

THE CORPORATION OF THE TOWN OF KINGSVILLE

By-law 41-2025

Being a By-law to confirm and authorize continued 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, councillors and head of council of the Corporation of the Town of Kingsville (“Employer”) identified herein.

Whereas sections 8 and 9 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, (the “Act”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority conferred upon a municipality to govern its affairs as it considers appropriate;

And 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 Corporation of the Town of Kingsville previously enacted By-law 15-1999 and elected to participate in the Primary Plan and the RCA in respect of its eligible employees effective January 1, 1999, in accordance with the terms of the Primary Plan, RCA and applicable legislation, each as amended from time to time;

And whereas the Employer is a municipality and, pursuant to subsection 5(2) of the OMERS Act, 2006, a municipality may participate in the Primary Plan and the RCA in respect of its councillors;

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 July 1, 2025, make an election to participate in the Primary Plan and the RCA in respect of its councillors, inclusive of its head of council.

Now therefore The Council of the Corporation of the Town of Kingsville enacts as follows:

1. Continuation of Participation

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.

2. Existing Members

For greater certainty, the Employer continues to participate in the Primary Plan and the RCA in respect of all of its Employees (defined below) who were members of the Primary Plan and the RCA on the day immediately preceding the Effective Date.

3. Election re Employees

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.

4. Future CFT Employees

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.

5. Membership for OTCFT Employees

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.

6. NRA 60 Option for Fire

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, S.O. 1997, c.4, as amended from time to time, 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.

7. Election re: All Councillors

The Employer shall participate in the Primary Plan and the RCA in respect of each of its councillors (inclusive of its head of council) who meet the definition of "councillor" in subsection 1(1) of the Primary Plan, as amended from time to time ("Councillor"), as of **July 1, 2025** ("Councillor Effective Date") in accordance with the terms of the Primary Plan, RCA, and applicable legislation, each as amended from time to time.

8. Current Councillors

A Councillor in office on the Councillor Effective Date is entitled to become a member of the Primary Plan and the RCA on the first day of the month following the month in which the Councillor's application is received by the OMERS Administration Corporation ("AC"), provided that the AC may, at the request of the Employer, fix an earlier date on which the Councillor becomes a member but not before the date on which the Councillor became entitled to be a member or the first day of January in the year in which the application is received by the AC, whichever is the later date.

9. Future Councillors

Every person who becomes a Councillor after the Councillor Effective Date shall become a member of the Primary Plan and RCA on the date the person becomes a Councillor.

10. Senior Management Official

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 Manager of Human Resources to submit forthwith a certified copy of this By-law to the AC.

11. That this By-Law comes into force and takes effect on the day of the final passing thereof.

Read a first, second and third time and finally passed this 16th day of June 2025.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole