

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 188-79

BEING A BY-LAW TO AUTHORIZE THE AMENDMENT
OF A SUPPLEMENTARY AGREEMENT UNDER THE
ONTARIO MUNICIPAL RETIREMENT SYSTEM ACT.

WHEREAS pursuant to Section 23 of the Regulations made under
The Ontario Municipal Employees Retirement System Act, R.S.O.
1970 as amended, an employer who has elected to participate
in the System may enter into or amend an agreement with the
Ontario Municipal Employees Retirement Board for the payment
of supplementary benefits in respect of all or any class of the
employees, mayor or aldermen who are or become members of the
System;

AND WHEREAS The Corporation of the City of North Bay has entered
into a Supplementary Agreement with the Ontario Municipal
Employees Retirement Board dated October 16, 1978;

AND WHEREAS it is deemed advisable to amend the said Agreement;


NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF
NORTH BAY HEREBY ENACTS AS FOLLOWS:


1. The Mayor and Clerk are hereby authorized on behalf of
the Corporation of the City of North Bay to enter into an
agreement in the form attached hereto as Schedule A with
the Ontario Municipal Employees Retirement Board.
2. The Clerk is hereby authorized to do such things as are
necessary under this agreement and to carry out the intent
of the By-law.
3. This By-law shall come into force on the day of its passing.

READ A FIRST TIME IN OPEN COUNCIL THIS 29th DAY OF OCTOBER, 1979.

READ A SECOND TIME IN OPEN COUNCIL THIS 13th DAY OF November ,1979

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED
THIS 13th DAY OF November , 1979.


MAYOR


CITY CLERK

SCHEDULE A

ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM

AN AGREEMENT AMENDING SUPPLEMENTARY BENEFITS AGREEMENT

NO.28.....

THIS AGREEMENT made this12th..... day ofSeptember....., 19 79, pursuant to section 23 of Ontario Regulation 936, 1977, as heretofore and hereafter amended, (herein called the "Regulation"), being a regulation made under The Ontario Municipal Employees Retirement System Act, R.S.O. 1970, Chapter 324, as heretofore and hereafter amended from time to time,

BETWEEN

the ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD (herein called the "Board"), and

the CITY OF NORTH BAY (herein called the "Employer").

WHEREAS the Board and the Employer have entered into an agreement datedOctober 16, 1978...., (herein called the "Agreement"), pursuant to section 23 of the Regulation,

AND WHEREAS it is desirable to amend the Agreement,

NOW THEREFORE in consideration of the mutual covenants and agreements herein contained, the Board and the Employer do hereby covenant and agree:

Schedule 1, Part D and Part E, of Supplementary Agreement #28 be replaced as of January 1, 1979 by the Schedule 1, Part D and Part E, dated September 12, 1979 attached hereto with respect to covered members who shall retire, die or otherwise terminate their service with the Employer on or after January 1, 1979.

IN WITNESS WHEREOF, this amendment to the Agreement is executed by the parties hereto under the hands of their respective officers lawfully authorized in that behalf and corporate seals respectively.

FOR THE EMPLOYER:

The CORPORATION OF THE CITY OF NORTH BAY

DATED: November 20, 1979

MAJOR A.B. Burton CITY CLERK

(SEAL)

FOR THE BOARD:

DATED:

Executive-Director

(SEAL)

SCHEDULE "1"

PART D

ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM

Supplementary Pension Plan

Dated September 12, 1979

Coverage

1. This Supplementary Pension Plan (herein called the "Plan") is applicable to members of the Ontario Municipal Employees Retirement System (herein called "covered members") employed by the City of North Bay (herein called the "Employer") who are members of C.U.P.E., Local 122, in respect of their continuous service with the Employer.

Definitions

2. Words and phrases used in this Plan shall have the meaning given to them under the Ontario Municipal Employees Retirement System Act, R.S.O. 1970, as heretofore and hereafter amended (herein called the "Act") and, its regulation, Ontario Regulation 936, 1977, as heretofore and hereafter amended (herein called the "Regulation"); and
 - (a) "Agreement" means the Supplementary Benefits Agreement of which this Plan forms Schedule 1;
 - (b) "Plan average earnings" means the average annual contributory earnings of a covered member during the five years January 1974 to December 1978 inclusive received by him in respect of his Plan credited service but excluding any contributory earnings in respect of optional service;
 - (c) "basic benefit" means the benefit payable to a covered member under section 12, 13, 14, 15, 16 or 18 of the Regulation;
 - (d) "Plan effective date" means January 1, 1979 and the Plan year shall end on December 31 of each year thereafter;
 - (e) "Plan normal retirement date" of a covered member means the last day of the month such member attains age 65.

Application

3. Employees who are covered members under this Plan are listed on Appendix A which is attached hereto and forms part of this Plan.

