

Board of Police Commissioners – Request Regarding Board Membership

ISSUE

The Saskatoon Board of Police Commissioners (the “Board”) has requested an amendment to Bylaw No. 7531, *The Saskatoon Board of Police Commissioners Bylaw* (the “Bylaw”) to include a requirement that the composition of the Board include one representative from the Indigenous community.

BACKGROUND

2.1 History

At its [Regular Business Meeting on July 26, 2021](#), City Council considered a communication dated July 21, 2021 received from the Board requesting that the composition of the Board require Indigenous representation.

City Council resolved:

That the letter be referred to the Administration to report back on options to incorporate the request.

2.2 Current Status

The City is currently engaged in a governance review of Advisory Committees, Controlled Corporations, Business Improvement Districts and other bodies established by the City. The Board is a statutory board established pursuant to *The Police Act, 1990* (the “Act”). The Terms of Reference for the governance project do not include statutory boards and therefore the Board is an entity that does not fall within the scope of the current review. Accordingly, the Board’s request is being considered outside the scope of the ongoing governance project.

The Act contains provisions requiring municipal responsibility for policing within its boundaries. Section 27, in particular, contains rules regarding the establishment of a board of police commissioners. For a municipality with a population of 5,000 or more, the Act requires that a board of police commissioners be established by bylaw. Subsection 27(4) provides parameters for the composition of a board of police commissioners. It provides as follows:

(4) A board is to:

- (a) consist of at least three board members appointed annually by the council; and
- (b) include the mayor of the municipality and:

- (i) where the board consists of three board members, one member of the council in addition to the mayor and one other person, other than a member of council, as a member at large; and
- (ii) where the board consists of more than three board members, two members of the council in addition to the mayor and two or more other persons, other than members of council, as members at large.

In accordance with the Act, City Council has passed the Bylaw. Section 6 speaks to membership of the Board:

Membership of the Board

- 6. The Board shall consist of seven members as follows:
 - (a) the Mayor;
 - (b) two members of Council; and
 - (c) four other persons, other than members of Council, as members at large.

Appointments to all civic boards, committees, authorities, and commissions are also subject to Council Policy No. C01-003, *Appointments to Civic Boards, Commissions, Authorities and Committees* (the “Policy”). Section 2.7 of the Policy addresses representation as follows:

Representation on Boards, Commissions, Authorities and Committees

City Council has resolved that appointments to positions on Boards, Commissions, Authorities and Committees be truly representative of the population of women and men of the City of Saskatoon and, therefore, wishes to achieve gender equity for all Boards, Commissions, Authorities and Committees. City Council has also adopted a Cultural Diversity and Race Relations Policy.

Amendments to the Policy will be forthcoming as part of the governance review. The Policy is currently a working document being amended to reflect City Council’s direction as the various bodies are considered. It is intended that the new Policy will be provided to City Council for consideration as the final piece of the governance review. However, the current language of section 2.7 has been

reconsidered and the following new language is intended to be proposed to replace the existing section 2.7:

Diversity in Representation

The City of Saskatoon strives towards having the membership of its City Agencies reflect the diversity of Saskatoon’s population. Membership composition is intended to recognize and promote Saskatoon’s diverse community, as is the appointment process for Member appointments contained within this Policy. Appointments will be made with a view to encourage equity, diversity and inclusion and promote an inclusive environment where citizens are empowered to bring forward ideas to create a vibrant and prosperous community.

2.3 Public Engagement

There has been no public engagement related to the Board’s request.

2.4 City of Saskatoon’s Current Approach

City Council is responsible for appointments to the Board. Currently, there are no requirements or parameters except for those contained in the Act and in the representation provision contained in the Policy regarding the make-up of members filling the member-at-large positions on the Board.

The City has included composition requirements for representation from First Nations and Métis communities on Advisory Committees. No other civic board, committee, authority, or commission contains similar requirements. Appendix 1 contains a review of the First Nations and Métis Advisory Committee representation for 2019, 2020 and 2021 following introduction of this requirement in spring 2018.

2.5 Approaches in Other Jurisdictions

The composition of police boards and commissions for the cities of Regina, Calgary, Edmonton, Vancouver, Winnipeg, and Brandon were reviewed. Of these jurisdictions, only the City of Regina contains a provision dedicating one of four citizen-at-large positions on its board of police to a citizen of Indigenous descent.

OPTIONS

Option 1: Amend Bylaw to Include a Requirement for Indigenous Representation

This option would require an amendment to the Bylaw to dictate that one of the existing member-at-large positions be reserved for an Indigenous representative. There are no legal or financial implications of choosing option 2. Amending the Bylaw would not be difficult.

Advantages:

- Demonstrates a commitment to the City's Indigenous community.

Disadvantages:

- Council would have limited flexibility should, for whatever reason, an Indigenous candidate is not available or they wish to appoint a non-Indigenous individual to this position.

Option 2: Amend Bylaw to Indicate Preference will be Given to Applicants of Indigenous Community

This option would require an amendment to the Bylaw to indicate that preference for one member-at-large position will be given to candidates from the Indigenous community. There are no legal, financial or implementation implications associated with this option. Where qualified candidates from the Indigenous community apply, the Bylaw would require that they be given preference. While this may not guarantee Indigenous representation, this option provides flexibility to City Council to ensure that all member-at-large positions on the Board are filled. For example, in a scenario where a member or more of Council on the Board were Indigenous, Council would have the flexibility to appoint member-at-large appointments to focus on other board skills required.

Advantages:

- Demonstrates a commitment to the City's Indigenous community.
- Provides preference to applicants from the Indigenous community.
- City Council continues to maintain discretion in the appointment of members to the Board.

Disadvantages:

- Indigenous representation is not mandatory and therefore not assured.

Option 3: Rely on Appointment Policy Language to Promote Diversity in All Appointments

This option would not require any amendment to the existing Bylaw. Rather, diversity on the Board would be guided by the new diversity in representation language proposed to be included in the Policy. The new language is not intended to come into effect until amendments to the Policy are brought forward. However, City Council could approve the new language for inclusion in the existing Policy so that it would become effective right away. There are no legal, financial or implementation challenges associated with this option.

Advantages:

- Ensures all member-at-large positions on the Board will be filled.
- Makes a commitment that City Council will make appointments to all civic boards, committees, authorities, and commissions with a view to diversity in representation.
- City Council continues to maintain discretion in the appointment of members to the Board.

Disadvantages:

- Indigenous representation is not mandatory and therefore not assured.

Option 4: Status Quo

This option would maintain the current language of both the Bylaw and Policy as is. No specific reference or requirement to include Indigenous representation would be incorporated. There are no legal, financial or implementation obligations associated with this option.

Advantages:

- No Bylaw or Policy amendments necessary.
- City Council continues to maintain complete discretion in the appointment of members to the Board.

Disadvantages:

- Indigenous representation is not mandatory and therefore not assured.

RECOMMENDATION

That the Governance and Priorities Committee recommend to City Council that the City Solicitor be instructed to amend Bylaw No. 7531, *The Saskatoon Board of Police Commissioners Bylaw* in accordance with option 2 to indicate that preference for one member-at-large position on the Board be given to a qualified applicant from the Indigenous community.

RATIONALE

For the purposes of this report, we have assumed that the intention is to reserve one of the existing positions for a member of the Indigenous community and not that the size of the Board be increased to add such a position. Including parameters in the Bylaw about the composition of the member-at-large positions reserved to the Board does not run contrary to the requirements of the Act. In order to maintain flexibility in appointments and ensure that all member-at-large positions are filled, the Administration recommends that the Bylaw be amended to reflect that preference be provided to suitable applicants from the Indigenous community rather than mandating that such a position be held. This will ensure that Council has clarity on the intent to have Indigenous representation on the Committee yet provides flexibility in how this is achieved. Coupled with this, it is

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the intention that stronger diversity in representation language more generally will eventually be included in the Policy.

ADDITIONAL IMPLICATIONS/CONSIDERATIONS

Depending on the option chosen, Bylaw or Policy amendments may be forthcoming.

COMMUNICATION ACTIVITIES

Directed changes will be communicated by the City Clerk's Office to the Board and the public at large during advertising for civic board, committee, authority and commission vacancies.

APPENDICES

1. History of Indigenous Representation on Advisory Committees

Report Approval

Written by: Christine G. Bogad, Director of Legal Services
Reviewed by: Jeff Jorgenson, City Manager
Approved by: Cindy Yelland, City Solicitor

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