

**BY-LAW NUMBER 183-2024**  
**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.

(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 *Fire Protection and Prevention Act, 1997*, 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.

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(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.

READ A FIRST TIME:                    **DECEMBER 17, 2024**

READ A SECOND TIME:                **DECEMBER 17, 2024**

PASSED:                                    **DECEMBER 17, 2024**

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MAYOR

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CLERK