

Governance Review – Board of Revision – Recruitment and Evaluating Performance

ISSUE

The Board of Revision (“BOR”) is a legislated board that hears and decides on property assessment appeals, and depending on its decisions, may have implications for the City’s property tax revenue base. As part of the City’s comprehensive governance review, how can the recruitment process for BOR members be improved? What process should guide evaluation of the BOR, its performance and the performance of its members?

BACKGROUND

2.1 History

At the [February 13, 2017](#) meeting of the Governance and Priorities Committee (“GPC”), GPC resolved:

That the project parameters for the review of governance structures, models, practices and procedures of Advisory Committees, Controlled Corporations, Business Improvement Districts (“BID”) and any other agency, board or commission established by the City of Saskatoon be approved.

At its Regular Business Meeting on [June 22, 2020](#), City Council resolved, in part:

1. That the Leadership Team Governance Subcommittee review the following other agencies, boards and commissions established by City Council:
...
 - e. All of the Appeal Boards identified in this report and appendices; ...

At its Regular Business Meeting on [August 31, 2020](#), City Council resolved, in part:

1. That Option 1 as outlined in the report of the Leadership Team Governance Subcommittee dated May 19, 2020, be pursued:
...
 - c. That advertising forums for Board of Revision vacancies be reviewed and

expanded at the discretion of the City Clerk's Office;

...

- f. That a process be established for the performance evaluation of appointed Board of Revision members for consideration by the Governance and Priorities Committee in advance of reappointments and to identify potential areas for further training and development; ...

2.2 Current Status

Advertising and Recruitment

Currently, vacancies for the City's boards, commissions and committees, including the BOR, are advertised through the following agencies:

- Star Phoenix
- Law Society of Saskatchewan
- University of Saskatchewan Student Employment
- SCOA (Saskatoon Council on Aging)
- Out Saskatoon
- YMCA
- YWCA
- SKTC (Saskatoon Tribal Council)
- FN University
- JS Graduate School of Public Policy
- SIIT
- IEC (Saskatoon Industry Education Council)
- SPSD/GSCS
- Sask Poly Tech Student Employment
- The Chamber (via Communications)

Vacancies are also advertised on the City's social media forums and on its website. Interim vacancies are currently advertised via digital poster.

To recruit for the BOR, all application materials are provided annually to GPC to consider at an *in camera* meeting, from which recommendations are made to City Council with the final appointments typically reported publicly in December of each year.

Performance Evaluation

Currently, there is no formal mechanism to evaluate BOR members or the performance of the BOR and report to GPC to inform appointments or identify areas requiring improvement. Representatives appearing before the BOR have no ability to voice concerns or comment on their experience before the BOR short of appealing decisions or making formal complaints under the *City of Saskatoon Code of Conduct for Members of Civic Boards, Commissions, Authorities and Committees*.

If a member's performance or conduct is found to be unbecoming, or in breach of any of the City's applicable policies or other legislation, BOR members may, subject to appropriate procedural fairness safeguards, be removed. City Council may always choose not to reappoint an existing member upon expiry of their one-year term.

2.3 Public Engagement

This report will be shared with BOR members once it becomes public. In accordance with established practice, this report will be tabled and BOR members will be invited to provide feedback for consideration by GPC in advance of the report being debated.

2.4 City of Saskatoon's Current Approach

The Cities Act (the "Act") contains a complete legislative framework for property tax assessment and appeals in Saskatchewan. In accordance with section 192 of the Act, City Council has appointed a BOR for the City, prescribed an appointment process, prescribed one-year terms for members and established a fee schedule outlining the remuneration and expenses payable to each member. Upon appointment to the BOR, members are provided with a manual, "The Board of Revision Policy and Procedure", which sets out the general rules applicable to the BOR and provides some guidance in relation to the proper conduct of a hearing.

The BOR hears and adjudicates appeals of property tax assessments brought by a taxpayer and is the trier-of-fact on any factual issues raised by the taxpayer or by the City. Appeals may be taken in the first instance, to the Assessment Appeals Committee of the Saskatchewan Municipal Board (AAC), and thereafter, with leave to the Saskatchewan Court of Appeal (SKCA). At the BOR, the parties submit all of their evidence which informs the record for the BOR, the AAC and the SKCA.

From the standpoint of the AAC and the SKCA, the BOR is an "expert panel" consisting of individuals who have considerable knowledge in mass appraisal and quasi-judicial hearing procedures. The expectation is that such expertise be reflected in the conduct and decisions of the BOR.

Given the level of expertise required to hear and determine assessment appeals, it is incumbent on the City to ensure that BOR members are properly qualified and performing at a high level. While the governance structure of the BOR is legislated, City Council does have flexibility to establish processes and mechanisms to ensure efficient and effective functioning of the BOR, for example, through robust recruitment processes and ongoing management of the BOR's performance. Efficient and effective functioning is paramount in circumstances where the BOR plays a quasi-judicial role in adjudicating assessment appeals, including complex commercial appeals involving significant tax dollars. Optimum functioning of the BOR is important for both the City and taxpayers alike. Decisions may have significant impact on the tax base and any losses to the City in the assessment of one property type are made up elsewhere; being displaced onto the residents of Saskatoon.

2.5 Approaches in Other Jurisdictions

The Governance Subcommittee reviewed processes for board of revision recruitment and performance evaluation employed in the cities of Regina, Calgary and Edmonton.

The City of Regina employs a more robust recruitment/appointment process than Saskatoon but has no formal performance evaluation mechanism in place. In the City of Calgary, a General Chair appointed by City Council appoints a first and second Vice-Chair. Collectively they form the "Board Leadership", responsible to recruit and conduct performance evaluations of board members on an annual basis. A process similar to Calgary is used in the City of Edmonton with members of the recruitment and evaluations groups being comprised of different people.

Further details of the processes employed in these jurisdictions are attached at Appendix 1.

OPTIONS

Recruitment

Option 1: Recruitment Committee of One or Two City Council Members and the Board Secretary

This option involves establishing an annual ad hoc recruitment committee comprised of one or two members of City Council and the Board Secretary to review the applications for appointment and reappointment to the BOR. It is anticipated that:

1. All applications for appointment or reappointment would be received by the City Clerk's Office and forwarded to the recruitment committee.

2. The applications would be considered by the recruitment committee using the Board of Revision Recruitment Matrix (attached as Appendix 2), developed from the qualifications set by City Council, and used to identify suitable candidates for interview.
3. Suitable applicants would be interviewed by the recruitment committee using the Board of Revision Interview Guide (attached as Appendix 3). The interview guide is a pre-established series of questions created in consideration of the role and responsibilities of the BOR and its members.
4. Considering the applications and interviews, the recruitment committee would make recommendations for appointment to *in camera* GPC. All applications, including those for applicants that were not interviewed, and a completed matrix would be attached to the report.
5. City Council would make appointments based on the recommendations of GPC or direct further advertising.

The City Clerk's Office, as home of the Board Secretary, would take the lead in implementation of this process. There are no legal implications. Financial implications may result should the Board Secretary require increased resources to accommodate this process.

Advantages:

- City Council is more involved in the selection of members to serve on the BOR.
- The Board Secretary, knowing how the BOR functions and the specialized skills required in order to effectively serve on the BOR, has the opportunity to be involved in the selection of members.
- The more robust screening and interview process serves as due diligence in ensuring the right skills, experience, values, and attitude are being sought to serve the BOR.
- Accords with common practices utilized in other jurisdictions.

Disadvantages:

- City Council members must commit time to another committee in addition to the many boards, commissions, and committees they are already committed to.
- Additional resources may be required to support the additional work required of the Board Secretary.

