

**13. City of Saint John Retired Members Association
- Formal Complaints Under Pension Benefits Act**

On motion of Councillor Knibb

Seconded by Councillor Rogers

RESOLVED that the letter from the City of Saint John Retired Members Association submitting a copy of formal complaints lodged by the Association under the Pension Benefits Act of the Province of New Brunswick; and advising that the Association takes very strong objection that the pension plan is the subject of continued media attention -- be received and filed and the appropriate staff respond to Danielle Metivier, Superintendent of Pensions for the Province of New Brunswick, on the claim that three of the Trustees are in violation of their positions.

Councillor Knibb, a Trustee of the City of Saint John Pension Plan, noted that the above letter contains two main issues, one dealing with him based on the Association's explanation in the above letter as to why he is in violation of section 17(3) of the Pension Benefits Act; and expressed the opinion that, having made the general statement that Council should not be congratulating persons who go out on disability because in fact it hurts the fund in that nothing would kill the fund faster and make it impossible for the retirees to survive if half the City staff retired on disability because they draw full pension and contribute far less than their share, in those circumstances his remarks are not prejudiced nor unfair, and he stands by them. With regard to the other issue of the City Manager and the Commissioner of Finance being in a conflict of interest position, Councillor Knibb suggested that, unfortunately, the Retirees somehow have the impression that the City is recommending that the Pension Plan be cancelled, as the recommendation was to ask the Province at some stage to provide legislation so that municipalities could, in fact, operate their pension plans unchanged, except that they would be under the by-laws of the municipality rather than under a Provincial act; and made the observation that Council will be considering in Committee of the Whole later this date a proposed new Pension Act. Mr. Wilson, Treasurer of the Board of Trustees, emphasized that the Association's conclusion is wrong with respect to what the City is trying to do in its request to the Province to amend the Municipalities Act to permit, sometime in the future, a municipality such as Saint John to repeal its Pension Act and have it administered by a by-law, as the City is not at the stage suggested by the Association, and also that it would be necessary to go back to the Legislature to request a change in the way the Pension Act is administered; referenced the 1992 attempt to have the Pension Act amended at which time not only the amendments opposed by the Trustees were lost but all the other amendments were lost as well; and expressed the opinion that this type of approach of using the Legislature, could be detrimental to what the Board is trying to do. During discussion Councillor M. Vincent advised that it would be his preference that the above letter should be referred to the City Solicitor for file purposes and to be called up when the City goes forward for changes to the legislation, and Mr. Rodgers advised that he has no problem with the resolution presently before Council. With regard to Councillors Gould and Knibb's indications that the proposed new Act could have been discussed in public session, Councillor M. Vincent, referencing his recent request to Council in Committee of the Whole to establish a policy of what would be in Committee of the Whole and abide by it rather than getting to open session of Council and subsequently deciding whether or not to take items from Committee of the Whole at that time, advised that, if Council wanted everything discussed in open session, he would certainly support it; however, he has no intention of sitting in Council and being placed in any form of a compromising position when other Councillors are saying that items should be in the open; whereupon he proposed a motion, which was seconded by Councillor A. Vincent, that the teach-in regarding the proposed Pension Act, which is on the agenda of Committee of the Whole on this date, be added to the agenda for consideration at this time. Deputy Mayor McAlary noted the motion on the floor and called the question thereon.

Question being taken, the motion was carried with Councillor A. Vincent voting "nay".