Contributions

4. (1) After taking into account any contributions actually made by covered members the Employer shall contribute to this Plan each year such amounts, to be determined by the Board, on the advice of the actuary, as are required to provide for the payment of benefits under this Plan.
- (2) Each covered member shall contribute to this Plan an amount as set out in Appendix A attached hereto.

Plan Credited Service

5. The Plan credited service of a covered member shall be that part of his continuous service, as described in section 1 of this Plan, which occurred immediately before the Employer's effective date of participation in the System but excluding any such service
 - (a) for which a contribution made by the covered member under section 9 of the Regulation, under an approved pension plan or under a prior service agreement has been refunded; or
 - (b) for which the covered member was entitled to make a contribution under section 9 of the Regulation, under an approved pension plan or under a prior service agreement and chose not to do so.

Supplementary Normal Retirement Pension

6. (1) A supplementary normal retirement pension is payable under this Plan to a covered member who retires on or after his Plan normal retirement date and shall be equal to 2% of his Plan average earnings multiplied by the total number of years and part of a year of his Plan credited service up to 35 years, reduced,
 - (a) when the covered member becomes entitled to a pension under the Canada Pension Plan by 0.7 per cent of the lesser of such Plan average earnings or \$9,333, multiplied by the total number of years and part of a year of his Plan credited service after the 1st day of January, 1966 up to 35 years, and
 - (b) by the annual amount of pension payable under a prior service agreement or an approved pension plan to the covered member on or after his Plan normal retirement date excluding the annual amount of any pension purchased by voluntary contributions made by the covered member under an approved pension plan.

APPENDIX "A"

SUPPLEMENTARY PENSION PLAN

for C.U.P.E. Local 122 of the

City of North Bay

NORMAL RETIREMENT AGE 65

Name	Sex	Date of Birth			Member Contributions	Annual Pension
		DD	MM	YY		
Brownbill, G. W.	M	14	09	24	\$ --	\$ 143
Campbell, I. R. (Retired)	M	25	01	20	436.43	1,819
Fior, E.	M	08	11	24	482.74	1,500
Gauthier, J. A.	M	28	07	18	--	368
Gauvreau, S.	M	18	12	22	--	580
Guay, W. C.	M	08	11	18	372.17	1,980
Hazzard, R. K.	M	02	12	29	277.74	85
Hodgins, G. R. (Retired)	M	01	07	20	440.56	2,092
Mousseau, J. E.	M	26	09	15	350.88	1,781
Myre, L. O.	M	04	07	25	447.36	1,234
Ranger, J.	M	29	12	24	405.49	1,966
Yeomans, J. A.	M	15	07	22	420.98	2,322

SCHEDULE "1"

PART E

ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM

Supplementary Pension Plan

Dated September 12, 1979

Coverage

1. (1) This Supplementary Pension Plan (herein called the "Plan") is applicable to members of the Ontario Municipal Employees Retirement System (herein called "covered members") employed by the City of North Bay as non-union administrative personnel or the Parking Authority of the City of North Bay (each herein called the "Plan Employer" with respect to its employees) in respect of their continuous service with the Plan Employers.
- (2) This Plan shall be administered by the City of North Bay (herein called the "Employer") on behalf of the Plan Employers.

Definitions

2. Words and phrases used in this Plan shall have the meaning given to them under the Ontario Municipal Employees Retirement System Act, R.S.O. 1970, as heretofore and hereafter amended (herein called the "Act") and, its regulation, Ontario Regulation 936, 1977, as heretofore and hereafter amended (herein called the "Regulation"); and
 - (a) "Agreement" means the Supplementary Benefits Agreement of which this Plan forms Schedule 1;
 - (b) "Plan average earnings" means the average annual contributory earnings of a covered member during the five years January 1974 to December 1978 inclusive received by him in respect of his Plan credited service but excluding any contributory earnings in respect of optional service;
 - (c) "basic benefit" means the benefit payable to a covered member under section 12, 13, 14, 15, 16 or 18 of the Regulation;
 - (d) "Plan effective date" means January 1, 1979 and the Plan year shall end on December 31 of each year thereafter;
 - (e) "Plan normal retirement date" of a covered member means the last day of the month such member attains age 65.

Application

3. Employees who are covered members under this Plan are listed on Appendix A which is attached hereto and forms part of this Plan.

Contributions

4. (1) After taking into account any contributions actually made by covered members the Employer shall contribute to this Plan each year such amounts, to be determined by the Board, on the advice of the actuary, as are required to provide for the payment of benefits under this Plan.
- (2) Each covered member shall contribute to this Plan an amount as set out in Appendix A attached hereto.

Plan Credited Service

5. The Plan credited service of a covered member shall be that part of his continuous service, as described in subsection (1) of section 1 of this Plan, which occurred immediately before either the Employer's effective date of participation in the System or the Plan Employer's effective date of participation in the System, as the case may be, but excluding any such service
 - (a) for which a contribution made by the covered member under section 9 of the Regulation, under an approved pension plan or under a prior service agreement has been refunded; or
 - (b) for which the covered member was entitled to make a contribution under section 9 of the Regulation, under an approved pension plan or under a prior service agreement and chose not to do so.