Option 2: Recruitment Committee of One or Two City Council Members, the Board Secretary and the Board Chair

This option involves establishing an annual ad hoc recruitment committee comprised of one or two members of City Council, the Board Secretary, and the Board Chair to review the applications for appointment and reappointment to the BOR. The recruitment committee would function the same as outlined in option 1.

Advantages:

- Same as described in option 1.

Disadvantages:

- Same as described in option 1.

This option is a variation of option 1. The Board Chair may or may not add value to the recruitment committee depending on the individual incumbent. A strong Board Chair, familiar with the functioning of the BOR and the specialized skills required to effectively serve on the BOR may add value. However, the Board Chair is elected from amongst the members and not by City Council and will therefore not necessarily have superior knowledge or skillset to contribute to the recruitment committee. Like all members, the Board Chair will be subject to a performance evaluation and their suitability considered on an annual basis.

Option 3: Recruitment Committee of the Board Chair and the Board Secretary

This option involves establishing an annual ad hoc recruitment committee comprised of the Board Chair and the Board Secretary to review the applications for appointment and reappointment to the BOR. The recruitment committee would function the same as identified in option 1 and have the same legal, financial and implementation obligations.

Advantages:

- The Board Secretary, knowing how the BOR functions and the specialized skills required in order to effectively serve on the BOR, has the opportunity to be involved in the selection of members.
- The more robust screening and interview process serves as due diligence in ensuring the right skills, experience, values, and attitude are being sought to serve the BOR.
- Accords with common practices utilized in other jurisdictions, although to a lesser extent than option 1.
- City Council members would not be required to commit additional time to another committee.

Disadvantages:

- City Council would have no input during the screening process; only the opportunity to review all of the recruitment materials at the time of deliberating the appointments.

The comments regarding the value of including the Board Chair noted in option 2 apply equally to this option and are potentially more relevant given the more limited size and composition of the committee identified in option 3.

Option 4: Status Quo

This option is to make no change to the current recruitment process utilized for the BOR. There are no legal, financial or implementation challenges associated with this option.

Advantages:

- No additional steps in the recruitment process required.
- No additional commitment required of City Council members, the Board Secretary or Board Chair.
- No additional resources required.

Disadvantages:

- There is no screening process to serve as additional due diligence to ensure individuals with the right skills, experience, values, and attitude are appointed to the BOR.
- Does not accord with common practices.

Performance Evaluation

Option 1: Annual Member Performance Evaluation & Survey Process

This option is to develop a robust performance evaluation process where BOR members would conduct an annual evaluation by filling out the evaluation form attached at Appendix 4, and where the parties who appear before the BOR would also be provided the opportunity to fill out an annual survey form regarding their experience appearing before the BOR. The annual survey would be in the form attached at Appendix 5. The survey would be available to any applicant appearing before the BOR on a commercial, industrial, or multi-unit residential appeal, including tax agents, assessors, and legal representatives.

All data would be collected and compiled by the Board Secretary and submitted in an *in camera* report to GPC at the meeting when appointments are to be deliberated. It is anticipated that the report would provide a summary of the results with the actual results in the form they are received and included as appendices. There are no legal implications. The City Clerk's Office would take the lead on implementation of this process, but this may have a financial impact as increased resources may be required to accommodate the process.

Advantages:

- BOR members and individuals who routinely appear before the BOR are provided the opportunity to identify required improvements and provide feedback to help enhance the function of the BOR.
- City Council receives feedback to better inform the recruitment process and to implement any required initiatives to improve the function of the BOR.

Disadvantages:

- The Board Secretary may require additional resources to assist with the compilation and analysis of this information into a report.

Option 2: Status Quo

This option would be to make no change to the current process where no performance evaluation or other mechanism for feedback are offered. There are no legal, financial or implementation challenges associated with this option.

Advantages:

- No additional resources would be required.
- The added burden of an annual evaluation or survey would not be added to the duties of the BOR members or the individuals who appear before the BOR.

Disadvantages:

- City Council would not be provided pertinent information to help better inform the recruitment process or implement improvements to the function of the BOR.
- BOR members and individuals who appear before the BOR would not be provided the opportunity to provide worthwhile feedback.

RECOMMENDATION

That the Governance and Priorities Committee recommend to City Council that:

1. An annual ad hoc Recruitment Committee including two members of City Council and the Board of Revision Secretary be established to screen applicants and make recommendations for appointment or reappointment to City Council (Recruitment Option 1);
2. The Recruitment Committee screen applicants utilizing the process outlined in Option 1: Recruitment;
3. Each Board of Revision member complete an annual performance evaluation in the form attached at Appendix 4 (Performance Evaluation Option 1); and
4. Individuals who have appeared before the BOR on any commercial, industrial, or multi-unit residential appeal be provided the opportunity to complete and submit an annual survey in the form attached at Appendix 5 (Performance Evaluation Option 1).

RATIONALE

The BOR is unique as compared to other boards and committees established by City Council. It is one of the only boards comprised of members entitled to remuneration. More importantly, the BOR is responsible to adjudicate complex property tax appeals with the potential to significantly impact the City's property tax revenues. Given this

very important role and the specialized nature of assessment, it is incumbent on the City to ensure the BOR is performing efficiently, effectively and in accordance with the structure and rules provided for in the Act. Establishing a more thorough and comprehensive appointment process and seeking ongoing feedback will serve to inform BOR appointments and identify areas for improvement in the BOR's functioning moving forward.

With respect to BOR recruitment and appointment, a broader and more rigorous process reflects the unique nature of the BOR, helps identify the expertise required to fulfill this role and recognizes the very important role the BOR plays in the City's assessment and taxation scheme. Any variation of membership on a recruitment committee would be welcome but should at least include members of City Council as the body responsible for appointments and the Board Secretary who has significant knowledge of the Board's processes and the requirements of Saskatchewan's assessment regime. BOR members are appointed for only one-year terms with no guarantee of reappointment. The Board Chair is elected by their peers and not appointed by City Council based on a particular skill set or expertise. Recruitment committee continuity and assessment experience and expertise is more likely to be achieved by a committee including members of City Council and the Board Secretary.

A more robust recruitment process to identify the strongest BOR appointments coincides with the establishment of a performance reporting mechanism to achieve optimal functioning of the BOR. A performance review process will identify areas requiring improvement to ensure the BOR is successful in carrying out its mandate within the legislated assessment scheme.

ADDITIONAL IMPLICATIONS/CONSIDERATIONS

Initially, the City Clerk's Office will implement and administer the recruitment/appointment and performance evaluation processes recommended in this report using existing resources. Should additional human resourcing be required in the long-term, this, along with the financial implications will be identified by the City Clerk's Office.

COMMUNICATION ACTIVITIES

BOR members will be engaged for feedback on this report. Any changes directed by City Council will be communicated to existing BOR members, applicants and representatives appearing before the BOR by the City Clerk's Office.

PUBLIC NOTICE

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

APPENDICES

1. Board of Revision Recruitment and Performance Evaluation Processes – Other Jurisdictions
2. Board of Revision Recruitment Matrix
3. Board of Revision Interview Guide
4. Annual Member Performance Evaluation – City of Saskatoon Board of Revision
5. Annual Survey for Representatives Appearing Before the City of Saskatoon Board of Revision

Report Approval

Written by: Christine G. Bogad, Director of Legal Services
Shellie Bryant, Deputy City Clerk
Candice Leuschen, Executive Assistant to the City Solicitor

Reviewed by: Cindy Yelland, City Solicitor
Adam Tittlemore, City Clerk
Mike Jordan Chief Public Policy & Government Relations Officer
Jeff Jorgenson, City Manager

Approved by: Cindy Yelland, City Solicitor

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