

BY-LAW NO. 3553/83

A By-law of The City of Winnipeg to provide for a pension plan and a group life insurance plan for members of Council of The City of Winnipeg.

WHEREAS under Section 134 of The City of Winnipeg Act, S.M. 1971, Cap. 105, the City may pass By-laws to establish, maintain and regulate the pension plan for members of Council and may also enter into contracts of group insurance for members of Council and their dependents, and may in addition to any other rates and assessments for the City's purposes levy and assess in every year a special rate sufficient to furnish the amount required during the year for the purpose of establishing and maintaining the funds for those plans and may guarantee the solvency thereof;

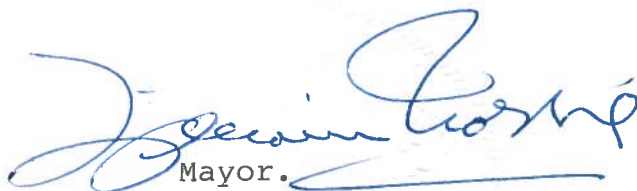
NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. Short Title

This By-law shall be known and may be cited as the "Council Members' Pension Plan By-law".

2. For the purpose of establishing, maintaining and regulating a pension plan for the members of Council of the City and to provide for the granting of contributory pension to members of Council on their retirement and to permit the entering into of contracts of group insurance for the benefit of members of Council is hereby enacted a By-law subject to the terms, conditions and restrictions set out in Schedule "A" to this By-law.

DONE AND PASSED, in Council assembled, this 17th day of August, A.D. 1983.


Mayor.


City Clerk.

Certified as to form:


for F. N. Steele,
City Solicitor.

SCHEDULE "A" TO BY-LAW NO. 3553/83
OF THE CITY OF WINNIPEG


City Clerk

PART I

The PENSION PLAN FOR MEMBERS OF
COUNCIL OF THE CITY OF WINNIPEG

Section 1 - DEFINITIONS

(1) In this Schedule,

"Administrator" means the Administrator of the Employee Benefits Program under City of Winnipeg By-law No. 1125/75;

"Annual Indemnity" means the total amount paid a Member for carrying out his responsibilities, including his responsibilities as a member of a Community Committee, and includes any additional amount received as Mayor, Deputy Mayor, Standing Committee Chairman, or Chairman of the Executive Policy Committee, and includes the one-third of the indemnity which is deemed to be for expenses incident to the discharge of his duties as a member of Council;

"Child" means a natural, adopted or step-child of a Member provided the date of adoption or becoming a step-child is at least one (1) year prior to the date on which the Member retires;

"City" means "The City of Winnipeg";

"Council" means the "Council of The City of Winnipeg";

"Eligible Child" means an unmarried child of a member of Council who is totally or substantially dependent on that Member for financial support, and

- i) is less than eighteen (18) years of age;
 or
- ii) is between eighteen (18) years of age
 and twenty-five (25) years of age and
 is in full time attendance in a recog-
 nized educational institution; or
- iii) has been totally disabled subsequent to
 the age of eighteen (18) and was quali-
 fied as an "eligible child" under para-
 graph (ii) on the day he became totally
 disabled; or
- iv) has been totally disabled since he reached
 the age of eighteen (18) years;

"Eligible Spouse" means a person who was a spouse throughout the period which began at least one (1) year prior to the date the Member retired, or the date he ceased to be on Council, whichever occurred first, and continued until the Member's death and has not entered into an agreement renouncing all benefits under the Plan. If the person became a spouse or was first deemed to be a spouse less than one (1) year prior to the date on which the Member retired or he ceased to be on Council, whichever occurred first, the person will be deemed to be an Eligible Spouse if evidence of the Member's good health is submitted to and found satisfactory by the Administrator;

"Member" means a Member of this Plan;

"Member of Council" means a member of Council of The City of Winnipeg, and includes the Mayor and Deputy Mayor of the City;

"Plan" means the pension plan for the members of Council as established in accordance with this By-law or such plan as may be in force from time to time in the future;

"Spouse" means a person who, at the date of death of a Member, is legally married to that Member. A person may be deemed to be a Spouse if the Administrator, on the basis of evidence submitted, finds at the date of death of a Member, that neither the Member nor the person were legally married and that the person had resided with the Member and the Member had publicly represented the person as being his spouse for a period of at least one (1) year immediately prior to the death of the Member.