Supplementary Normal Retirement Pension

6. (1) A supplementary normal retirement pension is payable under this Plan to a covered member who retires on or after his Plan normal retirement date and shall be equal to 2% of his Plan average earnings multiplied by the total number of years and part of a year of his Plan credited service up to 35 years, reduced,
 - (a) when the covered member becomes entitled to a pension under the Canada Pension Plan by 0.7 per cent of the lesser of such Plan average earnings or \$9,333, multiplied by the total number of years and part of a year of his Plan credited service after the 1st day of January, 1966 up to 35 years, and
 - (b) by the annual amount of pension payable under a prior service agreement or an approved pension plan to the covered member on or after his Plan normal retirement date excluding the annual amount of any pension purchased by voluntary contributions made by the covered member under an approved pension plan.

- (2) Subject to subsections (4) and (5) below, the amount of annual normal retirement pension under the Plan to the credit of each covered member on the Plan effective date and payable on his normal retirement date shall be as shown in Appendix A attached hereto.
- (3) A supplementary normal retirement pension payable to a covered member under this Plan is payable coincident with and under the same terms and conditions and subject to the same limitations as the covered member's normal retirement pension under section 12 of the Regulation.
- (4) Notwithstanding anything in this Plan, the annual amount of supplementary normal retirement pension payable to a covered member under this Plan shall not be less than the amount of annual pension which contributions made by him on account of such supplementary normal retirement pension would provide. The amount of such annual pension payable in respect of such covered member contributions shall be determined by the executive-director.
- (5) The total of the annual amount of supplementary normal retirement pension payable to a covered member under this section plus the annual amount of any pension in respect of his Plan credited service payable to a covered member at normal retirement age under an approved pension plan or under a prior service agreement plus the annual amount of normal retirement pension payable to the covered member under section 12 of the Regulation may not exceed the maximum amount provided in section 250(4) of The Municipal Act, R.S.O. 1970, chapter 284, as amended.

Other Benefits

7. In lieu of the supplementary normal retirement pension payable under section 6 of this Plan, there shall be payable, coincident with and under the same terms and conditions and subject to the same limitations as the basic benefit:
 - (a) a supplementary disability retirement benefit calculated in the manner prescribed in section 13 of the Regulation but using the supplementary normal retirement pension under section 6 of this Plan as a basis for calculation; or
 - (b) a supplementary pension to a covered member's widow, widower, or children calculated in the manner prescribed in section 14 of the Regulation but using the supplementary normal retirement pension under section 6 of this Plan as a basis for calculation; or

- (c) a supplementary deferred pension calculated in the manner prescribed in section 15 of the Regulation but using the supplementary normal retirement pension under section 6 of this Plan as a basis for calculation; or
- (d) a supplementary early retirement pension calculated in the manner prescribed in section 16 of the Regulation but using the supplementary normal retirement pension under section 6 of this Plan as a basis for calculation; or
- (e) a refund of contributions plus interest to the credit of a covered member under this Plan, in the manner prescribed in section 18 of the Regulation; or
- (f) a transfer of the present value of any supplementary pension to the credit of the covered member under this Plan, in accordance with the manner prescribed in section 22 of the Regulation or subsection (10) of section 23 of the Regulation.

Miscellaneous

- 8. (1) The contributions made by a covered member under this Plan, or under a previous plan with respect to the benefits provided herein, shall not be withdrawn in whole or in part while the covered member remains a member of the Ontario Municipal Employees Retirement System.
- (2) The interest of a person under this Plan and in any benefit payable under this Plan is not subject to garnishment, attachment, seizure or other process of law, and is not assignable.
- (3) References herein to sections of the Act and Regulation or subdivisions thereof include successor sections or subdivisions thereof which may be enacted from time to time.

APPENDIX "A"

SUPPLEMENTARY PENSION PLAN

for the Parking Authority and Non-Union Administrative Personnel

for the City of North Bay

NORMAL RETIREMENT AGE 65

Name	Sex	Date of Birth			Member Contributions	Annual Pension
		DD	MM	YY		
Amos, P. S.	M	18	10	15	\$ 533.01	\$2,992
Armstrong, C. E.	M	30	06	17	1,077.30	7,728
Beaton, C. K.	M	22	11	19	499.55	3,685
Dufresne, A. J.	M	03	05	26	577.92	1,910
Gigg, W. J.	M	23	12	20	633.44	2,217
Keith, W. H.	M	10	09	23	464.57	2,101
Mitchell, R. J.	M	15	05	35	--	1,716
Raycraft, W. C.	M	29	10	25	550.01	465
Simms, E. M.	M	07	01	24	--	2,313