Environment, Transpiration & Public Safety Standing Committee Sitting as the Transit Windsor Board of Directors Meeting

Date: Wednesday, October 30, 2024
Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 2 – Councillor Fabio Costante (Chairperson)
Ward 3 - Councillor Renaldo Agostino
Ward 4 - Councillor Mark McKenzie
Ward 8 - Councillor Gary Kaschak
Ward 9 - Councillor Kieran McKenzie

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development
David Simpson, Commissioner, Infrastructure Services & City Engineer
Phong Nguy, Acting Executive Director of Public Works Operations
Tyson Cragg, Executive Director, Transit Windsor
Dan Seguin, Deputy Treasurer, Financial Accounting & Corporate Controls
Stacey McGuire, ED, Engineer/Deputy City Engineer
Ian Day, Senior Manager Traffic Operations/Parking
Rob Vani, Senior Manager, Deputy CBO/Inspections
Mark Spizzirri, Manager, Performance Measurement & Business Case Development
Kathy Quennville, Active Transportation Coordinator
Anna Ciacelli, Deputy City Clerk

1. CALL TO ORDER

The Chairperson calls the meeting of the Environment, Transportation & Public Safety Standing Committee Sitting as the Transit Windsor Board of Directors to order at 4:31 o'clock p.m.

2. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. ADOPTION OF THE MINUTES OF THE ETPS STANDING COMMITTEE SITTING AS THE TRANSIT WINDSOR BOARD OF DIRECTORS

3.1. Adoption of the Environment, Transportation & Public Safety Standing Committee Sitting as the Transit Windsor Board of Directors minutes of its meeting held September 25, 2024

Moved by: Ward 4 - Councillor Mark McKenzie
Seconded by: Ward 8 - Councillor Gary Kaschak

THAT the minutes of the Environment, Transportation & Public Safety Standing Committee Sitting as the Transit Windsor Board of Directors meeting held September 25, 2024 **BE ADOPTED** as presented.

Report Number: SCM 292/2024

4. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None presented.

5. COMMUNICATIONS

None presented.

6. PRESENTATIONS AND DELEGATIONS

9.1 - Transit Windsor Pension - 2023 Actuarial Valuation and Audited Financial Statements, and Wind-up Resolution - City Wide

Chad Spence, FSA, FCIA, CFA, Principal, Mercer (Canada) Limited
Chad Spence appears before the Environment, Transportation & Public Safety Standing Committee Sitting as the Transit Windsor Board of Directors regarding the administrative report dated October 9, 2024, entitled “Transit Windsor Pension - 2023 Actuarial Valuation and Audited Financial Statements, and Wind-up Resolution - City Wide” and is available for questions.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Kieran McKenzie

Decision Number: **TWB 5**
THAT the Environment, Transportation & Public Safety Standing Committee sitting as the Transit Windsor Board of Directors:

I. **APPROVE** the Audited Financial Statements and Actuarial Valuation of the Contributory Pension Plan for Employees of Transit Windsor as at December 31, 2023; and further,

II. **ACKNOWLEDGE** the forwarding of the Audited Financial Statements and Actuarial Valuation as at December 31, 2023 to the Office of the Superintendent of Financial Institutions and to the Canada Revenue Agency by the Deputy Treasurer – Financial Accounting and Corporate Controls, as the Plan Administrator and as per legislation; and further,

WHEREAS Transit Windsor (the "Company") sponsors The Contributory Pension Plan for Employees of Transit Windsor (the "Plan"); and,

WHEREAS the Plan is currently registered under the *Pension Benefits Standards Act, 1985 (“PBSA”)*; and,

WHEREAS the Board of Directors of the Company has authority to terminate the Plan in its entirety at any time, subject to any restrictions in the applicable collective bargaining agreement, as set out in Article 14.01 of the Plan therein; and,

WHEREAS the collective bargaining agreement between the Company and Local 616 of the Amalgamated Transit Union does not impede the Company’s authority to terminate the Plan; and,

WHEREAS the Company wishes to fully terminate the Plan effective December 31, 2024; and,

WHEREAS the Transit Windsor Pension Review Committee has reviewed and recommended the adoption of this course of action by the Company.

NOW THEREFORE, BE IT RESOLVED THAT*:*

1. The Plan is fully terminated and wound-up effective December 31, 2024 with respect to members, former members and other persons entitled to payments under the Plan (the "**Members**").

2. Contributions to the Plan shall be made with respect to service up to and including the date on which each Member ceased accruing service under the Plan. Any further contribution requirements in respect of the Plan will be addressed in the termination report or subsequent reports as may be required by the Superintendent of the Office of the Superintendent of Financial Institutions ("**OSFI**").

3. The Company shall notify the Members entitled to payments under the Plan, and any applicable union, of the wind-up and of their available options in connection with the wind-up in accordance with the provisions of the federal Pension Benefits Standards Act (the "**PBSA**").

4. Benefit entitlements in respect of each Member shall be settled in accordance with the terms of the Plan, respectively, the federal pension legislation applicable to the Member's benefits under the Plan and the Income Tax Act, Canada (the "**ITA**").

5. The termination report(s) for the Plan shall be prepared in accordance with the PBSA and the regulations thereunder as may be required by OSFI. Any deficit in respect of the wind-up of the Plan shall be funded by the Company in a manner permitted by the PBSA.

6. Until all wind-up liabilities are settled and there remain no further assets under the Plan, the terms of the Plan remain in effect and the Company continues to have the right to amend the Plan as provided by Article 14.02 in any way that it determines is necessary or desirable for purposes of the Plan, to implement the wind-up, or for compliance under the PBSA and the ITA.

7. The fees and expenses related to the administration and wind-up of the Plan and the distribution of the Plan assets shall be paid from the pension fund, subject to the approval of the Superintendent of OSFI.

IT IS FURTHER RESOLVED THAT the Executive Director of Transit Windsor, the City CAO or designate and City Clerk are hereby **AUTHORIZED** and **DIRECTED**, for and on behalf of the Company, to take all such actions and to do all such things, including, without limitation, the authority to approve the termination reports and final valuation in respect of the Plan, to cause the termination reports required to be prepared and approved, to pay out benefits to the Members and make or cause to be made all requisite filings and approve the adoption of further

amendments to the Plan as may be necessary to effect the foregoing resolution, satisfactory in technical content to the Commissioner of Economic Development, in financial content to the City Treasurer, and in legal content to the City Solicitor or their designates.
Carried.

Report Number: S 139/2024
Clerk's File: AFB/14256

9. TRANSIT BOARD ITEMS

See Item Number 9.1.

11. NEW BUSINESS

None presented.

12. ADJOURNMENT

There being no further business, the Environment, Transportation & Public Safety Standing Committee Sitting as the Transit Windsor Board of Directors is adjourned at 4:32 o'clock p.m. The next meeting of the Environment, Transportation & Public Safety Standing Committee Sitting as the Transit Windsor Board of Directors will be held Wednesday, November 27, 2024.
Carried.

Councillor Fabio Costante
(Chairperson)

Deputy City Clerk / Supervisor of Council Services