- (2) Words importing the singular will include the plural, and vice versa, and words importing the masculine gender will include the feminine gender where the context requires.

Section 2 - EFFECTIVE DATE

The effective date of the Plan shall be the date of the enactment of the By-law establishing, maintaining and regulating this Plan.

Section 3 - ELIGIBILITY

- (1) Each person who is a Member of Council on the effective date shall be eligible to join the Plan immediately.
- (2) Membership in the Plan is voluntary for persons who are Members of Council on the effective date.
- (3) A person who becomes a Member of Council after the effective date may apply to participate in the Plan commencing on the date of his election.

- (4) Any person who wishes to join the Plan, whether a Member of Council on the effective date or on becoming a Member of Council after the effective date, shall file a letter to that effect on a form prescribed by the Administrator to the Administrator within sixty (60) days of the effective date or of his election, whichever is appropriate.

Section 4 - CONTRIBUTIONS

(1) Member's Contributions

Each participating Member will be required to contribute seven per cent (7%) of his total annual indemnity.

(2) City's Contributions

The City will contribute annually over and above the required contributions by the participating Members, the amount necessary to provide the benefits payable from the Plan during the year. All payments of pensions and refunds of contributions shall be a charge upon and form part of the City's General Expenses.

(3) Re-election of Pensioner

A person who is in receipt of a pension under this Plan and again becomes a Member of Council may elect to contribute in respect of his annual indemnity for such subsequent service and to have such subsequent service counted in the calculation of his pension under this Plan, or if he does not wish to contribute in respect of his annual indemnity for a subsequent period as a Member of Council, he may elect not to become a contributor in respect of those further annual indemnities. A person who is in receipt of a pension under this Plan and again becomes a Member of Council ceases to receive his pension upon commencement of the payments to him of his annual indemnity for such subsequent service.

(4) Reinstatement

Where a former Member receiving a pension is re-elected to City Council and re-enters the pension Plan and again ceases to be a Member of Council, his pension is computed on his combined periods of pensionable service. Where a former Member receiving a pension is re-elected to City Council and does not re-enter the pension Plan and ceases to be a Member of Council his former pension shall be reinstated.

Section 5 - ELECTION TO CONTRIBUTE IN RESPECT OF PRIOR INDEMNITIES

A person who is a Member of Council on the effective date of this Plan at any time before October 25th, 1983, may elect to contribute in respect of all indemnities paid to him since October 12th, 1971.

Section 6 - CONTRIBUTIONS IN RESPECT OF PRIOR INDEMNITY

- (1) Where a Member of Council elects to contribute in respect of indemnities paid to him during his service on Council, he shall pay to the City Treasurer an amount equal to seven per cent (7%) of all indemnities paid to him during the period in respect of which he elected to become a contributor retroactive to October 12th, 1971.
- (2) In respect to the payment referred to in subsection (1), if same is made by way of a lump sum payment it shall be made on or before December 31st, 1983.
- (3) If payment referred to in subsection (1) is made by installments, installments must commence no later than January 1, 1984. Interest on outstanding balance shall be charged on same basis as for special past service provided in the Employee Benefits Program By-law No. 1125/75.
- (4) If a Member is making past service contributions by installments he may pay part or all of the balance of the unpaid installments to the City Treasurer in a lump sum at any time. If a Member dies after the effective date of this Plan his Eligible Spouse or Eligible Child or Eligible Children may pay part or all of the past service contributions which the Member could have paid had he continued to live. Such amount may not be paid later than six (6) months after the death of the Member or six (6) months after the date of enactment of this By-law, if later, and may be paid only in a lump sum.

