

By-law Number 51-2023
of The Regional Municipality of Durham

Being a By-Law to clarify the participation in the OMERS Primary Pension Plan ("Primary Plan") and the Retirement Compensation Arrangement for the OMERS Primary Pension Plan ("RCA"), each as amended from time to time, of the Regional Municipality of Durham ("Region") in respect of its Head of Council.

Whereas the Region is eligible to participate in the Primary Plan and the RCA in accordance with subsection 5(1) of the Ontario Municipal Employees Retirement System Act, 2006, as amended from time to time ("OMERS Act, 2006"), in respect of its eligible employees and does so in accordance with the applicable Primary Plan and RCA documents and applicable legislation;

And whereas pursuant to subsection 6(1) of the Primary Plan, the Region 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 required by the Primary Plan, and has all of the powers necessary and incidental thereto;

And whereas the Region previously enacted By-Law Number 144-74 and elected to participate in the Primary Plan and the RCA in respect of its eligible employees;

And whereas the Region is a municipality and, pursuant to subsection 5(2) of the OMERS Act, 2006, a municipality may participate in the Primary Plan and the RCA in respect of its Councillors;

And whereas the Employer enacted By-Law Number 16-2007 effective January 1, 2007 in respect of its election to participate in the Primary Plan and the RCA on behalf of its Head of Council;

And whereas the Employer subsequently enacted By-Law Number 55-2018 effective December 19, 2018 to enable the Head of Council the discretion to opt-out of the Primary Plan and RCA.

And whereas By-Law Number 55-2018 was not accepted by the OMERS Administration Corporation ("OMERS") because it afforded discretion to the Head of Council to opt-out of the Primary Plan and RCA after the previous Head of Council opted-in, which OMERS has confirmed is not contemplated by the Primary Plan terms;

And whereas the Region wishes to rescind By-Law Number 55-2018 and enact an updated By-Law to clarify that any Head of Council who took office on or after December 3, 2018 is not eligible to enrol in the Primary Plan or the RCA;

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. Effective December 3, 2018, the Region shall cease to participate in the Primary Plan and the RCA in respect of any Head of Council who takes office on or after December 3, 2018.
2. Effective December 19, 2018, By-Law Number 55-2018 is rescinded in its entirety and By-Law Number 16-2007 is no longer of any force or effect.
3. Effective December 19, 2018, the Commissioner of Corporate Services, or designate, is hereby authorized on behalf of the Region to take all such action 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.

4. The Region further authorizes the Commissioner of Corporate Services or designate, to submit forthwith a certified copy of this by-law to the OMERS Administration Corporation.

This By-law Read and Passed on the 28th day of June, 2023.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk