

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XXX-2019

A By-law to provide for severance remuneration for members of Council and to repeal and replace By-Law 142-2004.

WHEREAS municipalities have the authority under Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended to pass by-laws related to financial incentives in respect of retirement and severance payments to be provided to employees and members of Council;

AND WHEREAS the Council of the City of Vaughan wishes to enact a by-law providing for a severance payment to be provided to members of Council in certain circumstances to provide financial adjustment to unemployment or retirement of a Councillor;

NOW THEREFORE the Council of The Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. Definitions:

“Councillor” means a person who is or becomes a member of Council of the City of Vaughan on or after December 1, 2003 and who is elected under the *Municipal Elections Act* or appointed to fill a vacancy in the office of a member so elected.

“Councillor’s Salary” means the salary paid by the City to a Councillor immediately prior to the date that the Councillor ceases to be a Councillor.

“Years of Service” means the consecutive years served as a Councillor of the City, provided that a Councillor’s service shall be deemed to be consecutive despite any temporary break in the period of service as a result of a recount under the *Municipal Elections Act*. Years of Service does not include periods where a Councillor was not remunerated as a result of a suspension of the remuneration paid to the Councillor pursuant to section 223.4(5) of the *Municipal Act*, (however such a suspension does not constitute a break in consecutive years).

2. That subject to Section 3 of this By-law, a severance remuneration equal to one (1) month of the Councillor's Salary for each of the Councillor's prior Years of Service to a maximum of twenty-four (24) consecutive months be paid to a Councillor who ceases to be a Councillor by reason of:
 - (a) being defeated in a municipal election;
 - (b) completing a term of Council and choosing not to run for re-election;
 - (c) resigning his or her seat on Council for any reason;
 - (d) being removed from office during a term of Council as a result of municipal reorganization; or
 - (e) death of a Councillor while in office (in which case the severance may be paid to the Councillor's estate).
3. Where a Councillor's eligible Years of Service pursuant to Section 2 of this By-law includes part of a year, the severance remuneration payable shall be calculated in proportion to the time actually served.
4. No payment of severance shall be made to a Councillor who:
 - (a) is removed from Council by judicial process or disqualification under or operation of any Act of Parliament of Canada or the Legislature of Province of Ontario.
 - (b) despite section 2(c) of this bylaw, resigns in anticipation of being removed from office by judicial process or disqualification under or operation of any Act of Parliament of Canada or the Legislature of Province of Ontario. (However, this does not include a resignation in anticipation of being elected to Provincial or Federal office).
 - (c) gives notice in writing to the Clerk at any time while this By-law remains in force that he or she opts out of receiving a severance.
5. By-law 142-2004 is hereby repealed.

Enacted by the City of Vaughan Council the XX day of XXXX, 2019.

Hon. Maurizio Bevilaqua, Mayor

Todd Coles, City Clerk

Authorized by Item No.____ of Report No. ____
of the _(insert committee)_____
Adopted by Vaughan City Council on _____