Section 7 - REMITTANCE OF REFUND

Where a person who has received a refund of contributions on ceasing to be a Member, again becomes a Member, he may, if he applies to become a contributor again, remit the amount of the refund that he previously received, together with interest thereon, at the rate credited to contributions each year as calculated on the basis employed under the City's Employee Benefits Program, By-law No. 1125/75, from the date the refund was received to the date the remittance is made to the City Treasurer and thereby receive pensionable service and a reinstatement of his previous service.

Section 8 - REFUND OF CONTRIBUTIONS

If a Member does not qualify for a pension on ceasing to be a Member of Council, he may apply for a refund of his contributions plus accumulated interest on the basis employed under the City's Employee Benefits Program, By-law No. 1125/75.

Section 9 - PENSION BENEFITS

- (1) The pension to be received by a Member of this Plan is five per cent (5%) of the average of the highest three (3) years of annual indemnities received while serving as a Member multiplied by the total years of pensionable service.
- (2) A lifetime pension is payable to a Member upon his ceasing to be a Member of Council providing age plus years of service as a Member of Council total fifty-five (55) or more and having served and made contributions on indemnities for not less than four (4) years and having been elected to two (2) Councils, whichever is less.
- (3) The maximum pension to be received by a Member is seventy per cent (70%) of the average indemnity of the best three (3) consecutive years.

Section 10 - DEATH BENEFIT

DEATH OF MEMBER OR PENSIONER

- (1) If at the time of his death a Member was receiving a pension his Eligible Spouse shall receive a lifetime pension equal to sixty per cent (60%) of the pension the Member was receiving.
- (2) If at the time of his death a Member was serving as a Member of Council and had the required service to qualify for a pension, the Eligible Spouse will receive a lifetime pension equal to sixty per cent (60%) of the pension calculated as at the date of death.
- (3) If at the time of his death a Member serving as a Member of Council did not have the required service to qualify for a pension, a refund of the contributions plus interest to the date of the Member's death will be paid to the Spouse. The rate of interest to be paid shall be calculated on the basis employed under the City's Employee Benefits Program, By-law No. 1125/75. If there is no Spouse, the refund shall be paid to the beneficiary or the estate, whichever is applicable.

Section 11 - DEATH OF SPOUSE RECEIVING PENSION

If an Eligible Spouse who has been receiving a pension in accordance with subsections 9(1) and 9(2) above dies, the Eligible Children shall receive the same pension in equal shares for as long as they remain eligible.

Section 12 - RETURN OF CONTRIBUTIONS AND INTEREST GUARANTEED

If when the pension payments cease the total pension payments that have been made are less than the Member's contributions plus accumulated interest to the date of the commencement of the pension to the Member, the difference shall be refunded to the beneficiary or to the estate of the Member, whichever is applicable.

Section 13 - COST OF LIVING INCREASE IN PENSIONS

The recipient of a pension is entitled to an annual cost of living increase commencing January 1st of each year equal to the percentage increase in the Consumer Price Index for Canada for the twelve (12) month period ending September 30th of the previous year multiplied by the annual pension being received.

Section 14 - CONTRIBUTIONS MADE TO CITY'S GENERAL REVENUES

All contributions and remittances of refunds shall be paid into and form part of the City's General Revenues.

Section 15 - PAYMENTS FROM CITY'S GENERAL EXPENDITURES

All payments of pensions and refunds of contributions shall be a charge upon and shall form part of the City's General Expenses.

Section 16 - ADMINISTRATION

This Plan shall be administered by the Administrator of the Employee Benefits Board of The City of Winnipeg.

Section 17 - PENSIONABLE SERVICE

The years of service credited as Pensionable Service shall be the calendar years, provided, however, that the months of the year of his election and the months of the last year of his term shall be credited to him on a proportionate basis.

