

À l'issue du vote, la proposition est adoptée.

### **3. Approval of Agenda**

On motion of Councillor Titus  
Seconded by Councillor Trites

RESOLVED that the agenda of this meeting be approved with items 21 and 23 referred to the next closed Committee of the Whole meeting, and with the addition of items 4A, Labour and Employment Board Judicial Review and 4B, Update from the Saint John Parking Commission.

Question being taken, the motion was carried.

### **3. Adoption de l'ordre du jour**

Proposition du conseiller Titus  
Appuyée par le conseiller Trites

QUE l'ordre du jour de cette réunion soit adopté, moyennant le report des points 21 et 23 à la prochaine réunion privée en comité plénier et moyennant l'ajout du point 4A, recours en révision de la Commission du travail et de l'emploi et du point 4B, mise à jour soumise par la Commission sur le stationnement de Saint John.

À l'issue du vote, la proposition est adoptée.

### **4. Proclamations**

Mayor McAlary proclaimed the month of January, 2004 as National Alzheimer Awareness Month in The City of Saint John.

### **4. Proclamations**

Le maire McAlary déclare que le mois de janvier 2004 est le mois de sensibilisation à la maladie d'Alzheimer à The City of Saint John.

### **4A Judicial Review - Decision of the Labour and Employment Board Respecting Amalgamated Transit Union Local 1182**

Consideration was given to a report from the City Solicitor respecting the issue of the Amalgamated Transit Union Local 1182 having asserted that the members working for the Saint John Transit Commission were employees of the City for purposes of the Pension Benefits Act. The report explained that the decision of the Labour and Employment Board on the issue, which was presented to Council in Legal Session on November 3, 2003, was that the Superintendent of Pensions has authority to make the determination, which is contrary to the opinion of both the City and the Pension Board, and has remitted the question of the employment status of the Transit Commission workers to the Superintendent of Pensions. The City Solicitor expressed his reservations as to the correctness of this decision and his belief that there are grounds to support a review by the Court.

On motion of Councillor Trites  
Seconded by Councillor Titus

RESOLVED that the City Solicitor or his designate be authorized to commence and proceed with an application for a judicial review of the October 24, 2003 decision of the Labour and Employment Board in the matter of the reference respecting the Amalgamated Transit Union Local 1182.

Question being taken, the motion was carried.

### **4A Recours en révision – jugement de la Commission du travail et de l'emploi relatif à la section locale 1182 du Syndicat uni du transport**

Examen d'un rapport du directeur général relativement à l'affirmation de la section locale 1182 du Syndicat uni du transport soutenant que ses membres, employés par la Commission de transports de Saint John, sont considérés comme employés municipaux en vertu de la *Loi sur les prestations de pension*. Le rapport affirme que le jugement de la Commission du travail et de l'emploi sur la question,