
2nd Session, 50th Legislature,
New Brunswick,
33 Elizabeth II, 1984

2^e session 50^e Législature,
Nouveau-Brunswick,
33 Elizabeth II, 1984

BILL

55

PROJET DE LOI

**AN ACT TO AMEND THE
CITY OF SAINT JOHN PENSION ACT**

**LOI MODIFIANT LA LOI INTITULÉE
THE CITY OF SAINT JOHN PENSION ACT**

UNIVERSITY OF
NEW BRUNSWICK

MR. KIPPING

M. KIPPING

**An Act to Amend the
City of Saint John Pension Act**

WHEREAS the City of Saint John has by its petition prayed that it be enacted as hereinafter set forth;

AND WHEREAS it is deemed expedient to grant the prayer in the said petition;

THEREFORE, Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick enacts as follows:

1 Section 3 of the City of Saint John Pension Act, Chapter 63, 19 Elizabeth II, 1970 and amendments thereto, is amended

(a) by repealing clauses (h), (i) and (j) of subsection (1) thereof and substituting therefor the following clauses:

(h) to enter into contracts for investment management services; and

(i) to enact by-laws

(i) regulating the time and place of meetings of the Board of Trustees, the calling of meetings, the quorum and the procedure in all things at such meetings;

**Loi modifiant la Loi intitulée
The City of Saint John Pension Act**

CONSIDÉRANT que la cité de Saint John a, par sa pétition, prié qu'il soit décrété tel qu'établi ci-dessous;

ET CONSIDÉRANT qu'il est jugé utile d'accéder à la demande formulée dans ladite pétition;

À CES CAUSES, Sa Majesté, sur l'avis et du consentement de l'Assemblée législative du Nouveau-Brunswick, décrète:

1 L'article 3 de la loi intitulée The City of Saint John Pension Act, chapitre 63 de 19 Elizabeth II, 1970 est modifié:

a) par l'abrogation des alinéas (h), (i) et (j) du paragraphe (1) et leur remplacement par les alinéas suivants::

(h) to enter into contracts for investment management services; and

(i) to enact by-laws

(i) regulating the time and place of meetings of the Board of Trustees, the calling of meetings, the quorum and the procedure in all things at such meetings;

(ii) appointing members of the Board of Trustees or employees as signing officers for the purpose of the execution of contracts, documents or any instruments in writing, cheques, drafts or orders for the payment of money and all notes and bills of exchange;

(iii) prescribing the nature of the evidence required to establish proof of age, death or marital status for the purposes of this Act;

(iv) prescribing the manner and time of payment by participants for the purchase of pensionable service;

(v) prescribing the rate and manner of calculating interest where under this Act interest is payable;

(vi) generally for carrying out the purposes and provisions of this Act.

(b) by repealing subsection 3(2) thereof and substituting therefor the following subsections:

3(2.1) The Board of Trustees shall be composed of

(a) The Mayor of the City;

(b) two members of and appointed by the Council;

(c) the Commissioner of Finance of the City;

(d) the Common Clerk of the City;

(e) the City Manager or such other employee appointed by the Council;

(f) one member of and appointed by the Saint John Fire Fighters Association, Local #771;

(g) one member of and appointed by the Saint John Policemen's Protective Association, Local #61;

(ii) appointing members of the Board of Trustees or employees as signing officers for the purpose of the execution of contracts, documents or any instruments in writing, cheques, drafts or orders for the payment of money and all notes and bills of exchange;

(iii) prescribing the nature of the evidence required to establish proof of age, death or marital status for the purposes of this Act;

(iv) prescribing the manner and time of payment by participants for the purchase of pensionable service;

(v) prescribing the rate and manner of calculating interest where under this Act interest is payable;

(vi) generally for carrying out the purposes and provisions of this Act.

b) par l'abrogation du paragraphe 3(2) et son remplacement par ce qui suit:

3(2.1) The Board of Trustees shall be composed of

(a) The Mayor of the City;

