

## Overview of Other Agencies, Boards and Commissions Established by City Council

### 1. Appeal Boards

#### **Local Appeal Boards**

Section 329 of *The Cities Act* (the “Act”) provides City Council with authority to establish local appeal boards to hear appeals of persons aggrieved by Orders to Remedy Contravention issued under City of Saskatoon bylaws. The respective appeal boards are established under the relevant bylaws and include the Property Maintenance Appeals Board, the Fire Appeals Board, the Environmental Management Appeals Board and the Private Swimming Pool Appeals Board. In the absence of establishing a local appeal board, appeals may be made to City Council.

As prescribed by the Act, a local appeal board has the ability to confirm, modify or repeal an Order to Remedy Contravention issued by a municipal inspector or substitute its own order or decision. Appeals to the Court of Queen’s Bench may be taken from decisions of a local appeal board on questions of law or jurisdiction within 30 days of a decision being made.

The local appeal boards consist of five members of the general public appointed by City Council. Citizen representation is constant across the four local appeal boards. No members of Council sit on local appeal boards. A \$25 honorarium per meeting for local appeal board members is offered.

#### **Saskatoon License Appeal Board**

As part of its jurisdiction to enact bylaws, the Act permits City Council to pass bylaws in relation to businesses, business activities and persons engaged in business [clause 8(1)(h)] and to regulate businesses, including the ability to provide for a system of licences, their duration and conditions which may attach [subsection 8(3)]. Pursuant to this authority, City Council passed *Bylaw No. 9036, The Saskatoon Licence Appeal Board Bylaw, 2012* establishing an appeal body to hear appeals from the imposition of any condition on a licence, or the refusal, suspension or cancellation of any business licence issued by the City. Licenses issued under the *Business License Bylaw*, the *Adult Services Licensing Bylaw*, the *Vehicle for Hire Bylaw* and the *Cannabis Business License Bylaw* all fall under the purview of the Saskatoon License Appeal Board.

Similar to the local appeal boards, the Saskatoon License Appeal Board is comprised on no less than five persons, appointed by City Council. The same \$25 honorarium per meeting is offered. Membership of the License Appeal Board is made up from the same appointees who form the Board of Revision. Bylaw No. 9036 prohibits members of Council from sitting as a member of the Saskatoon License Appeal Board.

## **Board of Revision**

Section 192 of the Act requires City Council to establish a Board of Revision; appointing not less than three persons to constitute the board. The Act precludes members of Council and school boards from sitting.

The Board of Revision hears the initial assessment appeals of taxpayers. The Act is more prescriptive about the structure and function of the Board of Revision than for other boards or committees. The Act requires the appointment of three member panels and the appointment of a chairperson for each panel. The Act requires City Council to prescribe the:

- (a) Term of office of each member of the Board of Revision;
- (b) Manner in which vacancies are to be filled; and
- (c) Remuneration and expenses, if any, payable to each member.

Decisions of the majority of members or a panel is the decision of the Board. By resolution dated December 13, 1999, City Council set the number of Board of Revision members at 11 citizens. Remuneration was set by City Council resolution dated February 17, 2009. Remuneration is payable as follows:

Board Chair:           \$3,600 annually plus \$150 per day and \$75 per half day while in session.

Panel Chairs:         \$1,800 annually plus \$150 per day and \$75 per half day while in session.

Board Members:      \$150 per day and \$75 per half day while in session.

Appeals to the Board of Revision are becoming increasingly complex in nature as large commercial properties appeal their assessments. It is not unusual for significant tax dollars to be at stake. Unfavourable decisions of the Board of Revision may be made to the Assessment Appeals Committee of the Saskatchewan Municipal Board (the "AAC") and then on to the Saskatchewan Court of Appeal. Appeals to the AAC are "on the record" and both the AAC and the Court of Appeal consider the Board of Revision experts in their field.

## **Development Appeals Board**

The Developments Appeals Board hears appeals of matters arising under *The Planning and Development Act, 2007* (the "P&D Act"). Appeals related to minor variances, demolition controls and development permit issues are examples of matters heard by the Development Appeals Board.

Composition of the Board is set by City Council in accordance with subsection 214(1) of the P&D Act, and section 4.4.1 of the City of Saskatoon Zoning Bylaw. Five members appointed by City Council comprise the Board. Members of Council and City employees are not eligible for appointment.

### **The Cities Act – Section 55 Appeal Boards**

In addition to the appeal boards described above, City Council has also established the City Mortgage Appeals Board and the Access Transit Appeals Board under its general section 55 authority to “establish council committees and other bodies and define their functions”.

