

**THE CORPORATION OF THE
TOWN OF THE BLUE MOUNTAINS**

BY-LAW No. 2008 -

Being 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 identified herein.

WHEREAS The Corporation of the Town of Thornbury ("Former Employer No. 1") amalgamated with The Corporation of the Township of Collingwood ("Former Employer No. 2"), effective January 1, 1998 ("Amalgamation Date"), and continued on as The Corporation of the Town of Thornbury-Collingwood.

AND WHEREAS The Corporation of the Town of Thornbury-Collingwood was subsequently renamed The Corporation of the Town of The Blue Mountains ("Employer").

AND WHEREAS Former Employer No. 1 previously enacted a by-law 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 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 By-law 2007-41 of the Employer provided that every employee of the Employer who on December 31, 1997 was employed by Employer No. 2, and who was or was entitled to become a member of the Group Registered Retirement Savings Plan (the "Group Plan") on December 31, 1997 (a "Township Employee") shall continue such membership or membership entitlement from the Amalgamation Date while employed by the Employer subject to the right of the employee to become a member of the Primary Plan and the RCA on the terms and conditions set out therein.

AND WHEREAS two of the purposes of this by-law are to repeal and rescind By-law 2007-41 and to provide that every Township Employee shall have the option, to elect to become a member of the Primary Plan and the RCA effective January 1, 1998 on the terms and conditions set out in this by-law.

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains enacts as follows:

(Existing Members)

1. The Employer shall participate in the Primary Plan and the RCA in respect of:
 - (a) the employees of Former Employer No. 1, and
 - (b) the employees of the former Thornbury Public Utilities Commission;

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 1, 1998 ("Effective Date") and authorizes the Chief Administrative Officer to submit forthwith a certified copy of this By-law to the OMERS Administration Corporation ("AC").

(Current CFT Employees)

3. Subject to article 1, 4 and 5 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 No. 1 and Former Employer No. 2, 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.
4. Every Township Employee and who has not become a member of the Primary Plan and the RCA shall have the option to elect, on or before March 31, 2009 (the "Enrolment Deadline"), to become a member of the Primary Plan and the RCA as of the Effective Date in accordance with all of the provisions of the OMERS Act, 2006.
5. Every Township Employee who has not elected to become a member of the Primary Plan and the RCA on or before the Enrollment Deadline may continue membership in the Group Plan and shall continue to have the option to elect to become a member of the Primary Plan and the RCA in accordance with all of the provisions of the OMERS Act, 2006 effective as of the date of such election without any contributions from the Employer for years of service prior to the date of such election.

6. The Employer elects to continue to participate in the Group Plan in respect of every Township Employee who has advised the Employer in writing that he/she wishes to continue to participate in the Group Plan and authorizes the Chief Administrative Officer to forthwith submit a certified copy of this by-law to Mutual Life of Canada or to any successor corporate entity.
- (Future CFT Employees)
7. 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.
8. Every CFT Employee hired on or after the Effective Date shall have the option to elect, on or before the Payment Deadline, to purchase past service under the Primary Plan and the RCA back to his/her date of hire in accordance with all of the provisions of the OMERS Act, 2006.
9. Every CFT Employee hired on or after the Effective Date who does not elect to purchase his/her past service under the Primary Plan and the RCA back to his/her date of hire prior to the Payment Deadline shall continue to have the option to elect to purchase such service without any contribution from the Employer.
- (PBA Membership for OTCFT Employees)
10. Subject to article 1 of this By-law, 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)
11. The Chief Administrative Officer or his/her designate 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 Police)
12. The normal retirement age of Employees who are employed as police officers as defined in section 2 of the *Police Services Act*, as amended from time to time, or as police cadets is 60 years.

(NRA 60
option for
Fire)

13. 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 is 60 years.

(Supersedes
Prior By-law)

14. By-law No. 2007-41 is hereby repealed and rescinded.

AND FURTHER that this By-law shall come into force and take effect January 1, 1998.

ENACTED and passed this 22nd day of December, 2008

Ellen Anderson – Mayor

Stephen Keast - Clerk

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