THE CITY OF WINNIPEG

BY-LAW NO. 27/2012

A By-law of THE CITY OF WINNIPEG to amend the Pension for Members of Council By-law

WHEREAS pursuant to *The City of Winnipeg Act* (Manitoba), the Council of The City of Winnipeg has adopted By-law No. 7869/2001 (the "By-law"), which established a pension benefits program for all members of Council;

AND WHEREAS the By-law came into effect on January 1, 2001;

AND WHEREAS in Section 16 of the By-law, Council reserved the right to by by-law from time to time amend, modify, vary or terminate the terms, conditions or provisions of the By-law or the Council Pension Benefits Program;

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

By-law No. 7869/2001 amended

1 By-law No. 7869/2001, being a By-law of The City of Winnipeg to establish a pension benefits program for members of Council of The City of Winnipeg, is amended by this By-law.

Section 1 amended

2 Section 1 is amended by striking out *"City of Winnipeg Act"* wherever it appears and replacing it with *"The City of Winnipeg Charter"*.

Subsection 6(2) repealed

3 Subsection 6(2) is repealed.

Section 16 amended

4 Section 16 is replaced by the following:

16 Subject to Sections 17 and 18, but notwithstanding any other provision of this By-law or the Council Pension Benefits Program, Council may by By-law from time to time amend, modify, vary or terminate the terms, conditions or provisions of this By-law or the Council Pension Benefits Program (and any trust arising under this By-law or under the Plan) in such manner and on such terms as Council may determine appropriate, such determination to be conclusively deemed to be evidenced by the passage of such By-law, and such amendment, modification, variation or termination may be effective retroactive to a date prior to the date such By-law is passed.

Section 17 amended

5(1) Subsection 17(1) is amended by striking out *", within two months of receipt thereof"*.

5(2) Subsection 17(2) is repealed.

5(3) Subsection 17(4) is replaced with the following:

(4) If a proposed amendment, modification or variation of the terms, conditions or provisions of this By-law or the Council Pension Benefits Program would materially affect the contributions or benefits payable under the Plan, the Board shall have a written report thereon prepared by a qualified actuary and shall provide such report to Council, and Council shall not adopt such amendment, modification or variation until having received such written report.

Subsection 5(3) of Part A of By-law No. 7869/2001 amended

6 Subsection 5(3) of Part A is amended by replacing *"age 69"* with *"age 71"*.

Subsection 6(11) of Part A of By-law No. 7869/2001 amended

7 Subsection 6(11) is replaced with the following:

(11) If a Member's

(a) annual pension determined in accordance with subsection (1) at the first of the month in which the Member attains the age of 65 is less than 4% of the YMPE for the year in which the Member retired, died, or terminated Employment with the City or the year in which the Member became divorced, separated or had their marriage annulled; or

(b) Commuted Value of the pension is less than 20% of the YMPE for the year in which the Member retired, died, or terminated Employment with the City or the year in which the Member became divorced, separated or had their marriage annulled;

the Member or, if the Member has died, the Member's Spouse, Beneficiary or estate, whichever is applicable, shall receive a lump sum payment equal to the Commuted Value of the pension otherwise payable in lieu of all benefits under the Plan.

Sections 10 and 11 of Part A of By-law No. 7869/2001 amended

8(1) Subsection 10(1) is replaced with the following:

(1) If a Member dies while an Employee but before completing 2 years of Eligibility Service, the Member's Spouse, Beneficiary or estate, whichever is applicable, shall receive in a lump sum the Commuted Value of a pension commencing on the first day of the month following or coinciding with the month in which the Member would have attained age 60. The amount of the pension shall be equal to the pension determined in accordance with Section 6.

8(2) Subsection 11(2) is amended by:

(i) striking out the heading *"More than 2 Year's Eligibility Service"* and replacing it with *"Eligibility Upon Termination"*; and

(ii) striking out "*and after having completed at least 2 years of Eligibility Service,"* wherever it appears.

8(3) Subsections 10(9) and 11(3) are amended by replacing "*30 days*" with "*90 days*" in both provisions.

8(4) Subsection 11(1) is repealed.

DONE AND PASSED, this 22nd day of February, 2012.

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Mayor

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City Clerk

Approved as to content:

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Chief Financial Officer

Approved as to form:

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For Director of Legal Services/City Solicitor