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Date December 10, 2024 **Report No.** 2024-675

To Chair and Members
Committee of the Whole – Planning and Administration

From Joelle Daniels
Commissioner of Corporate Services/City Treasurer

1.0 Type of Report

Consent Item [X]
Item For Consideration []

2.0 Topic **OMERS By-law Update [Financial Impact: None]**

3.0 Recommendation

- A. THAT Report 2024-675 regarding the OMERS By-law Update BE RECEIVED; and
- B. THAT the updated City of Brantford OMERS Participation By-law and a By-law to repeal By-laws 84-64, 164-79, 183-94, 170-2002, 138-2006 BE PRESENTED to City Council for adoption.

4.0 Executive Summary

The OMERS Participation By-law with the City of Brantford was established in July 1964 and includes reference to the “Brantford Police Commission” as well as several other outdated Boards and Commissions, many of which now have their own OMERS Participation By-law. Staff has been working with OMERS to update the City’s OMERS By-law to remove reference to the outdated Boards and Commissions as well as provide for other updates many of which were done through separate City by-laws. As part of this broad OMERS review process, in

collaboration with OMERS, OMERS Staff advised that Brantford Police Services (BPS), as a separate employer, required their own OMERS By-law. The BPS Board approved their OMERS By-law effective October 24, 2024. City Staff will continue to provide OMERS administration on behalf of the Brantford Police Services and there is no change to the current business processes as a result of the OMERS Participation By-law separation. The proposed updated OMERS By-law for the City is a housekeeping matter as there is no substantive change to the provisions.

5.0 Purpose and Overview

The purpose of this report is to advise City Council of the outdated OMERS Participation By-law and to seek approval of an updated OMERS Participation By-law for The Corporation of the City of Brantford.

6.0 Background

The current City of Brantford OMERS Participation By-law is 60 years old and contains reference to Boards and Commissions that are outdated and no longer active or completely independent of the City's operations. The Boards and Commissions that are no longer applicable to the City of Brantford OMERS Participation By-law include the following:

- 1) Brantford and Suburban Planning Board
- 2) Brantford Industrial Commission
- 3) Brantford Police Commission
- 4) Brantford Board of Parks Management
- 5) Brantford Recreation Commission
- 6) Brantford Public Library Board (has their own OMERS By-law and administers the OMERS program independent of the City)
- 7) Brant County Health Unit (has their own OMERS By-law and administers the OMERS program independent of the City)
- 8) Brantford Board of Education (The Grand Erie School Board is independent of the City)

9) Brantford Separate School Board (The Brant-Haldimand-Norfolk Catholic District School Board is independent of the City)

10) The Board of Governors of Pleasant View Lodge-John Noble Home (The John Noble Home has their own OMERS By-law and administers the OMERS program independent of the City)

There have been several additional By-laws passed over the years; for example, to include elected officials in the OMERS plan, however the initial OMERS Participation By-law with the City has not been officially repealed or amended since 1964.

7.0 Corporate Policy Context

Not applicable.

8.0 Input From Other Sources

Staff from the Ontario Municipal Employees Retirement System (OMERS) provided guidance and support on the need for an updated City of Brantford OMERS Participation By-law.

9.0 Analysis

The updated City of Brantford OMERS Participation By-law reconfirms and authorizes Employees, Councillors and the Head of Council for The Corporation of the City of Brantford to participate in the OMERS Primary Pension Plan and the Retirement Compensation Arrangement for the OMERS Primary Pension Plan, each as amended from time to time.

10.0 Financial Implications

There are no financial implications associated with this administrative report to repeal and replace an outdated By-law.

11.0 Climate and Environmental Implications

There are no climate and environmental implications associated with this administrative report to repeal and replace the OMERS Participation By-law.

12.0 Conclusion

The establishment of an updated comprehensive By-law to reconfirm and authorize the City's participation in OMERS as well as the repeal of all other existing By-laws related to OMERS is a housekeeping matter for records management purposes. There are no administrative changes associated with the new By-law and all current practices will continue unless amended from time to time for efficiency or as directed by OMERS.



