

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2010-175

**BEING A BY-LAW TO AMEND BY-LAW NO. 1962-2066
(A BY-LAW TO AUTHORIZE PARTICIPATION IN THE ONTARIO
MUNICIPAL EMPLOYEES RETIREMENT SYSTEM)**

WHEREAS By-law No. 1962-2066 provides for mandatory membership in the Ontario Municipal Employees Retirement System (OMERS) for permanent employees;

AND WHEREAS mandatory members in the OMERS Primary Pension Plan ("Primary Plan") and the Retirement Compensation Arrangement ("RCA") provides benefits for members and former members of the Primary Plan;

AND WHEREAS pursuant to subsection 6(1) of the Primary Plan, an employer who is eligible under the *Ontario Municipal Employees Retirement Act, 2006* ("OMERS Act, 2006), to participate in the Primary Plan and the RCA may participate in the Primary Plan and RCA and pay to the funds for the Primary Plan and the RCA the total of the employer and members contributions, and has all of the powers necessary and incidental thereof;

AND WHEREAS The Corporation of the City of North Bay has elected to participate in the Primary Plan and the RCA;

AND WHEREAS Council passed Resolution No. 2010-86 at its Regular Meeting held on Monday, February 8, 2010 to modify the conditions for membership in the Primary Plan and RCA for specified Other Than Continuous Full-time Employees ("OTCFT Employee").

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

1. By-law No. 1962-2066 is hereby amended to add the following:

"7. Transit Spareboard Operators:

- (i) The City of North Bay's Transit Spareboard Operators have been defined as OTCFT Employees since June 11, 2005; and
- (ii) The City of North Bay requires mandatory enrollment in the Primary Plan and RCA for all Transit Spareboard Operators.

8. Election – Mandatory Membership for Specified OTCFT Employees:

As of the 1st day of January, 2010 (the "OTCFT Effective Date"), the City of North Bay approves mandatory memberships in the Primary Plan and the RCA for each person who is employed as an OTCFT Employee who is employed as a Spareboard Operator in the City's Transit Department.

9. Current Specified OTCFT Employees:

A Specified OTCFT Employee who commenced employment before the OTCFT Effective Date is entitled to become a member of the Primary Plan and the RCA on the 1st day of the month following the month in which the Specified OTCFT Employee's application is received by OMERS, provided that the OMERS may, at the request of the City of North Bay, fix an earlier date on which the Specified OTCFT Employee becomes a member but not before the date on which the Specified 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 Act, whichever is the later date.

10. Future Specified OTCFT Employees:

Every person who becomes a Specified OTCFT Employee on or after the OTCTF 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."

2. This By-law comes into effect as of the 1st day of January, 2010.

READ A FIRST TIME IN OPEN COUNCIL THIS 26TH DAY OF JULY, 2010.

READ A SECOND TIME IN OPEN COUNCIL THIS 26TH DAY OF JULY, 2010.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 26TH DAY OF JULY, 2010.

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MAYOR VIC FEDELI

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CITY CLERK CATHERINE CONRAD