

Saskatoon Municipal Review Commission – Future Path

ISSUE

The Saskatoon Municipal Review Commission (“SMRC”) has been in existence since 2014. Should the structure of the SMRC be changed going forward?

BACKGROUND

2.1 History

The SMRC was created in response to a series of reports in 2012. These reports stemmed from Councillor inquiries related to Council compensation, campaign election expenses, and the Council Code of Conduct. As a result, Bylaw No. 9242, *The Municipal Review Commission Bylaw, 2014* (the “Bylaw”) creating the SMRC was passed by City Council on December 15, 2014.

Prior to the creation of the SMRC, independent committees had previously been created in 1975, 1976, and 1980 to review Council compensation.

2.2 Current Status

In the spring of 2023, the current members of the SMRC approached the City to discuss the future of the SMRC. After further discussions between the SMRC and the Leadership Team Governance Subcommittee (“LTGS”), it was decided to bring this report forward to receive input from City Council on the future of the SMRC. Attached as Appendix 1 is an email dated September 14, 2023 from the SMRC with respect to this issue.

2.3 Public Engagement

The LTGS has engaged with the members of the SMRC, but there has been no general public engagement on this issue. The SMRC is supportive of the Administration’s recommendation as outlined in this report. Attached as Appendix 2 is an email dated January 29, 2024 reflecting their support.

2.4 City of Saskatoon's Current Approach

The Bylaw creates three committees of the SMRC: the Municipal Elections Committee, the Code of Conduct Committee, and the Remuneration Committee. Each committee provides a report with recommendations to City Council once every four years with respect to the criteria detailed in the Bylaw. Since creation, there have been 10 reports from the SMRC: three from each of the Elections Committee, the Remuneration Committee, and the Code of Conduct Committee, and a report with respect to leaves of absence of members of Council. The Administration is currently working through the last of the recommendations from the SMRC's most recent round of reports.

2.5 Approaches in Other Jurisdictions

The SMRC structure is unique to Saskatoon. We could find no other jurisdictions that have an entity similar to the SMRC. Regina was considering the creation of a similar type of body, but that does not appear to have yet been implemented. It appears that jurisdictions with Integrity Commissioners delegate recommendations with respect to the code of conduct to their respective Integrity Commissioners. Election related issues seem to be dealt with by the relevant election body and/or returning officers with appropriate recommendations coming forward from those bodies. With respect to Council compensation and benefits, several jurisdictions have compensation review committees. Appendix 3 contains a jurisdictional review of how other municipalities review Council compensation. A common approach is a periodic review by an independent committee who recommends an ongoing formula.

OPTIONS

Option 1 – Status Quo

This option proposes no change to the current structure. The current Bylaw would not be amended. The SMRC would continue to need to report as per the schedule outlined in the Bylaw, but it would be up to the SMRC to determine the depth of each review required and whether any recommendations for changes are required.

Advantages:

- No changes requiring implementation.
- Continued input from the SMRC on all three areas identified in Bylaw.

Disadvantages:

- Contradicts input received from the current members of the SMRC.

Option 2 – Change SMRC to a Council Compensation Review Committee with:

- (a) a Four-year Cycle; or**
- (b) an Eight-year Cycle**

Under this option, the current Bylaw would be repealed and the SMRC would be turned into a Council compensation review committee which would be formed once every four years or eight years. The committee could be struck for the year following a general election to review Council compensation and benefits. Flexibility could be provided for other matters to be referred to the committee for review during that year. The decision with respect to a four- or eight-year cycle could be decided based on how often City Council thinks Council compensation and benefits need to be reviewed.

Advantages:

- Would reduce the number of reports required from the SMRC.
- Would allow some flexibility for other matters to be referred to the committee during that year.
- Would continue to allow external input into recommendations regarding Council remuneration and benefits.
- Aligns with input received from the current members of the SMRC.

Disadvantages:

- City Council would need to rely on Administration or the Integrity Commissioner to bring forward recommendations regarding elections, campaign disclosure, and the code of conduct.

Option 3 – Leave Current Structure but Lengthen Time Between Reports

Under this option the structure of the SMRC would remain the same but the length of time between reports would be lengthened so that each committee would only be required to report once every eight years. Under this option the SMRC would only be appointed for a four-year term every eight years.

Advantages:

- Would reduce the number of reports required from the SMRC.
- Would continue to allow external input into recommendations regarding elections, code of conduct and Council remuneration.

Disadvantages:

- Contradicts input received from current members of SMRC.

RECOMMENDATION

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

1. The Saskatoon Municipal Review Commission be disbanded, and a new Compensation Review Committee be struck on an eight-year cycle (option 2(b));
2. The City Solicitor take the necessary steps to repeal Bylaw No. 9242, *The Saskatoon Municipal Review Commission Bylaw, 2014*; and
3. The City Solicitor bring forward a new bylaw creating a Council Compensation Review Committee for City Council's consideration.

RATIONALE

The SMRC has completed valuable work for the City. Their recommendations have contributed to substantive amendments to *The Campaign Disclosure and Spending Limits Bylaw, 2006*, creation and passing of *The Code of Ethical Conduct for Members of City Council Bylaw, 2019*, and numerous other policies and processes adopted by City Council. Work done by the SMRC directly led to the City establishing an Integrity Commissioner role to hear complaints with respect to an updated code of conduct; and the election process has been improved with more changes to come supported by City Administration. To quote the SMRC, “our mandate was extensive and the results of our work empowering”.

However, the current members of the SMRC feel that the SMRC has completed its work in many of these areas and it is up to others to bring forward further recommendations. In her recent annual report, the Integrity Commissioner brought forward suggested changes to *The Code of Ethical Conduct for Members of City Council Bylaw, 2019*. With respect to elections, the City's returning officer brought forward a comprehensive report with recommendations following the last election. With the foundation created by the SMRC, the Administration can also bring forward suggested amendments and recommendations in these key areas as needed.

The one area where there will be a continued need to review on a regular cycle is Council compensation and benefits. It continues to be good practice to have an external body provide the review in this area. We are recommending an eight-year cycle for this review as that appears to be the common cycle for review identified by other municipalities.

ADDITIONAL IMPLICATIONS/CONSIDERATIONS

Option 2(b) will require repeal of *The Saskatoon Municipal Review Commission Bylaw, 2014* and creation of a new bylaw creating a Council Compensation Review Committee. Options 2(a) and 3 would also require bylaw amendments.

COMMUNICATION ACTIVITIES

If the recommendations are adopted, the LTGS will continue conversations with the SMRC to implement the changes.

APPENDICES

1. Email from SMRC dated September 14, 2023
2. Email from SMRC dated January 29, 2024
3. Jurisdictional Scan

Report Approval

Written & Approved by: Cindy Yelland, City Solicitor
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