

**COMMON COUNCIL MEETING – THE CITY OF SAINT JOHN
CITY HALL – JUNE 5, 2006, 6:30 P.M.**

present

Norman McFarlane, Mayor

Deputy Mayor Hooton and Councillors, Chase, Court, Farren,
Ferguson, McGuire and Titus

- and -

T. Totten, City Manager; J. Nugent, City Solicitor; A. Beckett,
Deputy City Manager of Programs and Priorities and Acting
Treasurer; P. Groody, Commissioner of Municipal Operations; J.
Baird, Commissioner of Planning and Development; W. Edwards,
Commissioner of Buildings and Inspection Services; R. Simonds,
Fire Chief; A. Bodechon, Chief of Police; P. Woods, Common
Clerk and Deputy City Manager; and J. Ferrar, Administrative
Assistant

**RÉUNION DU CONSEIL COMMUNAL DE THE CITY OF SAINT JOHN
À L'HÔTEL DE VILLE, LE 5 JUIN 2006 à 18 h 30**

Sont présents :

Norman McFarlane, maire

le maire suppléant Hooton et les conseillers Chase, Court,
Farren, Ferguson, McGuire et Titus

et

T. Totten, directeur général; J. Nugent, avocat municipal; A.
Beckett, directeur général adjoint, programmes et priorités et
trésorier par intérim; P. Groody, commissaire aux opérations
municipales; J. Baird, commissaire à l'urbanisme et au
développement; W. Edwards, commissaire aux services
d'inspection et des bâtiments; R. Simonds, chef du service
d'incendie; A. Bodechon, chef de police; P. Woods, greffier
communal et directeur général adjoint; et J. Ferrar, adjointe
administrative.

1. Call To Order – Prayer

Mayor McFarlane called the meeting to order and Reverend Dave Warren offered the opening prayer.

1. Ouverture de la réunion, suivie de la prière

La séance est ouverte par le maire McFarlane et le pasteur Dave Warren récite la prière d'ouverture.

2. Approval of Minutes

On motion of Councillor Ferguson
Seconded by Councillor Court

RESOLVED that the minutes of the meeting of
Common Council, held on May 23, 2006, be approved.

Referring to items 8.1 and 13.4 from the May 23, 2006, 2005 Financial Statements and Management Pay Scale respectively, Councillor Ferguson pointed out that the pension plan situation has worsened and proposed a motion in this regard.

On motion of Councillor Ferguson
Seconded by Councillor Court

RESOLVED that Common Council engage an
independent third party expert in the area of pension law, pension administration,
pension structure and pension investment to perform a complete and thorough review of

The City of Saint John's Pension Plan. To ensure public confidence in the final report, this independent third party engagement must be free from staff, members of the Pension Board and Common Council.

Councillor Ferguson expressed concern regarding the financial status of the pension plan and stressed the need for a complete independent third party review. Councillor Farren spoke in support of the proposed motion and Councillor Court questioned if the City has any protection if the markets drop as they did approximately three years ago, to which Mr. Beckett responded there is no guarantee against a downturn and pointed out the Pension Board has taken actions to diversify it's investments so that if there is a particular downturn in the investment it would be marginalized by having investments in a number of different places.

Responding to a question raised by Councillor Chase, Mr. Totten referenced a December 19, 2005 motion of Council requesting an independent professional report with recommendations from the Pension Plan's Actuary, Morneau Sobeco, and explained that he anticipates a report from the firm following their meeting with the Pension Board on June 7th. Councillor Chase advised that he could not support the proposed motion and explained his preference would be to wait for the report from Morneau Sobeco. Mr. Totten suggested it would be beneficial for Council members if the Pension Board's Actuary - Fred Lewis of Morneau Sobeco, Solicitor - Deno Pappas of Clark Drummie, and Investment Manager - Vanio Keelmann of API Asset Performance Inc. were to make a presentation to Council taking them through the pension investment process.

Councillor Titus advised that he could not support the proposed motion and spoke in support of Mr. Totten's suggestion and recommended this presentation take place in two weeks.

Question being taken, the motion was defeated with Mayor McFarlane, Deputy Mayor Hooton, and Councillors Chase, Titus and McGuire voting "nay".

Councillor Court proposed a motion that Council delay the management pay increases, with the exception of a 2% cost of living increase, until the 2007 budget deliberations are completed. Councillor Titus raised a point of order expressing the view that the proposed motion is to reconsider a motion which was passed by Council on May 23rd and stated that it must come from someone in the affirmative. Mayor McFarlane asked the Common Clerk to rule on the matter.

Referring to Sections 3.10 and 3.11 of the Procedural By-law of Council, Motion to Rescind and Reconsideration - any decision respectively, Mr. Woods read the definitions and expressed the opinion that the proposed motion is a reconsideration and must be made by one of the prevailing side. Mayor McFarlane confirmed that the proposed motion is ruled out of order.

On motion of Councillor Ferguson
Seconded by Councillor Farren

RESOLVED that the rules and regulations of the by-law entitled "By-law Number M-5 a By-law Respecting the Procedures of the Common Council of The City of Saint John" be suspended to enable Councillor Court to make a motion.

Mr. Woods stated the original order of business was the adoption of the minutes; noted a matter was raised pursuant to the minutes which was defeated; and the next item was ruled out of order. He questioned if Council is now accepting the proposed motion, as arising from the minutes, and explained referring to Section 15.21 of the By-law that it is appropriate to lift the rules orally and without notice pointing out that it requires a two-third vote of the body to proceed to set the rules aside. Mr. Woods explained that this requirement was set out in Article 3.5 of the Procedural By-law.

Question being taken, the motion was defeated with Mayor McFarlane, Deputy Mayor Hooton and Councillors Chase, McGuire and Titus voting "nay".

Referring to item 12.1 - 2006 Water & Sewerage Utility Fund and General Fund Capital Program Adjustments, Councillor Court raised concerns with regard to \$1.2 million being taken from this Fund and paid into the Pension Fund pointing out that Council did not give authorization to this action. Mr. Totten responded advising that Council approved