



STAFF REPORT INFORMATION ONLY

TTC Pension Fund Society Actuarial Report Availability to City of Toronto and OMERS

Date:	April 11, 2012
To:	Government Management Committee
From:	City Solicitor
Wards:	All
Reference Number:	

SUMMARY

This report responds to the request of the Government Management Committee made at its meeting held on February 23, 2012, for a report for consideration at its April 25, 2012 meeting providing an analysis and opinion on the City's ability, either directly or through the TTC, to receive and provide to OMERS the most recent Actuarial Report of the TTC Pension Fund Society, which is needed to complete the review of alternative management and/or pension administration options, as per the Council-approved work plan.

The opinion of the City Solicitor is that the City has the right to obtain the Actuarial Report from the TTC, but since the TTC has now provided the Report to the Chair of the Government Management Committee, there is no need to include an analysis in this report.

FINANCIAL IMPACT

This report has no financial implications.

DECISION HISTORY

At its meeting held on May 17, 18 and 19, 2011, City Council requested the Chief General Manager of the TTC, working co-operatively with OMERS staff, and under the direction of the TTC, to develop a detailed work plan outlining an evaluation of options

available to the TTC Pension Fund Society and report back to the September 15, 2011 meeting of the Government Management Committee (Decision Document: <http://www.toronto.ca/legdocs/mmis/2012/gm/bgrd/backgroundfile-45238.mht>)

The Society subsequently decided that it was opposed to release of its actuarial data, and consequently at its meeting held on September 21 and 22, 2011, City Council specifically requested that the TTC's General Manager and the Society's Board of Directors work co-operatively with OMERS staff and to release all data and information (including but not limited to actuarial data) required by OMERS to perform the evaluation. At that time City Council also determined that if the Board of Directors again decided that it would not provide the information to Council, that a request be made for a written explanation directly from the Board of Directors outlining the reasons why an agreement had not been reached (Decision Document: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM7.7>).

At its meeting of February 23, 2012, your Committee considered a letter (December 22, 2011) from the TTC's General Secretary to the Chair of your Committee, Councillor Paul Ainslie (<http://www.toronto.ca/legdocs/mmis/2012/gm/bgrd/backgroundfile-45153.pdf>), advising of the Society's affirmation of its refusal and stating that the TTC therefore "cannot legally provide any further information", and also considered related material (Decision Document: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.GM11.14>).

At that time your Committee referred the item to the City Solicitor for a report to the April 25, 2012 meeting of the Government Management Committee, such report to provide an analysis and opinion on the City's ability, either directly or through the TTC, to receive and provide to OMERS the Society's most recent Actuarial Report, as that Report is required to complete the review of alternative management and/or pension administration options, as per the Council approved work plan (Decision Document: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.GM11.14>).

ISSUE BACKGROUND

On the basis of the TTC Pension Fund Society's refusal of permission for release of its actuarial data requested by OMERS for the purposes of the evaluation of OMERS options available to the Society, the TTC withheld from OMERS staff its most recent Actuarial Report, and the Government Management Committee therefore requested the City Solicitor to report on the City's ability to obtain that Report and provide it to OMERS.

COMMENTS

Following provision by City Legal Services to the City's General Counsel of a detailed analysis of the reasons for the TTC's right to release to the City the Society's Actuarial Report and the City's right to receive it, the TTC had the Report delivered on April 5, 2012 to the office of the Chair of the Government Management Committee.

The City may now provide the Report to OMERS as intended since there are no legal impediments to such a step.

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SIGNATURE

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