

## THE CORPORATION OF HALDIMAND COUNTY

By-law Number /23

**Being a by-law to confirm participation in the OMERS Primary Pension Plan and the related Retirement Compensation Arrangement for employees and councillors, and to repeal By-laws 37/01, 444/03 and 643/05**

**WHEREAS** Section 5 of the *Ontario Municipal Employees Retirement System Act, 2006* authorizes Haldimand County, as Employer, to participate in the OMERS Primary Pension Plan and the related Retirement Compensation Arrangement in respect of its eligible employees and councillors;

**WHEREAS** By-law 643/05 authorized participation in OMERS in respect of employees since January 1, 2001;

**WHEREAS** By-law 37/01, as amended by By-law 444/03, authorized participation in OMERS in respect of the Head of Council and Councillors since January 1, 2001;

**AND WHEREAS** it is deemed expedient to update and reconfirm the Employer's participation in OMERS in respect of employees and councillors,

**NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:**

1. **THAT** for the purposes of this by-law:

**Definitions:**

- 1.1 **"Act"** shall mean the *Ontario Municipal Employees Retirement System Act, 2006*, as amended from time to time.
- 1.2 **"CFT"** shall mean "continuous full-time" in referencing an Employee who is employed on a continuous full-time basis as defined in subsection 9 (1) of the Primary Plan.
- 1.3 **"Councillor"** means a person who is a member of a council of a municipality, including the head of council.
- 1.4 **"Employee"** shall mean a person who is employed by an Employer and who is eligible to be a member of an OMERS pension plan under the Act.
- 1.5 **"Employer"** for the purposes of this by-law shall mean the Corporation of Haldimand County.
- 1.6 **"OTCFT"** shall mean "other than continuous full-time" in referencing an Employee who is employed on other than a continuous full-time

basis and meets the eligibility criteria in subsection 9 (6) of the Primary Plan.

- 1.7      **“Primary Plan”** shall mean the pension plan, as amended from time to time, known as the OMERS Primary Pension Plan, which is a continuation of the pension plan that was governed by the *Ontario Municipal Employee Retirement System Act* immediately before the legislation was repealed on June 30, 2006.
- 1.8      **“RCA”** shall mean the Retirement Compensation Arrangement for the OMERS Primary Pension Plan, as amended from time to time, established to provide benefits to members of the Primary Plan in excess of the applicable maximum pension accrual limits in the *Income Tax Act*.
- 1.9      **“Senior Management Official”** shall mean the Human Resources Manager position with the Employer, or designate, as the Employer may designate from time to time.
2.      **THAT** further to previously enacted authorization to participate in the Primary Plan and the RCA in respect of its Employees and Councillors, Haldimand County confirms its participation in the Primary Plan and the RCA in accordance with the terms of the Primary Plan, the RCA and applicable legislation, as amended from time to time.
3.      **THAT** the Employer shall participate in the Primary Plan and the RCA in respect of each Employee who is eligible to be a member of the Primary Plan and the RCA under subsection 5 (3) of the Act, in accordance with the terms of the Primary Plan, RCA and applicable legislation, as amended from time to time.
4.      **THAT** a CFT Employee 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.
5.      **THAT** an OTFCT Employee is entitled to become a member of the Primary Plan and the RCA in accordance with the terms of the Primary Plan.
6.      **THAT** the Employer shall continue to participate in the Primary Plan and the RCA in respect of each of its Councillors and every person who becomes a Councillor shall 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 that they become a Councillor, unless otherwise limited through legislation.
7.      **THAT** a Senior Management Official is authorized to take all such action and execute all such documents, certificates and agreements as may be 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.
8.      **THAT** By-laws 643/05 and 37/01 as amended, are no longer in force or effect.

9. **AND THAT** this by-law takes force and effect on the date of passing.

READ a first and second time this 27<sup>th</sup> day of November, 2023.

READ a third time and finally passed this 27<sup>th</sup> day of November, 2023.

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MAYOR

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DEPUTY CLERK