The mandate of the City Mortgage Appeals Board is to adjudicate requests for forgiveness of City mortgages arising out of the City’s lot allocation process [*Policy No. C09-006, Residential Lot Sales – General Policy*]. In accordance with Policy No. C09-006, purchasers of residential lots are required to:

- Maintain the property for their personal residence for a period of four years upon title transfer; and
- Build a substantially complete dwelling within three years of the lot possession date.

In order to enforce the residency and time to build requirements, \$50,000 forgivable mortgages were registered by the City against each lot sold to an individual purchaser. Requests for forgiveness are considered by the City Mortgage Appeals Board in accordance with the criteria provided in the Policy.

The Appeals Board consists of five members of the public appointed by City Council. Appointees also serve as members of the Access Transit Appeals Board, which adjudicates appeals from those who are denied Access Transit Service based on established eligibility criteria.

Appendix 3 provides a detailed table identifying the authority under which each appeal board is established, its mandate and composition.

## **2. Pension Boards and Committees**

City Council also makes appointments to City Pension Boards; the General Superannuation Plan for Employees of the City of Saskatoon not Covered by the Police and Fire Departments’ Superannuation Plans, The City of Saskatoon Fire and Protective Services Department Superannuation Plan (old), the Saskatoon Fire Fighter’s Pension Plan (new) and the Defined Contribution Pension Plan for Seasonal and Non-Permanent Part-Time Employees of the City of Saskatoon. The Pension Plans are trustee plans. The terms of the Trust Agreements provide the terms of appointment to the respective Pension Boards. These Agreements have been the subject of negotiation with the various bargaining units representing the Pension Plan members. City Council is responsible for the appointment of City representatives and has chosen to have Council members sit on the Pension Boards.

Members of Council likewise sit on the Police Pension Boards; the Retirement Plan for Employees of the Saskatoon Board of Police Commissioners (old) and the Saskatoon Police Pension Plan (new), although the responsibility for those Boards and appointments rests with the Board of Police Commissioners.

In addition to the Pension Boards, the Pension Benefits Committee has also been established. Traditionally two members of Council have sat on this Committee. However, the mandate of the Committee is to review and recommend benefit improvements when there is a Plan surplus. The status of the Plan has not warranted meeting in recent times. No meeting was held in 2019.

Appendix 4 provides a detailed table identifying the parameters of the Pension Boards and Committees.

### **3. Management and Miscellaneous Agencies, Boards and Commissions**

#### **The Cities Act - Section 55 Boards and Committees**

Section 55 of the Act provides City Council with a broad authority to “establish council committees and other bodies and define their functions”. City Council has exercised this authority to create a variety of different types of boards and committees, including the:

- Albert Community Centre Management Committee;
- Marr Residence Management Board;
- Social Services Subcommittee; and
- Municipal Review Commission.

Each of these boards and committees have a Terms of Reference approved by City Council. Section 55 provides City Council with flexibility to determine the type of body it wishes to establish, its composition and set the mandate and function.

The Albert Community Centre Management Committee and the Marr Residence Management Board are management boards established to manage or supervise the operation of these facilities. As directed by City Council, a member of Council sits on each Board.

This is not the case for either the Social Services Subcommittee or the Municipal Review Commission. The former makes recommendations to Committee and Council for the allocation of cash grants to community groups. The latter makes recommendations to City Council with respect to the conduct of municipal elections, the Code of Conduct for members of Council and the remuneration, benefits and expense allowances to be paid to members of Council. These Committees are comprised solely of citizen representatives.

### **Municipal Planning Commission**

The P&D Act contemplates the establishment of various boards and commissions by City Council, including the Municipal Planning Commission, established under section 95 and *Bylaw No. 3670, A bylaw of the City of Saskatoon providing for a Municipal Planning Commission*. Its mandate is to advise and assist City Council with respect to community planning and development within the municipality. Thirteen members are appointed by City Council, as provided for in section 1 of Bylaw No. 3670. A member of Council is currently required to sit in accordance with the Bylaw.

### **Corman Park – Saskatoon District Planning Commission**

Like the Municipal Planning Commission, the Corman Park - Saskatoon District Planning Commission is established under the P&D Act and a City of Saskatoon bylaw: *The Corman Park-Saskatoon Planning District Bylaw* (No. 8841). The Commission composition is set by City Council in Schedule A to the Bylaw. The P&D Act at paragraph 92(2)(a)(ii)(A) requires that at least one member of Council be appointed by each affiliated municipality.

Appendix 5 identifies the management and miscellaneous agencies, boards and commissions, in addition to the appeals boards that the Governance Subcommittee is recommending for further governance review.

Appendix 6 identifies the management and miscellaneous agencies, boards and commissions, in addition to the Pension Boards and Committees that the Governance Subcommittee is not recommending for further governance review at this time.