection 5(1) shall be deemed to have come into force on the 1st day of January, 1998.
 - (5) Subsection 5(2) shall be deemed to have come into force on the 1st day of January, 2000.
 - (6) Subsection 5(3) shall be deemed to have come into force on the 1st day of December, 2001.
 - (7) Subsection 5(4) shall be deemed to have come into force on the 1st day of March, 2004.
 - (8) Subsection 5(5) shall be deemed to have come into force on the 1st day of January, 2008.
 - (9) Subsection 4(2) shall be deemed to have come into force on the 1st day of October, 2009.

Enacted and passed on February 21, 2013.

Frances Nunziata,
Speaker
(Seal of the City)

Ulli S. Watkiss,
City Clerk