(b) two members of and appointed by the Council;

(c) the Commissioner of Finance of the City;

(d) the Common Clerk of the City;

(e) the City Manager or such other employee appointed by the Council;

(f) one member of and appointed by the Saint John Fire Fighters Association, Local #771;

(g) one member of and appointed by the Saint John Policemen's Protective Association, Local #61;

(h) one member of and appointed by the Saint John Civic Employees Union, Local #18;

(i) one member of and appointed by the Saint John City Hall Employees' Local #486;

(j) one member of and appointed by the nonunion employees of the City;

(k) one member of and appointed by The City of Saint John Retired Members Association, provided that the Association represents at least 51% of retired employees.

3(2.2) Every member of the Board of Trustees mentioned in paragraphs (2.1)(c) to (j) inclusive shall be an employee.

3(2.3) With the exception of the Mayor, the Commissioner of Finance and the Common Clerk

(a) the terms of office of members are 3 years and the first members shall be appointed on or before the 1st day of December of the year of the coming into force of this Act;

(b) the terms of office of members shall expire on the last day of November in the third year following the coming into force of this Act, and on the last day of November in every third year thereafter, notwithstanding the date of their appointment, and members are eligible for reappointment; and

(c) the members holding office on the date of the coming into force of this Act shall continue in office until the appointment of members under paragraph (a) hereof.

3(2.4) A member mentioned in paragraphs (2.1) (b) and (e) to (k) inclusive may be removed from office prior to the expiration of his term and one appointed in his stead by the body having authority to appoint such member, such removal to take effect from the date of the meeting of the Board of Trustees at which written notification of his removal is received, and the person appointed shall hold office for the balance of the unexpired term of the member so removed.

(h) one member of and appointed by the Saint John Civic Employees Union, Local #18;

(i) one member of and appointed by the Saint John City Hall Employees' Local #486;

(j) one member of and appointed by the nonunion employees of the City;

(k) one member of and appointed by The City of Saint John Retired Members Association, provided that the Association represents at least 51% of retired employees.

3(2.2) Every member of the Board of Trustees mentioned in paragraphs (2.1)(c) to (j) inclusive shall be an employee.

3(2.3) With the exception of the Mayor, the Commissioner of Finance and the Common Clerk

(a) the terms of office of members are 3 years and the first members shall be appointed on or before the 1st day of December of the year of the coming into force of this Act;

(b) the terms of office of members shall expire on the last day of November in the third year following the coming into force of this Act, and on the last day of November in every third year thereafter, notwithstanding the date of their appointment, and members are eligible for reappointment; and

(c) the members holding office on the date of the coming into force of this Act shall continue in office until the appointment of members under paragraph (a) hereof.

3(2.4) A member mentioned in paragraphs (2.1) (b) and (e) to (k) inclusive may be removed from office prior to the expiration of his term and one appointed in his stead by the body having authority to appoint such member, such removal to take effect from the date of the meeting of the Board of Trustees at which written notification of his removal is received, and the person appointed shall hold office for the balance of the unexpired term of the member so removed.

3(2.5) The office of a member shall be vacated

(a) in the case of the members mentioned in paragraphs (2.1)(a) and (b) when they cease to hold the office of Mayor and Councillor respectively;

(b) in the case of members mentioned in paragraphs (2.1)(c) to (j) inclusive, when they cease to be an employee; or

(c) by notice in writing by the member of his resignation.

3(2.6) Any vacancy occurring in the Board of Trustees may be filled by the body having authority to appoint such member and the person so appointed shall hold office for the balance of the unexpired term of the vacating member.

3(2.7) The officers of the Board of Trustees shall be

(a) a Chairman, who shall be the Mayor of the City;

(b) a Treasurer, who shall be the Commissioner of Finance of the City; and

(c) a Secretary, who shall be the Common Clerk of the City;

and the Board of Trustees may appoint an assistant Treasurer and an assistant Secretary from among the members of the Board of Trustees or other employees of the City.

