

Interoffice Memorandum



Date: June 28, 2023
To: Regional Council
From: Barb Goodwin, Commissioner of Corporate Services
Subject: Repeal of by-laws #16-2007 and #55-2018

**The Regional
Municipality of
Durham**

Corporate Services
Department

605 Rossland Rd. E.
Level 3
PO Box 623
Whitby, ON L1N 6A3
Canada

905-668-7711
1-800-372-1102

durham.ca

Barb Goodwin
MPA, CPA/CGA,
B.Comm, CPM,
CMMIII

Commissioner of
Corporate Services

In 2007, By-law #16-2007 was passed which permitted the Region of Durham to participate in OMERS in respect of its Head of Council. In 2018, By-law #55-2018 was passed to amend By-law #16-2007 in paragraph 3 to make the Head of Council's participation in OMERS permissive at their discretion. The authority to deduct the earnings of the Head of Council for the purpose of contributing to OMERS was also amended from the Director of Human Resources to the Commissioner of Corporate Services.

Through further investigations by Regional staff, it was discovered that By-law #55-2018 did not accord with the OMERS plan and once the Head of Council opted-in to OMERS the only way subsequent Head's of Council could opt out is by way of terminating the enabling by-law. As such, By-law #55-2018 is of no force and effect according to OMERS. Based on this, it is recommended that Regional Council pass the attached By-law to repeal By-laws #16-2007 and #55-2018 that enabled the Head of Council to opt-in retroactive to December 19, 2018, when By-Law #55-2018 was passed.