

BY-LAW NO. 2019 - XXX

A by-law to authorize participation in the OMERS primary pension plan ("Primary Plan"), and the retirement compensation arrangement that provides benefits for members and former members of the Primary Plan ("RCA"), in respect of the employees and councillors of the City of Ottawa identified herein and to repeal By-law 2003-100 and By-law 2004-354.

WHEREAS the City of Ottawa means the amalgamation of the following entities (collectively referred to as the "Former Employer"):

- The Corporation of the City of Cumberland
- The Corporation of the City of Gloucester
- The Corporation of the Township of Goulbourn
- The Corporation of the City of Kanata
- The Corporation of the City of Nepean
- The Corporation of the Township of Osgoode
- The Corporation of the City of Ottawa
- The Corporation of the Township of Rideau
- The Corporation of the City of Vanier
- The Corporation of the Township of West Carleton
- The Regional Municipality of Ottawa-Carleton
- The Ottawa-Carleton Regional Transit Commission
- Village of Rockcliffe Park

AND WHEREAS the Former Employer amalgamated, effective January 1, 2001 ("Amalgamation Date") into one entity, and continued on as The City of Ottawa.

AND WHEREAS each entity of the Former Employer previously enacted a by-law or resolution and elected to participate in the Ontario Municipal Employees Retirement System (now the Primary Plan and the RCA).

AND WHEREAS pursuant to subsection 9(8) of the Primary Plan, where two or more employers who are eligible to participate in the Primary Plan and the RCA are amalgamated, the new employer is deemed to have elected to participate in the Primary Plan and the RCA on the date of the amalgamation in respect of the employees and councillors, if any, of the former employers who were members of the Primary Plan and the RCA on the day immediately preceding such date and who are employed by the new employer on such date or are members of the council of the new employer on such date.

AND WHEREAS subsection 9(8) of the Primary Plan replaced revoked subsection 8(8) under the General Regulation R.R.O. 1990, Reg. 890 under the *Ontario Municipal Employees Retirement System Act, R.S.O. 1990*.

AND WHEREAS pursuant to subsection 6(1) of the Primary Plan, an employer who is eligible under the *Ontario Municipal Employees Retirement System Act, 2006* ("OMERS Act, 2006") to participate in the Primary Plan and the RCA may, by by-law or resolution, participate in the Primary Plan and the RCA and pay to the funds for

the Primary Plan and the RCA the total of the employer and member contributions, and has all of the powers necessary and incidental thereto.

AND WHEREAS subsection 6(1) of the Primary Plan replaced repealed subsection 15(1) under the *Ontario Municipal Employees Retirement System Act, R.S.O. 1990, Chapter O.29.*

THEREFORE the Council of the City of Ottawa ("Employer") enacts as follows:

EXISTING MEMBERS

1. The Employer shall participate in the Primary Plan and the RCA in respect of the Former Employer who were members of the Primary Plan on the day immediately preceding the Amalgamation Date and who are employed by the Employer on the Amalgamation Date.

ELECTION RE: EMPLOYEES

2. The Employer shall participate in the Primary Plan and the RCA in respect of each person who is employed by the Employer and who is eligible to be a member of the Primary Plan and the RCA under subsection 5(3) of the *OMERS Act, 2006*, as amended from time to time, ("Employee") as of the first day of January 2001 ("Effective Date") and authorizes the Treasurer to submit forthwith a certified copy of this By-law to the OMERS Administration Corporation ("AC").

CURRENT CFT EMPLOYEES

3. Subject to article 1 of this By-law, an Employee who is employed on a continuous full-time basis ("CFT Employee"), as defined in subsection 9(1) of the Primary Plan, as amended from time to time, and who commenced employment with the Employer, including, for greater certainty, Former Employer, before the Effective Date is entitled to become a member of the Primary Plan and the RCA on the first day of the month following the month in which the CFT Employee's application is received by the AC, provided that the AC may, at the request of the Employer, fix an earlier date on which the CFT Employee becomes a member but not before the date on which the CFT Employee became entitled to be a member or the first day of January in the year in which the application is received by the AC, whichever is the later date.

FUTURE CFT EMPLOYEES

4. Every person who becomes a CFT Employee on or after the Effective Date shall, as a condition of employment, become a member of the Primary Plan and the RCA, or if such person is already a member, resume contributions to the Primary Plan and the RCA on the date so employed.

PBA MEMBERSHIP FOR OTCFT EMPLOYEES

5. An Employee who is employed on other than a continuous full-time basis ("OTCFT Employee") and meets the eligibility criteria in subsection 9(6) of the Primary

Plan, as amended from time to time, is entitled to become a member of the Primary Plan and the RCA on the first day of the month following the month in which the OTCFT Employee's application is received by the AC, provided that the AC may, at the request of the Employer, fix an earlier date on which the OTCFT Employee becomes a member but not before the date on which the OTCFT Employee became entitled to be a member or the first day of January in the year in which the application is received by the AC, whichever is the later date.

SENIOR MANAGEMENT OFFICIAL

6. Any person who holds a senior management position with the Employer ("Senior Management Official"), as the Employer may designate from time to time, is hereby authorized on behalf of the Employer to take all such action and execute all such documents, certificates and agreements, as they may consider necessary to give effect to the provisions of this By-law and to fulfill the Employer's duties and obligations with respect to the Primary Plan and the RCA, as required from time to time.

NRA 60 OPTION FOR FIRE

7. The normal retirement age of Employees who are employed as firefighters as defined in subsection 1(1) of the *Fire Protection and Prevention Act, 1997*, as amended from time to time, and who are employed in the following class(es): Firefighters and Fire Management, is 60 years.

ELECTION RE: COUNCILLORS

8. The Employer shall participate in the Primary Plan and the RCA in respect of its councillors, as defined in section 1 of the Primary Plan, as amended from time to time, ("Councillor"), as of the first day of January 2001 ("Councillor Effective Date").

CURRENT COUNCILLORS

9. A Councillor in office on the Councillor Effective Date is entitled to become a member of the Primary Plan and the RCA on the first day of the month following the month in which the Councillor's application is received by the AC, provided that the AC may, at the request of the Employer, fix an earlier date on which the Councillor becomes a member but not before the date on which the Councillor became entitled to be a member or the first day of January in the year in which the application is received by the AC, whichever is the later date.

FUTURE COUNCILLORS

10. Every person who becomes a Councillor after the Councillor Effective Date shall become a member of the Primary Plan and RCA on the date he or she becomes a Councillor.

REPEAL

11. By-law No. 2003-100 and By-Law No. 2004-354 are hereby repealed and rescinded.

AND FURTHER that this By-law shall come into force and take effect
January 1, 2001.

ENACTED AND PASSED this XX day of XXX, 2019.

CITY CLERK

MAYOR

BY-LAW NO. 2019 – XX

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Enacted by City Council at its meeting of
Month Day, 2019.

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FINANCE SERVICES

COUNCIL AUTHORITY:
City Council Month Day, 2019
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