WINNIPEG _____ BY-LAW

City of Winnipeg By-law No. _____

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THE CITY OF WINNIPEG
BY-LAW No. _____

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

WHEREAS by By-law No. 7869/2001 (the "Pension By-law") Council established, effective January 1, 2001, the Council Pension Benefits Program consisting of

(a) The City of Winnipeg Council Pension Plan set out in Part A of the Pension By-law, and

(b) the Early Retirement Benefits Arrangement set out in Part B of the Pension By-law;

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

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

PART 1
AMENDMENTS TO PART A
THE CITY OF WINNIPEG COUNCIL PENSION PLAN

By-law No. 7869/2001, Part A amended

1 Part A of By-law No. 7869/2001, being the Part that establishes The City of Winnipeg Council Pension Plan for members of Council of The City of Winnipeg, is amended by this Part.

Section 1 amended

2 Section 1 is amended

(a) in the definition "Totally and Permanently Disabled", by striking out "Employment" and substituting "Employment (as defined in section 1) or any other employment"; and

(b) in the definition “Earnings”, by adding “, other than taxable benefits,” after “total taxable remuneration”; and

(c) in the definition “Spouse”, by adding “or common-law partner” after “qualifies as a spouse” in the part after clause (b).

Clause 2(3)(b) amended

3 Clause 2(3)(b) is amended

(a) in the second paragraph, by adding “by subsection 5(3)” after “is deemed”.

Subsection 3(3) amended

4(1) Clause 3(3)(a) is amended

(a) by striking out “and” at the end of subclause (i);

(b) in subclause (ii), by adding “while the plan is ongoing,” before “for the proper amortization”; and

(c) by adding the following after subclause (ii):

(iii) in the event the Plan is terminated, for the funding, within an appropriate timeframe as determined by the Board, of any winding-up shortfall,

4(2) Subsection 3(3) is further amended by adding the following after clause (a):

(b) For the purpose of subclause (a)(ii),

(i) “unfunded liability” means the going concern shortfall, if any, as determined by the Actuary and disclosed in the most recently filed actuarial funding valuation for the Plan, and

(ii) “proper amortization” means amortization within eight years after the date of the actuarial funding valuation that disclosed the unfunded liability.

(c) For the purpose of subclause (a)(iii), “winding-up shortfall” means the amount, as determined by the Actuary, by which the value of the benefits payable under the Plan exceeds the total assets of the Pension Fund.

Subsection 3(4) amended

5 Clause 3(4)(d) is amended by striking out “subsection 5” and substituting “subsection (5)”.

Subsection 6(3) amended

6 Subsection 6(3) is replaced with the following:

(3) **Excess Employee Contributions**

If at the time of a Member's termination or retirement, or the death of a Member before termination or retirement, the Member's Required Contributions, With Interest, exceed 50% of the Commuted Value of the pension benefit earned, the excess shall

(a) be used to increase the Member's pension (or the Commuted Value where portability of the pension is permitted); or

(b) at the option of the Member, or the Member's Spouse or Beneficiary as the case may be, be refunded to the Member, or to the Spouse or Beneficiary as applicable.

Subsection 7(2) amended

7 Clause 7(2)(b) is amended by striking out "number of months" in the description of "N" and substituting "number of complete months".

Subsection 11(2) replaced

8 Subsection 11(2) is replaced with the following:

(2) **Pension Commencement After Termination**

If, for any reason other than death, a Member's Employment terminates before the Member is eligible to receive their pension, the Member is entitled to receive the pension commencing

(a) on the first day of any month following or coinciding with the month in which the Member attains age 60, in which case the amount of the pension shall be equal to the pension determined in accordance with Section 6; or

(b) at the Member's option, on the first day of any month following the month in which the Member attains age 55 and before the month in which the Member attains age 60, in which case the value of the pension must be the actuarial equivalent of the value of the pension that would be payable if the pension were commenced on the first day of the month in which the member attained age 60.

Subsection 12(3) amended

9 Clause 12(3)(b) is amended by replacing the second sentence with the following:

For this purpose, although *The Pension Benefits Act* (Manitoba) and the regulations under that Act do not apply to the Plan, for the purposes of accounting for and dividing a Member's pension or pension credits under provincial family property law,

(i) a Member's divisible pension credits or pension benefits are to be calculated as if that Act applied to the Plan;

(ii) despite the application of that Act to the calculation of the divisible pension credits or pension credits, a Member may assign, or convey, all or any part of their pension benefits, pension credits or other benefits under the Plan to their Spouse or former Spouse;

(iii) if all or any part of a Member's pension in pay is assigned to the Spouse or former Spouse, the part so assigned is payable to the recipient as a pension in pay; and

(iv) if all or any part of a Member's pension credit is assigned to the Spouse or former Spouse, the value of it is payable to the recipient as a lump sum or, at the recipient's election, is to be transferred directly to a registered retirement savings plan held in the name of the recipient, subject to any limitations in the *Income Tax Act* (Canada).

PART 2
AMENDMENT TO PART B
EARLY RETIREMENT BENEFITS ARRANGEMENT

By-law No. 7869/2001, Part B amended

10 Part B of By-law No. 7869/2001, being that the Part that sets out the Early Retirement Benefits Arrangement for members of Council of The City of Winnipeg, is amended by this Part.

Subsection 3(2) amended

11 Subsection 3(2) by striking out "Sections 10, 11 or 12" and substituting "Section 10 or 11".

PART 3
COMING INTO FORCE

Coming into force

12 This by-law comes into force on _____, 2021.

_____

Mayor

_____

City Clerk

Approved as to content:

_____

Chief Financial Officer

Approved as to form:

_____

For Director of Legal Services/City Solicitor