

# Proposed Amendments to The Cities Act and Their Implications for the City of Saskatoon

## ISSUE

Saskatchewan's Ministry of Government Relations is proposing amendments to *The Cities Act*. What are some of the most important policy changes that will have implications for the policies and operations of the City of Saskatoon?

## BACKGROUND

In December 2018, Saskatchewan's Ministry of Government Relations (the Ministry) started consultations on proposed amendments to *The Cities Act (The Act)*, and other related municipal legislation. The Administration has provided feedback to the Ministry on the draft proposals, and the Ministry has made several revisions to the original proposals. The last comprehensive amendments to *The Act* were adopted in May 2013.

## CURRENT STATUS

The Ministry is in the process of collecting additional feedback from stakeholders on the proposed amendments to *The Act*. It is proposing to prepare draft legislation for introduction in the fall sitting of the Saskatchewan Legislative Assembly. The legislative proposals are still considered "draft" as Cabinet has not yet committed to, or approved, any specific changes to *The Act*.

## DISCUSSION/ANALYSIS

The Administration has reviewed the draft legislative proposals to *The Act*. Some common themes that emerge from the draft proposals are:

- making provisions consistent among all three municipal acts (i.e., *The Cities Act*, *Municipalities Act*, and *Northern Municipalities Act*);
- providing additional administrative efficiencies for cities;
- improving governance, administration, and accountability;
- improving property assessment and taxation processes; and
- providing greater regulation-making authority to the Minister.

As the bullets generally indicate, several of the draft proposals are "housekeeping" or administrative in nature, and pertain to improving clarity on various provisions in *The Act*. However, the Administration does not see merit in making provisions consistent across all three municipal acts. The point in having separate Acts is to recognize the status, and thus, the legislative differences, among the different types of municipalities.

There are some substantial policy amendments that the Administration has proposed that are currently included in the Ministry's draft amendments. These include items on which City Council has previously provided direction, as well as items identified by the Administration. These amendments include:

- using population data other than census data for the purposes of developing ward boundaries;
- establishing employee protections through the enactment of a whistleblower policy;
- giving City Council an ability to establish a leave of absence policy for members of Council;
- providing authority for cities to establish a Property Assisted Clean Energy (PACE) program; and
- clarifying the ability for cities to serve a “notice of violation” through regular mail; more specifically, this change would give the City of Saskatoon (the City) explicit ability to mail parking tickets to violators of the City’s metered parking program.

Conversely, there are some legislative proposals that the Ministry is pursuing that the Administration has concerns with. One legislative proposal allows for disqualification of a council member by council resolution. The Administration intends to speak against this amendment, as City Council’s recent governance review did not result in the need or desire for this ability. However, because this is a discretionary item, it will result in an ability for a council to act if it chooses to, but it is not a requirement.

The Ministry is also proposing to expand the regulation-making authority of the Minister for various tax and assessment provisions, such as, for prescription of mill rate factors, minimum tax and base tax. Although this is being added for flexibility reasons, the Administration is concerned that this takes authority away from the Legislature and gives more authority to the Minister.

Finally, some legislative proposals attempt to expand a Ministerial authority, particularly in the context of an “official examination”. This proposed expansion of authority is to allow for the ability to grant licenses or permits which have been withheld by the municipality, under any terms/conditions the Minister considers appropriate.

The Minister is also being granted regulation making authority “concerning any other matter or thing considered necessary to carry out the intent of [the] section”. The Administration opposes this amendment, as license and permit approvals are a purely municipal concern for which the City has created specialized departments. Ministerial interference in this area would be counterproductive and create procedural issues.

## **NEXT STEPS**

- The City Manager will send correspondence to the Ministry providing additional feedback on the legislative proposals.
- The Ministry will review additional stakeholder feedback and attempt to incorporate any proposed changes into draft legislation.
- If the legislative proposals are approved, the Ministry will draft legislation and a Bill will be introduced by the Minister of Government Relations in the fall sitting of the next Legislative Session (begins October 2019).
- The Administration will review the Legislation and report back to the Governance and Priorities Committee in the fourth quarter of 2019.

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### Report Approval

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