

permanent employees effective on the date upon which the current incumbent vacates the position as determined by the City Manager, but in no case shall the date be later than January 10, 2003.

Councillor Court expressed the view that the above matter should be held off until the new year as Council was told by the City Manager that the timeframe for the Program was closed, thus this violates the timeframe as the Program was offered and the person concerned did not take the offer within the timeframe permitted.

Question being taken, the motion was carried with Councillors Court and Fitzpatrick voting "nay".

### **8. Voluntary Separation Program**

Read a report from the City Manager advising that, under the terms and conditions of the City of Saint John Pension Act, an individual who has not reached the age of 55 is not entitled to receive a reduced pension and, as some of the employees who have had applications approved under the recent Voluntary Separation Program will not have reached the age of 55 at their time of retirement, they would not be entitled to receive their reduced pension; however, the Pension Act anticipates this type of circumstance and allows an exception to the age provision provided that the employees are "retired on the order of Council"; also advising that the individuals affected by this have been provided calculations of their pension entitlement should this motion be approved and, in all cases, will receive a pension that is reduced by 5% for each year they are retiring prior to their earliest date they could have retired had they continued to be an employee of the City; and further advising that, by passing this motion, the pension entitlement of the individuals listed will not be increased as would be the case under the abolishment of office provisions as this motion simply entitles the employees to commence receiving their reduced pension prior to the age of 55.

On motion of Councillor Ball

Seconded by Deputy Mayor White

RESOLVED that as recommended by the City Manager, the following individuals are to be retired on the order of Council on a date to be set by the City Manager but in no case later than June 30, 2003: Richard Brophy, Bill Butler, Peter Cleven, Lynn Couture, Mary Hogan, Rick Jones, Ric McFarlane, Terry Sutton.

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

### **9. By-laws To Be Repealed**

Consideration was given to a report from the City Manager advising that, as part of the process of consolidating the City's current by-laws prior to translation under the Province's Municipal By-law Translation Program, a review of the relevancy and enforceability of the by-laws was undertaken by City staff, the last major review having been undertaken in 1995, and the decision to come forward at this time being to avoid the unnecessary costs that may be associated with repealing the by-laws after January 1, 2003 (i.e. Official Languages Act); commenting on the following by-laws: (1) Auctioneers, (2) Bicycle, (3 & 4) Business Licenses, (5) Community Disaster, (6) Easement Fees, (7) Exhibitions, (8) Expectoating on Sidewalks, (9) Hackney Carriages, (10-12) Harbour, (13) Kosher Meat, (14) Machinery & Equipment Depreciation Trust Fund, (15) Shooting Galleries, and (16) Voluntary Fines; and recommending that first and second readings be given to repeal the by-laws as submitted.

Councillor Teed proposed a motion to table the above matter, which was not seconded, on the basis of his view that some of the above By-laws were perfectly valid, including the one prohibiting smoking in buses, and also that, if the by-laws were not translated into both official languages, they would not be effective in any event, thus Council would get the same result as if they were repealed.