



# GOVERNANCE AND PRIORITIES COMMITTEE

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## Workplace Transformation

### Recommendation of the Committee

The Governance and Priorities Committee recommends that:

1. City Council transfer its existing reporting responsibilities for the City Solicitor to the City Manager;
2. The Office of the City Solicitor become a department of the City of Saskatoon, reporting directly to the City Manager;
3. City Council request that the City Solicitor prepare the appropriate amendments to Bylaw No 8174, The City Administration Bylaw, 2003 to reflect the revised reporting relationship, and return the amended Bylaw to the April 29, 2019 meeting of City Council.
4. City Council direct the Administration to prepare a Council Policy that incorporates the protocols outlined in the body of this report.

### Background & Discussion

City Council is mandated to work on behalf of our citizens to build the best city for our existing residents and future generations. We are doing this with the knowledge that the world is changing quickly, we are an organization filled with talented and dedicated employees, and we are living in a time when citizens' expectations are rising.

In 2018, the City of Saskatoon started an extensive process to renew the organization in order to address these issues and respond to the changing dynamics of our community. This "Workplace Transformation" officially started with City Council's appointment of a new City Manager in May 2018.

City Council and the City Manager both agreed that this Workplace Transformation will result in significant changes across the organization over the next few years. This will ensure that the City is in a better position to introduce new services and transform how it delivers existing services to its residents.

To accomplish this, another major step in this transformation process was completed in November 2018, with the implementation of a new organizational structure. This structural change resulted in some restructuring of departments and branches in the City. However, this Workplace Transformation did not end there.

As part of this process, City Council was also interested in exploring the role of legal services at the City of Saskatoon. In other words, City Council wanted to know whether the existing Council – Solicitor reporting relationship still meets the needs of Council, the



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Administration and our citizens. It also wanted to know how other cities organized themselves and whether or not a new model may be beneficial to the City of Saskatoon.

Currently, the City of Saskatoon has an Office of the City Solicitor to manage all of its internal legal services. The Office is headed by the City Solicitor and the City Solicitor has a dual reporting relationship to both City Council and the City Manager. However, as stated in *Bylaw No 8174, the City Administration Bylaw*, the Solicitor's primary allegiance is to City Council.

The major areas of responsibilities and duties of the City Solicitor's Office are to:

- provide legal advice and support to the Office of the City Manager, the Office of the City Clerk, to all other City Departments and to the City's Boards;
- provide general legal advice to various City corporations, including attending to incorporations;
- attend and provide legal advice to City Council and to Committees of Council;
- represent the City at all levels of court and before various Administrative Tribunals;
- provide all Legislative drafting services and to conduct all bylaw enforcement prosecutions and appeals for the City; and
- arrange for insurance for the City and to deal with all claims made against the City.

Our review of the approaches in other cities found that they use different models than we do in Saskatoon, despite performing very similar functions. In fact, our review found that many cities use either a "department model" or a "branch model" when structuring legal services.

Generally, the department model is described as having the head of legal services also serving as the head of a city department, but accountable to the City Manager. Here, a City Solicitor still provides legal advice to City Council, but the reporting relationship is to the City Manager.

The branch model, on the other hand, sees the legal services function as a branch within a broader city department. In this case, the branch manager serves as the head of legal services, but this position reports to a senior manager who serves as a department head, sometimes called a General Manager.

After much study and deliberation, the Governance and Priorities Committee is recommending that the City of Saskatoon use the department model for the delivery of internal legal services. This means that the City Solicitor's primary direct reporting relationship will be to the City Manager. However, the City Solicitor will still provide legal



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advice and assistance to Council and its Committees. Other than this proposed modification to the reporting relationship, the primary duties of the City Solicitor and the City Solicitor's staff will remain unchanged.

To foster a smooth transition to the new model, and to ensure the appropriate checks and balances are in place to allow for independent legal advice from the City Solicitor, the Governance and Priorities Committee is recommending that City Council direct the Administration to develop a Council Policy that reflects the following protocols:

1. The Mayor and Councillors recognize the City Manager as their principal advisor and will expect a report or comment from the City Manager on all matters on the agenda;
2. On matters of legal significance to the City (as determined by the City Manager and/or the City Solicitor) the Mayor and Councillors will expect to receive a legal briefing from the City Solicitor that is unfettered by the City Manager;
3. On such legal matters, and out of courtesy, the City Solicitor will ensure that the City Manager is briefed in advance of City Council, except for those briefings that pertain to the employment of the City Manager (i.e., contractual/agreement matters). In this case, the legal briefing would flow directly to City Council.
4. Where the City Manager believes that the City Solicitor may be in error, the City Manager may wish to provide Council with access to the advice of specialist legal counsel in the matter under discussion. Such independent advice, out of respect for the City Solicitor, should be made available as well to the City Solicitor.
5. Notwithstanding the foregoing, there is nothing to prohibit the City Manager and City Solicitor from jointly determining that the Mayor and Councillors would benefit from receiving independent legal counsel. Such a report would flow to the Mayor and Councillors based on which branch the City initiated the request with advance copy and consultation with the other branch of the City.

This City Council has made many positive strides in improving its governance structure, and we continue to do so. Given the research into other jurisdictions, the Governance and Priorities Committee believes that the best governance structure moving forward for the City of Saskatoon is the Department Model.