Joelle Daniels
Commissioner of Corporate Services / City Treasurer

Prepared By:

Anita Szaloky, Director of Human Resources

Attachments (if applicable)

New OMERS Participation By-law for The Corporation of the City of Brantford

Copy to:

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required yes no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk yes no

Is the necessary by-law or agreement being sent concurrently to Council? yes no

**BY-LAW NUMBER XXX-2024
OF
THE CORPORATION OF THE CITY OF BRANTFORD**

Being a By-law to confirm and authorize 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 employees, councillors and head of council of The Corporation of the City of Brantford (“Employer”) identified herein, and to repeal By-law 84-64, By-law 164-79, By-law 183-94, By-law 170-2002 and By-law 138-2006.

WHEREAS Section 8(1) of the Municipal Act, 2001, S.O., 2001, c.25, as amended, (the “Act”) the powers of a municipality shall be interpreted broadly so as to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues; and

WHEREAS, at its meeting of December 17, 2024, City Council adopted recommendations set out in item 7.1.4 of Committee of the Whole – Planning and Administration Report No. 2024-675, regarding the OMERS By-law Update; and

WHEREAS the Employer 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 Employer 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 Employer previously enacted **By-law 84-64** and elected to participate in the Primary Plan in respect of its eligible employees and the employees of a number of related employers effective October 1, 1964, which employers were subsequently changed by the Employer enacting **By-law 164-79** and **By-law 183-94**; and

WHEREAS the Brantford Police Commission (now known as the Brantford Police Services Board) was included in the election of the Employer to participate in the Primary Plan at various times through its By-laws and has been consistently included

in the Employer's participation election since October 1, 1964 under **By-law 84-64** and, as of 2024, remains the only other employer to do so; and

WHEREAS the Brantford Police Services Board has taken the necessary steps to participate in the Primary Plan and RCA as a separate participating employer; and

WHEREAS the Employer 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 previously enacted **By-law 170-2002** and elected to participate in the Primary Plan and the RCA in respect of its Head of Council effective July 15, 2002; and

WHEREAS the Employer also enacted **By-law 138-2006** and elected to participate in the Primary Plan and the RCA in respect of all of its councillors effective December 1, 2006; and

WHEREAS the Employer wishes to enact a By-law in an updated format to reconfirm the Employer's election to participate in the Primary Plan and the RCA in accordance with the terms of the Primary Plan, the RCA, and applicable legislation;

NOW THEREFORE, BE IT RESOLVED THAT, By-law 84-64, By-law 164-79, By-law 183-94, By-law 170-2002 and By-law 138-2006 BE REPEALED and that effective on the date this By-law is passed ("Effective Date"), or as otherwise indicated, the Council enacts as follows:

(Continuation
of
Participation)

1. The Employer shall continue to participate in the Primary Plan and the RCA in accordance with the terms of the Primary Plan, RCA, and applicable legislation, each as amended from time to time.

(Existing
Members)

2. For greater certainty, the Employer continues to participate in the Primary Plan and the RCA in respect of all of its Employees and Councillors (both as defined below) who were members of the Primary Plan and the RCA on the day immediately preceding the Effective Date.

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| (Election re:
Employees) | 3. | As of the Effective Date, 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 ("Employee"), in accordance with the terms of the Primary Plan, RCA, and applicable legislation, each as amended from time to time. |
| (Future CFT
Employees) | 4. | An Employee who becomes an Employee employed on a continuous full-time basis, as defined in subsection 9(1) of the Primary Plan, as amended from time to time ("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. |
| (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 in accordance with the terms of the Primary Plan, as amended from time to time. |
| NRA 60
Option for
Fire) | 6. | Employees who are employed by the Employer and, in respect of that employment, meet the definition of "firefighter" in subsection 1(1) of the <i>Fire Protection and Prevention Act, 1997</i> , as amended from time to time, shall continue to have a normal retirement age of 60 years under the Primary Plan and the RCA, as applicable, in accordance with the terms of the Primary Plan, RCA, and applicable legislation, each as amended from time to time. |
| (Councillor
Participation) | 7. | The Employer shall continue to participate in the Primary Plan and the RCA in respect of each of its councillors (inclusive of its head of council) who meet the definition of councillor in subsection 1(1) of the Primary Plan, as amended from time to time ("Councillor"), and every person who becomes a Councillor shall become a member of the Primary Plan |

and RCA on the date the person becomes a Councillor.

(Senior Management Official)

8. Any person who holds a senior management position with the Employer, as the Employer may designate from time to time ("Senior Management Official"), 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. The Employer further authorizes the Director of Human Resources to submit forthwith a certified copy of this By-law to the OMERS Administration Corporation.

DATED this _____ day of _____, 2024.