

November 1, 2004  
2004-94

## 5. Conflict of Interest

Consideration was given to a report from the City Solicitor in which he advised of a conflict of interest which exists for members of senior staff who are also members of the Board of Trustees of the City's Pension Plan. Citing the Municipalities Act, he advised Council that he has filed a Disclosure of Interest with the Common Clerk's office, and that other members of staff may do the same noting that Section 90.8(2) of the Act provides that a committee or a council may seek and receive the advice of a senior officer on a matter with respect to which he has a conflict of interest if it requests such advice with knowledge of the conflict. He added that while that might occur inferentially, he recommended a more formalized approach involving a resolution of Council which acknowledges the conflict and notes that the advice is sought with that knowledge. Mr. Nugent suggested that the latter is also an arrangement which he would suggest the Committee or Council discuss with the senior officer in question in advance of such a resolution.

Discussion followed with the City Solicitor assuring Council that the conflict is not in relation to senior staff's membership on the Board of Trustees, rather it is related to advice that may be requested of staff. Mr. Nugent advised that the staff involved is prohibited by the Municipalities Act from giving advice without filing the declaration of interest, and that Council can choose to proceed without that advice or seek the advice after a resolution is passed acknowledging the conflict. He reminded Council that it can also decide to follow the staff's advice or not.

The Common Clerk advised that declarations have also been filed by the City Manager, the Commissioner of Finance and the Deputy City Manager/Common Clerk with the Clerk's office.

(Councillor Farren re-entered the meeting.)

On motion of Councillor Tait  
Seconded by Councillor McGuire

RESOLVED that Common Council acknowledge the disclosures of interest of the City Solicitor, the City Manager, the Commissioner of Finance and the Deputy City Manager/Common Clerk as it relates to The City of Saint John Pension Plan, and further requests their advice in this regard.

Question being taken, the motion was carried.

## 6. Update - City of Saint John Pension Plan

The City Manager introduced the presentation on The City of Saint John Employee Pension Plan, noting that Mr. Beckett would be delivering information on the Plan's governance, the investment process, the plan funding, legislative requirements and options being considered. He distributed copies of The City of Saint John Pension Act and advised that the City's plan is 2% per year based on the highest three year earnings which is similar to many other plans. He stressed that the present financial problems with the plan is not something that happened over night, but has been an issue for several years. He suggested that the Board of Trustees be requested to explore options for a solution to the plan's issue and report to Council.