

Supplemental Report – Governance Review – Other Bodies – Appeal Boards – Engagement Results

ISSUE

The City of Saskatoon is reviewing the governance structure and processes of its Appeal Boards. The “Governance Review – Other Bodies - Appeal Boards” report was tabled at the Governance and Priorities Committee (“GPC”) meeting on June 14, 2023. This initial report is now before GPC for debate and puts forward some general recommendations to improve the current organization and governance structure of the Appeal Boards. The Appeal Boards were asked to provide feedback on the recommendations. This report presents the feedback received.

BACKGROUND

This report is intended to be considered alongside the companion report “Governance Review – Other Bodies – Appeal Boards”. The detailed history of this matter is described in that report.

CURRENT STATUS

The Leadership Team Governance Subcommittee (“Governance Subcommittee”) is continuing the process of reviewing and proposing recommendations for potential improvements to the governance of the City’s various Advisory Committees, Controlled Corporations, Business Improvement Districts (“BIDs”) and other agencies, boards and commissions established by the City. The report entitled “Governance Review – Other Bodies – Appeal Boards” was tabled at GPC’s public meeting on June 14, 2023 for debate at the September 13, 2023 meeting.

A copy of the tabled report was shared with each of the Appeal Boards via email on June 19, 2023. They were advised that the report would be placed on the public agenda of GPC for its September 13, 2023 meeting. The email sought feedback on the report; encouraging individual or group comments and invited current Board members to share the report with former Board members who might have relevant insight or opinion to share. Attached at Appendix 1 is a copy of the correspondence from the City Clerk’s Office to the Appeal Boards.

Comments from seven Board members were received. The individual responses received are attached to this report at Appendix 2.

DISCUSSION/ANALYSIS

The Appeal Boards were asked to provide written feedback by August 11, 2023 to permit time for the Governance Subcommittee to organize and assemble the information for presentation to GPC.

In general, the comments support the consolidation of at least some of the Appeal Boards. However, Appeal Board members expressed differing opinions about the proper combination of Appeal Boards for consolidation. Two members expressed a preference for option 3 (Combine All Section 329 Appeal Boards into One Appeal Board, Combine the City Mortgage and Access Transit Appeal Boards and Maintain the Saskatoon Licence Appeal Board and the Development Appeals Board as Separate Appeal Boards but Appoint Different Members to the Saskatoon Licence Appeal Board) rather than the recommended option 2 (Combine All Appeal Boards Established Under The Cities Act into One Appeal Board and Maintain the Development Appeals Board as a Separate Appeal Board). Concern was expressed that combining all Appeal Boards established under *The Cities Act* would place too great a workload on Board members. Similarly, concern was expressed that increasing the mandate of a single appeal board might compromise the understanding and expertise of Board members and result in a greater number of appeals to court. The opinion was also expressed that there are sufficient differences between the section 329 Appeal Boards, the City Mortgage Appeal Board, the Access Transit Appeal Board, and the Saskatoon Licence Appeal Board to maintain these as separate bodies.

Existing Board members of the Board of Revision and the Saskatoon Licence Appeal Board advocated for maintaining the Saskatoon Licence Appeal Board separate from the other Appeal Boards established under *The Cities Act*. They opined that the Saskatoon Licence Appeal Board is a quasi-judicial tribunal, more similar in nature to the Board of Revision than the other Appeal Boards and that there is a benefit to maintaining the existing overlap in membership between these two Boards. Their rationale is that the training and expertise of the Board of Revision membership with respect to principles of natural justice and administrative fairness are important to the proper functioning of the Saskatoon Licence Appeal Board given that licence suspension and revocation decisions affect the livelihood of appellants and there is no further right of appeal of decisions of the Saskatoon Licence Appeal Board. Given the low number of appeals heard by the Saskatoon Licence Appeal Board, members indicated that the existing workload of the two Boards does not pose an overwhelming burden on the Board.

Comments related to the Board of Revision were received by one Board member. Reporting on the Board of Revision has previously occurred, and this report was not intended to make any changes or recommendations for change at this time. The process and qualifications for appointment of members of the Board of Revision are in accordance with the most recent legislated changes to *The Cities Act*.

Finally, members who commented on the compensation scheme generally expressed support for the recommendations of Administration.

NEXT STEPS

Administration will take appropriate action to amend all necessary bylaws, policies and terms of reference based on the direction of City Council. Appropriate communications, coordinated by the City Clerk's Office will also follow depending on the option chosen.

PUBLIC NOTICE

Public Notice pursuant to section 101 of *The Cities Act* is required. Subsection 101(2) provides that a council shall ensure that public notice is given before initially considering any report respecting a matter listed in, among other clauses, clause 101(1)(o). Clause 101(1)(o) states:

No council shall delegate:

- (o) its power to set remuneration for members of council and for members of council committees and other bodies established by the council pursuant to section 55;

Public Notice of this report has been given in accordance with Council Policy No. C01-021, *Public Notice Policy*. The following notice was given:

- Advertised in *The Star Phoenix* on September 2, 2023
- Posted on the City's website at www.saskatoon.ca on August 31, 2023

APPENDICES

1. Communication from the City Clerk's Office to the Appeal Boards dated June 19, 2023
2. Responses received from Appeal Board members

Report Approval

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