

## Regina Appeal Board Composition

|                     |                          |
|---------------------|--------------------------|
| <b>Date</b>         | March 3, 2021            |
| <b>To</b>           | Executive Committee      |
| <b>From</b>         | City Clerk's Office      |
| <b>Service Area</b> | Office of the City Clerk |
| <b>Item No.</b>     | EX21-18                  |

### RECOMMENDATION

---

The Executive Committee recommends that City Council:

1. Approve revising the membership of the Regina Appeal Board from its current composition of three councillors to five citizen members effective May 1, 2021 and any related administrative amendments as outlined in Appendix A;
2. Establish the rates of remuneration for members as follows:
  - a. Chair to receive \$60 for each appeal hearing and \$60 for each decision-writing meeting; and
  - b. Members, other than the Chair or Acting Chair, to receive \$30 for each appeal hearing and \$30 for each decision-writing meeting.
3. Approve annual funding of \$3,000 in the 2021 budget.
4. Instruct the City Solicitor to prepare the necessary amendments to *The Regina Appeal Board Bylaw, 2005-04*, to give effect to the recommendations to be brought forward to a future meeting of City Council following approval of the recommendations by City Council.
5. Approve these recommendations at its meeting on March 10, 2021.

### ISSUE

---

Membership on the Regina Appeal Board (RAB) has historically been comprised of three members of Council appointed annually.

Revising membership on the Regina Appeal Board from councillors to citizens will bring Regina in line with the majority of other major municipalities in Saskatchewan.

## IMPACTS

---

### Financial

There has been no direct cost in previous years as councillors sitting on the RAB received no additional compensation.

The per meeting remuneration being recommended is similar to that provided to members of the Development Appeals Board.

Appeal hearing are scheduled monthly, with meetings to write decisions scheduled shortly thereafter. As such, the chair would receive \$120 and members \$60 for the related appeal hearings and decision-writing meetings, for a maximum cost of \$360 per hearing/meeting, determined as follows:

Chair: \$120  
Members: \$240 (4 x \$60)  
**Total: \$360**

Based on the number of appeals hearings and meetings to write decisions held by the RAB in the period 2018-2020, the costs associated with a five-member citizen board would have been as follows:

| Year              | Number of Meetings | Member Remuneration (5 members) | Cost    |
|-------------------|--------------------|---------------------------------|---------|
| 2018              | 9                  | \$360                           | \$3,240 |
| 2019              | 7                  | \$360                           | \$2,520 |
| 2020 <sup>1</sup> | 6                  | \$360                           | \$2,160 |

<sup>1</sup> The number of meetings held in 2020 was down over previous years primarily due to COVID impacts as well as the 2020 Municipal/School Board elections.

The requested funding of \$3,000 is based on RAB having 8 meetings in 2021 using the current remuneration schedule.

### Policy

An advertisement seeking citizens interested in serving on the RAB will be issued pending Council's approval. A recommended slate of candidates will be brought to Executive Committee and subsequently to Council for consideration and approval.

In keeping with the appointments to both the Development Appeals Board and the Board of Revision, recommended candidates will be appointed on a staggered basis for terms up to 3 years.

Training in administrative tribunal hearings and proceedings will be provided.

## **Legal**

Recently there have been occasions when written decisions of the RAB have been overturned and/or negatively commented on by the Court of Queen's Bench when persons dissatisfied with the RAB's decision choose to pursue a further appeal.

The Office of the City Clerk has recently concluded a review of the existing procedures utilized by the RAB. New procedures focusing on report preparation, decision-making, report writing and practices ensuring procedural fairness will be adopted that mirror what is utilized by the Development Appeals Board.

New members will receive related training in this regard and the revised procedures will be available on regina.ca and provided to appellants.

## **Other**

Appointing citizen members to the RAB brings its membership into alignment with membership on both the Development Appeals Board and the Board of Revision, both of which are comprised entirely of citizen appointees.

In addition, the removal of councillors from this appeal body removes any perception of a conflict of interest whereby an elected official is hearing an appeal on an approved Council policy or decision.

There are no strategic, accessibility or environmental impacts respecting this report.

## **OTHER OPTIONS**

---

The status quo option would see the RAB composition remain at three Council members.

## **COMMUNICATIONS**

---

Following approval by City Council, the Office of the City Clerk will run an advertisement seeking interested candidates for membership on the RAB. The advertisement will be published in a future edition of the Regina Leader-Post and regina.ca as well as other social media platforms.

## **DISCUSSION**

---

The RAB supports City operations (referenced in Appendix A) and hears appeals from citizens respecting:

- orders to remedy property nuisances
- order to enforce property standards
- orders issues pursuant to *The Weed Control Act*

- the suspension or revocation of business licences
- the refusal or revocation of any licenses pursuant to *The Taxi Bylaw, Bylaw No. 9635*
- the refusal, revocation, suspension or placement of conditions on any licence pursuant to:
  - *The Vehicles for Hire Bylaw, Bylaw No. 2019-9*
  - *The Body Rub Establishment Licensing Bylaw, Bylaw No. 2021-61*

A comparison of other major municipalities in Saskatchewan and Alberta indicate that the majority of appeal boards are comprised of citizen members.

| City                   | Number of Members | Council Members | Term           |
|------------------------|-------------------|-----------------|----------------|
|                        |                   |                 |                |
| Regina                 | 3                 | Yes             | 1 year         |
|                        |                   |                 |                |
| Saskatoon              | 5                 | No              | 2 years        |
|                        |                   |                 |                |
| Prince Albert          | 5                 | No              | 2 years        |
|                        |                   |                 |                |
| Moose Jaw <sup>1</sup> | n/a               | n/a             | n/a            |
|                        |                   |                 |                |
| Calgary                | 5                 | No              | 1 year         |
|                        |                   |                 |                |
| Edmonton               | 4                 | Yes             | Term of office |

- 1 The City of Moose is currently reviewing its practices respecting property and licensing appeals. Currently, appeals are submitted to and hear by City Council.

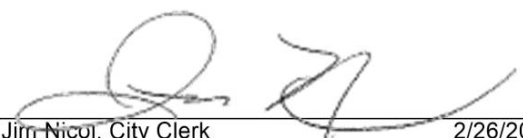
As noted above, Regina's closest comparator is the City of Saskatoon which utilizes a citizen-only membership on its respective appeal board.

## DECISION HISTORY

---

During consideration of CR20-93: 2020 Committee Structure Review at its December 2, 2020 meeting, Council directed the City Clerk to prepare a report respecting membership on the Regina Appeal Board and recommend changes respecting the Board's decision-making procedures by Q1 2021.

Respectfully Submitted,

  
Jim Nicol, City Clerk 2/26/2021

Prepared by: Jim Nicol, City Clerk

**ATTACHMENTS**

Appendix A- Terms of Reference