

**Explanatory Note
to
By-Law 2024-22**

Being A By-Law to confirm and authorize participation in the OMERS Primary Pension Plan (“Primary Plan”) and the Retirement Compensation Arrangement for the OMERS Primary Pension Plan (“RCA”), each as amended from time to time, of the employees of the **Corporation of the Town of Wasaga Beach** (“Employer”) identified herein.

Council approved By-law 2024-05 being a By-law to change the normal retirement age from 65 years to 60 years under the Primary Plan and the Retirement Compensation Arrangement (RCA), for employees of the Employer who are part of the Fire Management class in accordance with the terms of the Primary Plan and applicable legislation, effective January 1, 2024.

The Ontario Municipal Employees’ Retirement System (OMERS) requested an update to Bylaw 2024-05 to incorporate policy language updates and amendments that have occurred over the past few years into one current, comprehensive document.

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW 2024-22

A By-Law to confirm and authorize participation in the OMERS Primary Pension Plan (“Primary Plan”) and the Retirement Compensation Arrangement for the OMERS Primary Pension Plan (“RCA”), each as amended from time to time, of the employees of the **Corporation of the Town of Wasaga Beach** (“Employer”) identified herein.

WHEREAS the Employer is eligible to participate in the Primary Plan and the RCA in accordance with subsection 5(1) of the *Ontario Municipal Employees Retirement System Act, 2006*, as amended from time to time (“OMERS Act, 2006”), in respect of its eligible employees and does so in accordance with the applicable Primary Plan and RCA documents and applicable legislation;

AND WHEREAS pursuant to subsection 6(1) of the Primary Plan, the Employer may, by by-law or resolution, participate in the Primary Plan and the RCA and pay to the funds for the Primary Plan and the RCA the total of the employer and member contributions required by the Primary Plan, and has all of the powers necessary and incidental thereto;

AND WHEREAS the Employer previously enacted **By-Law 188**, and elected to participate in the Primary Plan in respect of its eligible employees effective January 1, 1963;

AND WHEREAS the Employer subsequently enacted **By-Law 90-80** to elect that eligible firefighter employees participate in the Primary Plan with a normal retirement age of 60 effective January 1, 1963;

AND WHEREAS the Employer then enacted **By-Law 2013-24** and elected that eligible firefighter employees who belong to the Fire Management class of employees participate in the Primary Plan and RCA with a normal retirement age of 65 effective January 1, 2013;

AND WHEREAS the Employer wishes to enact a By-Law to: (i) reconfirm the Employer’s election to participate in the Primary Plan and the RCA in respect of its eligible employees in an updated format, and (ii) effective **January 1, 2024** change the normal retirement age from 65 years to 60 years under the Primary Plan and the RCA, as applicable, for employees of the Employer who are firefighters and who are part of the Fire Management class in accordance with the terms of the Primary Plan and applicable legislation;

THEREFORE BE IT RESOLVED THAT, effective **January 1, 2024** (“Effective Date”), or as otherwise indicated, the Council hereby enacts as follows:

- (Continuation of Participation)

1. The Employer shall continue to participate in the Primary Plan and the RCA in accordance with the terms of the Primary Plan, RCA, and applicable legislation, each as amended from time to time.
- (Existing Members)

2. For greater certainty, the Employer continues to participate in the Primary Plan and the RCA in respect of all of its eligible employees who were members of the Primary Plan and the RCA on the day immediately preceding the Effective Date.
- (Election re: Employees)

3. As of the Effective Date, the Employer shall participate in the Primary Plan and the RCA in respect of each person who is employed by the Employer and who is eligible to be a member of the Primary Plan and the RCA under subsection 5(3) of the OMERS Act, 2006 (“Employee”), in accordance with the terms of the Primary Plan, RCA, and applicable legislation, each as amended from time to time.
- (Future CFT Employees)

4. An Employee who becomes an Employee employed on a continuous full-time basis, as defined in subsection 9(1) of the Primary Plan, as amended from time to time (“CFT Employee”), on or after the Effective Date 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.
- (Membership for OTCFT Employees)

5. An Employee who is employed on other than a continuous full-time basis (“OTCFT Employee”) and meets the eligibility criteria in subsection 9(6) of the Primary Plan, as amended from time to time, is entitled to become a member of the Primary Plan and the RCA in accordance with the terms of the Primary Plan, as amended from time to time.
- (NRA 60 for Non- Fire Management)

6. Employees who, in respect of their employment with the Employer, meet the definition of “firefighter” in subsection 1(1) of the *Fire Protection and Prevention Act, 1997*, as amended from time to time, and who are not employed in the Fire Management class shall continue to have a normal retirement age of 60 years under the Primary Plan and the RCA, as applicable, in accordance with the terms of the Primary Plan, RCA, and applicable legislation, each as amended from time to time.

(NRA 60 for Fire Management)

7. Effective as of **January 1, 2024** Employees who, in respect of their employment with the Employer, meet the definition of "firefighter" in subsection 1(1) of the *Fire Protection and Prevention Act, 1997*, as amended from time to time, and who are employed in the following class: Fire Management shall have a normal retirement age of 60 years under the Primary Plan and the RCA, as applicable, in accordance with the terms of the Primary Plan, RCA, and applicable legislation, each as amended from time to time.

(Senior Management Official)

8. Any person who holds a senior management position with the Employer, as the Employer may designate from time to time ("Senior Management Official"), is hereby authorized on behalf of the Employer to take all such action and execute all such documents, certificates and agreements, as they may consider 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. The Employer further authorizes the Payroll/Benefits & HR Representative to submit forthwith a certified copy of this By-Law to the OMERS Administration Corporation.

9. That where the provisions of any other by-law, resolution or action of Council are inconsistent with the provision of this by-law the provision of this by-law shall prevail.

10. That By-law 2013-24 and 2024-05 are hereby repealed.

11. That this by-law shall come into force and effective on the final passage thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS DAY OF 28th DAY OF MARCH, 2024.

THE CORPORATION OF THE TOWN OF WASAGA BEACH

Brian Smith, Mayor

Nicole Rubli, Director, Legislative Services & Clerk