



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 229-94

A by-law to authorize execution of an amending agreement to the Supplementary Downsizing Agreement under the Ontario Municipal Employees Retirement System

WHEREAS The Corporation of the City of Brampton entered into an agreement dated October 16, 1978, with the Ontario Municipal Employees Retirement Board, pursuant to Section 23 of the Regulations under the Ontario Municipal Employees Retirement System Act;

AND WHEREAS By-law 20-90 (February 12, 1990) authorized the amendment of a Supplementary Agreement made under the Act;

AND WHEREAS pursuant to Supplementary Benefits provisions of the Regulation made under the Ontario Municipal Employees Retirement System Act, RSO 1990, c.O.29, as amended, an employer who has elected to participate in the System may enter into an agreement with the Board for the payment of Supplementary Downsizing Benefits in respect of all or any class of the employees who are members of the System;

AND WHEREAS, pursuant to By-law 241-93, the City entered into a Supplementary Downsizing Agreement dated October 13, 1993, with the Ontario Municipal Employees Retirement Board, which agreement was amended by an Amending Agreement dated March 28, 1994;

AND WHEREAS it is deemed appropriate to enter into a further Amending Agreement to the Supplementary Downsizing Agreement;

NOW THEREFORE the Council of the Corporation of the City of Brampton ENACTS as follows:

1. The Mayor and Clerk are hereby authorized on behalf of The Corporation of the City of Brampton to execute an agreement in a form approved by the City Solicitor to amend the Supplementary Downsizing Agreement dated the 13th day of October, between The Corporation of the City of Brampton and the Ontario Municipal Employees Retirement Board.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 24th DAY OF October, 1994.

APPROVED 48 TO FORM LAW DEPT BRAMPTON
<i>ymk</i>
DATE 10/26/94

Peter Robertson
 PETER ROBERTSON, MAYOR

Leonard J. Mikulich
 LEONARD J. MIKULICH, CITY CLERK

ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM

AMENDING AGREEMENT NO. 2 TO

SUPPLEMENTARY DOWNSIZING AGREEMENT NO. 064000 - T7

THIS AMENDING AGREEMENT IS BETWEEN:

THE ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD

(the "Board")

AND

THE CORPORATION OF THE CITY OF BRAMPTON

(the "Employer")

WHEREAS the Board and the Employer have entered into a Supplementary Downsizing Agreement dated the 13th day of October 1993, as amended (the "Agreement") pursuant to, and governed by, the Supplementary Benefits provisions of Regulation 890, R.R.O. 1990, as amended (the "Regulation"), a regulation under the Ontario Municipal Employees Retirement System Act, R.S.O. 1990, c. O.29, as amended (the "Act");

AND WHEREAS the Board and the Employer desire to amend the Agreement.

NOW THEREFORE the Board and the Employer agree to the following:

Schedule 1, Part A of the Supplementary Downsizing Agreement shall be replaced as of September 1, 1994 by the Schedule 1, Part A attached hereto with respect to covered members.

THIS AMENDING AGREEMENT is entered into this 24th day of October 1994

FOR THE EMPLOYER:

DOCUMENT EXECUTION AUTHORIZED BY CITY OF BRAMPTON BY-LAW 229-94

APPROVED AS TO FORM LAW DEPT BRAMPTON DATE 10 26 94

Peter Robertson

(Signature) PETER ROBERTSON (Position) MAYOR

L. Mikulich

(Signature) LEONARD J. MIKULICH (Position) CITY CLERK

(SEAL)

FOR THE OMERS BOARD:

..... OMERS President

(SEAL)

SCHEDULE "1" TO THE ONTARIO MUNICIPAL EMPLOYEES
RETIREMENT SYSTEM SUPPLEMENTARY DOWNSIZING AGREEMENT

PART A

ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM
SUPPLEMENTARY DOWNSIZING PLAN

Covered Members

1. Each member of the System employed by the Corporation of the City of Brampton (the "Employer") shall be covered under this Plan immediately on the Plan Effective Date or the date the member becomes part of the Class.

General

2. Unless otherwise provided for in this Plan, all terms and conditions of benefits payable under the Act and Regulation shall apply to benefits payable under this Plan.

Definitions

3. Under this Plan,
 - (a) "Agreement" means the Ontario Municipal Employees Retirement System Supplementary Downsizing Agreement of which this Plan forms Schedule 1, Part A;
 - (b) "Capital Cost" means the amount required to provide any benefit payable under this Plan as determined by the Board, on the advice of the actuary;
 - (c) "Plan Effective Date" means August 31, 1993, and the Plan shall remain in effect until August 30, 1995.

Contributions

4. The Employer shall pay to the Fund, the Capital Cost of any benefit payable under this Plan in the amount and upon such terms as the Board may require by written notice and the Board shall then assume full liability for the payment of such benefit. Payments which are not received by such date will be subject to an additional interest charge determined by the Board in accordance with the *Duties Of The Employer* provisions of the Regulation.

Entitlement

5. An immediate early retirement pension shall be payable to a Covered Member under this Plan only if:
 - (a) the early retirement occurs within the 15 year period before normal retirement age and the Covered Member is at least 50 years of age; and
 - (b) the Employer has approved the early retirement pension under an approved downsizing programme.

Pension Benefit

6. The early retirement pension payable to a Covered Member under this Plan shall be an amount equal to the difference between the amount of early retirement pension which is payable to the member under the *Early Retirement Pensions* provisions of the Regulation, and:
 - (a) the annual amount of pension calculated in the manner prescribed in the *Normal Retirement Pensions* provisions of the Regulation, provided that the Covered Member has attained 60 years of age; or
 - (b) the annual amount of pension calculated in the manner prescribed in the *Normal Retirement Pensions* provisions of the Regulation, provided that the Covered Member's age, counted in full years and months, plus credited service and eligible service, counted in full years and months, equals at least 80; or
 - (c) the annual amount of reduced early retirement pension calculated in the manner prescribed in the *Early Retirement Pensions* provisions of the Regulation, except that when calculating the distance to the Covered Member's entitlement to an unreduced early retirement clause (a) and (b) will be taken into consideration.