2 Section 8 of the said Act is amended

(a) by repealing subsection (2) thereof and substituting therefor the following:

8(2) Subject to subsection (5), such annual pension shall be equal to the sum of 2% of such average salary in respect of each year of service as a participant.

(b) by repealing subsection (5) thereof and substituting therefor the following:

3(2.5) The office of a member shall be vacated

(a) in the case of the members mentioned in paragraphs (2.1)(a) and (b) when they cease to hold the office of Mayor and Councillor respectively;

(b) in the case of members mentioned in paragraphs (2.1)(c) to (j) inclusive, when they cease to be an employee; or

(c) by notice in writing by the member of his resignation.

3(2.6) Any vacancy occurring in the Board of Trustees may be filled by the body having authority to appoint such member and the person so appointed shall hold office for the balance of the unexpired term of the vacating member.

3(2.7) The officers of the Board of Trustees shall be

(a) a Chairman, who shall be the Mayor of the City;

(b) a Treasurer, who shall be the Commissioner of Finance of the City; and

(c) a Secretary, who shall be the Common Clerk of the City;

and the Board of Trustees may appoint an assistant Treasurer and an assistant Secretary from among the members of the Board of Trustees or other employees of the City.

2 L'article 8 de cette loi est modifiée

a) par l'abrogation du paragraphe (2) et son remplacement par ce qui suit:

8(2) Subject to subsection (5), such annual pension shall be equal to the sum of 2% of such average salary in respect of each year of service as a participant.

b) par l'abrogation du sous-article (5) et son remplacement par ce qui suit:

8(5) The maximum pension payable under this plan to any employee shall be seventy per cent of the average yearly salary of such employee for the three consecutive years of service with the City during which his salary was highest, but in no case shall the amount of the pension exceed the sum of Forty Thousand Dollars.

(c) by adding the following subsections after subsection (7) thereof:

8(8) Subject to subsection (5), every person who is in receipt of a pension, disability or retiring allowance on the coming into force of this Act shall have such pension, disability or retiring allowance increased by

(a) \$1,000 if such person was in receipt of a pension, disability or retiring allowance on December 31, 1981; or

(b) by \$200 if such person first commenced receiving a pension, disability or retiring allowance between January 1, 1982 and December 31, 1983.

8(9) Subject to subsection (5) in addition to the increase provided in clause 8(a) of this section the provisions of subsection 10(1) shall apply to a person who on the coming into force of this Act is in receipt of a surviving spouse's pension, if such person was in receipt of a surviving spouse's pension prior to July 6, 1980.

3 *Subsection 10(8) of the said Act is repealed.*

4 *This Act is deemed to have come into force on January 1, 1984.*

8(5) The maximum pension payable under this plan to any employee shall be seventy per cent of the average yearly salary of such employee for the three consecutive years of service with the City during which his salary was highest, but in no case shall the amount of the pension exceed the sum of Forty Thousand Dollars.

c) par l'adjonction après le sous-article (7) des sous-articles suivants:

8(8) Subject to subsection (5), every person who is in receipt of a pension, disability or retiring allowance on the coming into force of this Act shall have such pension, disability or retiring allowance increased by

(a) \$1,000 if such person was in receipt of a pension, disability or retiring allowance on December 31, 1981; or

(b) by \$200 if such person first commenced receiving a pension, disability or retiring allowance between January 1, 1982 and December 31, 1983.

8(9) Subject to subsection (5) in addition to the increase provided in clause 8(a) of this section the provisions of subsection 10(1) shall apply to a person who on the coming into force of this Act is in receipt of a surviving spouse's pension, if such person was in receipt of a surviving spouse's pension prior to July 6, 1980.

3 *Le paragraphe 10(8) de cette loi est abrogé.*

4 *La présente loi est réputée être en vigueur le 1^{er} janvier 1984.*