



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 241-93

A by-law to authorize execution of a Supplementary Downsizing Benefits 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, RSO 1980;

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 Resolution C386-93, approved on October 13, 1993, the Council of the Corporation of the City of Brampton has approved a downsizing program that meets the following requirements:

1. it was introduced as a result of financial pressures or constraints;
2. it aims to reduce the financial obligations of the employer by reducing the number of employees;
3. it includes early retirement guidelines and a restructuring plan setting out the manner in which the employer intends to carry out the downsizing.

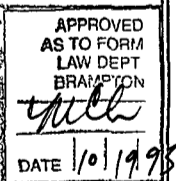
NOW THEREFORE the Council of the Corporation of the City of Brampton ENACTS as follows:

1. The Mayor and Clerk are hereby authorized on behalf of the Corporation of the City of Brampton to enter into a Supplementary Downsizing Agreement in the form attached hereto with the Ontario Municipal Employees Retirement Board for the payment of Supplementary Benefits provided in the Supplementary Downsizing Plan set forth as Schedule 1 to the Supplementary Downsizing Agreement.
2. The Treasurer is hereby authorized to do such things as are necessary under this Supplementary Downsizing Agreement and to carry out the intent of the by-law;
3. A certified copy of this by-law shall be filed with the President of the Ontario Municipal Employees Retirement Board; and
4. This by-law shall come into force on August 31, 1993.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 13th DAY OF October, 1993.

PETER ROBERTSON, MAYOR

LEONARD J. MIKULICH, CITY CLERK



ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM
SUPPLEMENTARY DOWNSIZING AGREEMENT

NO. 064000-T7

THIS AGREEMENT IS BETWEEN:

THE ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD
(the "Board")

AND

THE CORPORATION OF
THE CITY OF BRAMPTON
(the "Employer")

WHEREAS this Supplementary Downsizing Agreement (the "Agreement") is made 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 has determined the form and content of this Agreement, as required by the Regulation;

AND WHEREAS the Employer has passed an enabling bylaw/resolution approved by the Board.

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

1. Words and phrases in this Agreement and its schedules, which form part of this Agreement, have the meaning given to them in the Act and Regulation, unless the context clearly indicates a contrary intention; and
 - (a) "Plan" is the Supplementary Downsizing Plan attached as Schedule 1; and
 - (b) "Covered Member" is a member of the System to whom the Plan applies.
2. References to section headings in the Regulation (as quoted by words in italics) shall include all provisions covered by that section heading.
3. The benefits payable from the Fund under this Agreement in respect of a Covered Member are set out in the Plan.
4. The Employer shall provide each Covered Member with either a written explanation of the benefits and terms and conditions of the Plan as amended from time to time, or a copy of the Plan and any amendments made from time to time.

5. Despite anything in this Agreement, the provisions of the Pension Benefits Act, Ontario, and the Income Tax Act, Canada, and regulations thereunder, as amended, shall prevail over the provisions of this Agreement.
6. The Employer and the Board shall provide each other with such information as each may require for the proper administration of this Agreement.
7. The provisions of the Act and the Regulation as amended from time to time shall, except where otherwise specifically provided for herein, apply to the provisions of this Agreement and to the Plan to the same extent and with the same effect as would be the case if the provisions of this Agreement and the Plan were set out in the Regulation. In the event there is any conflict or inconsistency between the provisions of the Act and the Regulation and the provisions of this Agreement, the provisions of the Act and Regulation shall govern.

THIS AGREEMENT is entered into this 13th day of October 1993.

FOR THE EMPLOYER:

Peter Robertson (Seal)
 PETER ROBERTSON MAYOR
Leonard J. Mikulich
 LEONARD J. MIKULICH CITY CLERK

AUTHORIZATION BY-LAW	
NUMBER	241-93
PASSED BY CITY	
COUNCIL ON THE	13th
DAY OF	October 1993

D. Quinn (Seal)

 President RP

FOR THE BOARD:

APPROVED AS TO FORM LAW DEPT BRAMPTON
<i>W. H. H.</i>
DATE 11/16/93

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, 1994.

Contributions

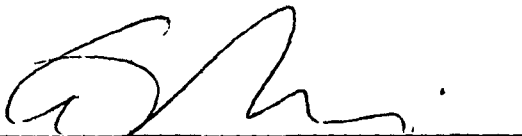
4. The Employer shall pay to the Fund, the Capital Cost of any benefit payable under this Plan in the amount and upon such terms as the Board may require by written notice and the Board shall then assume full liability for the payment of such benefit. Payments which are not received by such date will 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.



A. Solski
Chief Administrative Officer



Peter Robertson
Mayor