THE CITY OF WINNIPEG

BY-LAW NO. 57/2012

A By-law of THE CITY OF WINNIPEG to continue The Winnipeg Civic Employees' Benefits Program

WHEREAS City of Winnipeg By-law No. 5300/89 merged the pension plans and pension funds established and maintained by the City under By-law No. 219 of the former Metropolitan Corporation of Greater Winnipeg and By-law Nos. 1125/75 and 2819/80 to establish a civic employees' pension plan;

AND WHEREAS By-law No. 5300/89 established an early retirement benefits arrangement and a long term disability plan for employees which, together with the civic employee's pension plan were collectively known as the Employee Benefits Program;

AND WHEREAS the City and certain collective bargaining agents entered into the Amending Agreement;

AND WHEREAS section 79 of the former City of Winnipeg Act and section 94 of The City of Winnipeg Charter provided for the amendment and continuation of the Employee Benefits Program in accordance with the conditions set forth therein, which included conditions for the implementation of the Amending Agreement;

AND WHEREAS the conditions for the implementation of the Amending Agreement and the changes described therein were satisfied;

AND WHEREAS the City and certain collective bargaining agents entered into the 2002 Pension Trust Agreement and 2003 Disability Trust Agreement to implement the provisions of the Amending Agreement;

AND WHEREAS By-law No. 5300/89 was amended to provide for the amendment and continuation of the Employee Benefits Program under and in accordance with the terms of the 2002 Pension Trust Agreement and the 2003 Disability Trust Agreement;

AND WHEREAS the amendments to By-law No. 5300/89 provided for the immediate transfer of the pension fund created under By-law No. 5300/89 to the board of trustees constituted under the 2002 Pension Trust Agreement and, concurrent with the date of such transfer:

(i) Schedules "A", "B" and "C" to By-law No. 5300/89 were superseded and replaced by Parts A, B and C of the program text appended to the 2002 Pension Trust Agreement effective January 1, 2003;

(ii) the trust relationship in respect of the pension fund created under By-law No. 5300/89 was superseded and replaced by the trust relationship created under the 2002 Pension Trust Agreement;

(iii) the employee benefits board constituted under By-law No. 5300/89 was discharged of all responsibilities and obligations related to the future administration of the Employee Benefits Program; and

(iv) the terms of By-law No. 5300/89 had no further application to the Employee Benefits Program except to the extent contemplated by the terms of the 2002 Pension Trust Agreement or the 2003 Disability Trust Agreement, or as otherwise necessary to give effect to their terms.

AND WHEREAS the parties to the 2002 Pension Trust Agreement and the 2003 Disability Trust Agreement wish to amend and restate such agreements effective September 1, 2011;

AND WHEREAS it is desirable for the sake of clarity that By-law No. 5300/89 be repealed;

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

Definitions

1 In this By-law

"2002 Pension Trust Agreement" means the pension trust agreement dated October 7, 2002 among the City and certain collective bargaining agents;

"2003 Disability Trust Agreement" means the disability trust agreement dated January 14, 2003 among the City and certain collective bargaining agents who were parties to the 2002 Pension Trust Agreement;

"Amending Agreement" means the letter of understanding between the City and certain collective bargaining agents which was ratified by the City on November 22, 2000 and which proposed changes to the Employee Benefits Program;

"Civic Employees' Early Retirement Benefits Arrangement" means The Winnipeg Civic Employees' Early Retirement Benefits Arrangement continued in accordance with the 2002 Pension Trust Agreement;

"Civic Employees' Long-Term Disability Plan" means The Winnipeg Civic Employees' Long Term Disability Plan continued in accordance with the 2003 Disability Trust Agreement;

"Civic Employees' Pension Plan" means The Winnipeg Civic Employees' Pension Plan continued in accordance with the 2002 Pension Trust Agreement;

"Employee Benefits Program" means the employee benefits program defined in section 1 of By-law 5300/89;

"The Winnipeg Civic Employees' Benefits Program" means the benefits program consisting of the Civic Employees' Pension Plan, the Civic Employees' Early Retirement Benefits Arrangement and the Civic Employees' Long-Term Disability Plan.

The Winnipeg Civic Employees' Benefits Program amended and continued

2 The Winnipeg Civic Employees' Benefits Program is continued under the following agreements as amended and restated from time to time:

(1) the 2002 Pension Trust Agreement; and

(2) the 2003 Disability Trust Agreement.

By-law No. 5300/89 repealed

3 By-law No. 5300/89 is hereby repealed.

DONE AND PASSED, this _____ day of _____, 2012.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Chief Financial Officer

Approved as to form:

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For Acting Director of Legal Services/City Solicitor