PART II

PRINCIPLES of the GROUP LIFE INSURANCE PLAN
FOR THE MEMBERS OF COUNCIL OF
THE CITY OF WINNIPEG

Section 1 - DEFINITIONS

- (1) The "Definitions" provided for the Pension Plan for the Members of Council for The City of Winnipeg shall apply to the Group Life Insurance Plan for the Members of Council.
- (2) "Group Life Insurance Plan" means the Group Life Insurance Plan for Members of Council as established by the attachment to The City of Winnipeg's Master Group Policy No. 31394GL with Great-West Life Assurance Company under the further terms and provisions as set out in this Part.

Section 2 - EFFECTIVE DATE

The effective date of the implementation of the provisions of this Part shall be the date of the enactment of the By-law permitting the Group Life Insurance Plan.

Section 3 - ELIGIBILITY REQUIREMENTS

- (1) All Members of Council on the effective date shall, subject to subsection (2), be members of the Group Life Insurance Plan.
- (2) Any Member of Council on the effective date may opt out of the Group Life Insurance Plan if he files a letter to that effect with the Administrator within sixty (60) days of the effective date.
- (3) Any person who becomes a Member of Council after the effective date shall be a member of the Group Life Insurance Plan commencing on the date of his election to Council.

Section 4 - AMOUNT OF INSURANCE

- (1) The amount of insurance automatically provided on the life of each Member is equal to two times his Annual Indemnity.
- (2) The amount of insurance on a Member's life shall, on his death, be paid to his designated beneficiary either in a lump sum or in instalments, or this amount may be left on deposit for future withdrawal. Interest at the rate determined by the insurance company underwriting the Group Life Insurance Plan will be credited to any amount still to be paid if either of the latter two options is chosen.

- (3) Each Member will be asked to complete an information card. Completion of this card will permit a Member to designate a beneficiary and to indicate if he wants either to reduce the insurance on his life to one times his Annual Indemnity or to obtain additional insurance so that the total amount of his insurance is equal to three times his Annual Indemnity. For additional insurance to be obtained, a Member must provide evidence of insurability satisfactory to the insurance company underwriting the Group Life Insurance Plan.
- (4) If a Member chooses to be insured for one or two times his Annual Indemnity he may later increase his insurance to two times his Annual Indemnity or three times his Annual Indemnity if he provides evidence of insurability satisfactory to the insurance company underwriting the Group Life Insurance Plan.
- (5) If a Member chooses to be insured for two or three times his Annual Indemnity he may later reduce his insurance to one or two times his Annual Indemnity.
- (6) A Member choosing to change the amount of his insurance must obtain and complete the prescribed form and submit it to the Administrator.
- (7) A change in the amount of a Member's insurance will take effect on the first day of the pay period for which he first makes contributions at the rate applicable to the changed amount.

Section 5 - INSURANCE AFTER RETIREMENT

The amount of insurance on the life of a Member after retirement as a Member of Council is a percentage of the insurance, excluding any additional insurance on his life, at his retirement date. The percentage is determined as follows:

- (a) Up to and including the last day of the pay period in which he attains age sixty-five (65) it is 50%
- (b) From the first day of the pay period immediately following the pay period in which he attains age sixty-five (65) to the last day of the pay period in which he attains age seventy (70) it is 25%
- (c) On or after the first day of the pay period immediately following the pay period in which he attains age seventy (70) it is 15%

Section 6 - CONTRIBUTIONS

- (1) A Member will contribute .3% of his Annual Indemnity if he chooses to be insured for one times

his Annual Indemnity or .6% of his Annual Indemnity if he chooses to be insured for twice his Annual Indemnity. A Member who elects to increase his insurance protection to three times his Annual Indemnity contributes, in addition, the amount needed to provide this additional insurance. The amount needed shall be actuarially calculated not less frequently than once every three (3) years. The first such calculation shall be made in the year 1982. If a Member is receiving an Annual Indemnity, his contributions shall be deducted from such Annual Indemnity. If a Member is not receiving an Annual Indemnity, his contributions shall be deducted from his retirement pension, if any, or if he is not receiving a retirement pension, or such pension is less than his contributions, the Member shall be required to pay the contributions at regular intervals directly to the Administrator for the credit of the Member.

- (2) A retired Member who continues to participate in the Group Life Insurance Plan after retirement contributes the same amount per thousand dollars of insurance as a Member receiving an Annual Indemnity.
- (3) For each pay period, the City will contribute the same amount as was contributed in that period, for insurance, equal to one times Annual Indemnities, or twice Annual Indemnities, by those Members who, for that period, received or were entitled to receive an Annual Indemnity.
- (4) All contributions are deposited in the Insurance Fund. The premiums required to provide the insurance are paid out of this Fund.

Section 7 - TERMINATION OF INSURANCE

- (1) If a person ceases to be a Member of Council as a result of resignation, failure to retain his seat at election, forfeiture of his seat, or disqualification from being or remaining a Member of Council and immediately prior to such termination the person was a Member receiving an Annual Indemnity, his insurance will terminate on the last day of the pay period for which he has made contributions.
- (2) If a person ceases to be a Member of Council as a result of retirement, the Member's insurance automatically continues in effect at a reduced amount, as provided in Section 5, unless he elects not to continue to participate in the Group Life

Insurance Plan. Contributions with respect to this insurance will be deducted from his pension payments.

- (3) A Member who does not wish to participate in the Group Life Insurance Plan after retirement must indicate this choice to the Administrator on the form prescribed by the Administrator for this purpose. In such event, his insurance will terminate on the last day of the pay period for which he has made contributions.
- (4) If a Member dies within thirty-one (31) days after his insurance terminated or was reduced, the amount of insurance in effect under the Group Life Insurance Plan on the life of the Member at the date his insurance terminated or was reduced shall be paid to his beneficiary.
- (5) When part or all of the insurance on the life of a Member terminates, he may obtain an individual policy of life insurance from the insurance company underwriting the Group Life Insurance Plan. No evidence of insurability is required if the Member applies for this policy within thirty-one (31) days of the date his insurance under the Group Life Insurance Plan terminated or was reduced. This policy may be for an amount of insurance which is equal to or less than the amount which terminated. The policy may be on any plan of insurance, other than term insurance, regularly issued by the insurance company. As an alternative, a Member may obtain insurance on the one (1) year term insurance plan. If the insurance on the one (1) year term plan is obtained, the Member may, prior to the end of the year, change this insurance to any plan of insurance, other than term insurance, regularly issued by the insurance company. The amount of any insurance provided by the Group Life Insurance Plan on the life of a Member who has used this privilege shall be determined in accordance with Section 4 but reduced by the amount of insurance provided by such individual policy, if such policy is still in force.

Section 8 - ADMINISTRATION

This Group Life Insurance Plan shall be administered by the Administrator of the Employee Benefits Board of The City of Winnipeg.

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Section 9 - GENERAL

- (1) A Member may designate any person to be his beneficiary, and he may change his beneficiary at any time, subject to the laws governing such matters. If no beneficiary has been designated by the Member or if the beneficiary designated has died and no beneficiary has been subsequently designated by the Member, any benefits which otherwise would have been paid to his beneficiary shall instead be paid to the Estate of the Member.

By-Law No. *3553/83*

A BY-LAW
OF THE
CITY OF WINNIPEG

to provide for a pension
plan and a group life in-
surance plan for members of
Council of The City of
Winnipeg.

File No.....

Advertised

Posted.....

Entered by.....

REMARKS

Read a first time *August 17, 1983*

~~Rule Suspended~~

Read a second time *August 17, 1983*

Rule Suspended

Read a third time
and passed *August 17, 1983*

R. J. Ferguson
City Clerk

F. N. STEELE,
City Solicitor.