



THE CORPORATION OF THE TOWN OF WHITBY

Council Remuneration and Expenses By-law

A By-law to provide for Council remuneration and expenses.

This document has been reproduced for convenience only and is a consolidation of the Council Remuneration and Expenses By-law # 6500-11, adopted by the Council of the Town of Whitby on June 27, 2011.

As Amended by By-laws:

By-law Number: 6576-12	Date Passed: January 16, 2012	Section(s) Amended: Sections 2 and 3
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Individual copies of any of the above by-laws are available from the Office of the Town Clerk of the Town of Whitby. For legal purposes, copies of the original by-laws should be obtained.

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Being a By-law to Provide for Council Remuneration and Expenses.

Whereas, the Municipal Act, 2001, as amended, allows for the payment of remuneration and expenses to members of council and local boards;

And Whereas, The Corporation of the Town of Whitby deems it necessary to establish the remuneration and expenses for members of council when on municipal business, which remuneration and expenses reflect and recognize the past practice of the municipality.

Now Therefore, the Council of The Corporation of the Town of Whitby enacts as follows:

1. Definitions

1. In this by-law,

"Mayor" shall mean the Mayor of the Town of Whitby.

"Members of Council" shall mean all Members of Council, excluding the Mayor.

"Member(s)" when referenced shall mean the Mayor and Members of Council.

2. Remuneration

That effective January 1, 2010, the annual allowance for the Mayor and Members of Council shall be:

1. The Mayor of the Corporation of the Town of Whitby shall be paid remuneration of \$78,052.
2. The Members of Council of the Corporation of the Town of Whitby shall be paid a remuneration of \$36,875.
3. In each successive year increases for the Mayor and Members of Council shall be based on the average of the remuneration paid to the Mayors and Members of Council, respectively, in other lakeshore urban communities in Durham Region and that effective January 1, 2011 amendments to the rates will be processed once the rates are confirmed for that current year, but no later than December 1st of each year.
4. The remuneration payable to the Mayor and Members of Council as provided for in this by-law shall apply with it being understood that should the statutory provisions regarding provincial income tax be amended, repealed or replaced with successor

legislation that has the effect of prohibiting an income tax free portion, adjustments shall be made to the remuneration so as to maintain the same net remuneration payable to the Mayor and Members of Council.

3. Retirement Remuneration

5. The Mayor and Members of Council, with service of more than three consecutive years, may, upon written application to the Clerk by the Member or by a representative duly designated in writing by the Member, receive retirement remuneration upon ceasing to be a Member by reason of:
 - (i) election defeat;
 - (ii) resignation;
 - (iii) leaving office; or
 - (iv) becoming deceased while in office.
6. No Member shall be entitled to receive retirement remuneration who ceases to be a Member by reason of, or by resignation which is a result of:
 - (v) removal from office by judicial process;
 - (vi) disqualification under or operation of any Act of Parliament of Canada or the Legislature of the Province of Ontario.
7. Retirement remuneration shall be equal to one month of salary for a Member, times the total number of years of qualified service to the Member, to a maximum of the average retirement remuneration paid in the other lakeshore urban communities in Durham Region.
8. Where a Member of Council has qualified to receive retirement remuneration as a result of ceasing to be a Member of Council as provided herein and again becomes a Member of Council, any subsequent calculation of retirement remuneration:
 - a. shall commence from the date that the Member has served for more than three consecutive years;
 - b. shall be limited to the maximum remuneration as specified, less any previous period of time for which the Member has received retirement remuneration.
9. A written application for retirement remuneration must be received by the Clerk within six calendar months of ceasing to be a Member, otherwise any entitlement to retirement remuneration shall be forfeited.
10. The calculation of the amount of the retirement remuneration pursuant to paragraph 8 or 9 herein, shall use twelve months for a year and any remainder of six months or more shall be rounded up to the next higher number, and, if the remainder is less

than six months, the calculation of the years of service shall be unaffected.

11. In the event of the death of a person while a Member of Council, retirement remuneration shall be paid to the estate of such Member.

4. One-Third of Remuneration Deemed as Expenses

12. One-third of the remuneration paid to the elected Mayor and Members of Council and its Local Boards is deemed as expenses incident to the discharge of their duties as members of the Council or Local Board.

5. Payment for Expenses

13. The Mayor and Members of Council shall be paid from time to time for expenses incurred in the normal performance of these duties in accordance with Council approved policies.

6. Car Allowance

14. The Mayor shall be paid a car allowance of \$13,000 per annum in lieu of actual mileage incurred, as adjusted at January 1, 2011 to reflect the amended rate approved by the Canada Revenue Agency for mileage between 2007 and 2011.
15. The Deputy Mayor shall be paid a car allowance of \$8,840 per annum in lieu of actual mileage incurred, as adjusted at January 1, 2011 to reflect the amended rate approved by the Canada Revenue Agency for mileage between 2007 and 2011.
16. Members of Council shall be paid a car allowance of \$6,344 per annum in lieu of actual mileage incurred, as adjusted at January 1, 2011 to reflect the amended rate approved by the Canada Revenue Agency for mileage between 2007 and 2011.
17. Any adjustments to the Canada Revenue Agency rate for mileage after January 1, 2011 shall be incorporated into the mileage rates for the Mayor and Members of Council.

7. Benefits

18. The Mayor and Members of Council and their eligible dependents are eligible to enrol in the Town's extended health and dental plan that reflects the coverage approved for the Management Group.
19. The Mayor and Members of Council may opt out of the benefit coverage and receive

pay in lieu of the premiums for which the Town would pay the provider, based on the eligibility criteria for the Member, be it single or family coverage.

20. The Mayor and Members of Council shall receive life insurance at a rate of 3.5 times their remuneration, to a maximum of \$500,000 up to age 65 and at age 65, this coverage reduces to 1.0 times their remuneration and at age 70, the coverage reduces to \$10,000.
21. The Mayor and Members of Council, being enrolled in OMERS and in accordance with the OMERS Act and its regulations, shall make necessary contributions in accordance with the rules of the Plan.
22. In the event that a Member is in receipt of an OMERS pension or, no longer qualifies to make OMERS contributions, such Member shall be paid an amount equivalent to the employer's contributions that would have been payable on that Member's behalf to OMERS.

8. General

23. Repeal of Existing By-laws. Resolutions. Policies and Practices
By-law #'s: 4299-98, 6008-07, 6458-11 and Resolution # 583-02 and any other policies or practices in place related to Council Remuneration are repealed in their entirety.
24. Title
This by-law shall be known as the Council Remuneration By-law.

By-law read a first, second and third time and finally passed this 2nd day of June, 2011.

Original Signed

Debi Wilcox, Town Clerk

Original Signed

Patricia Perkins, Mayor