

# Information Bulletin

Advisory Services – 2020

## Summary of Amendments to *The Cities Act*

In July 2020, Bill 194, reached Royal Assent, implementing multiple amendments to *The Cities Act* (Act). The Act has not been open for general amendments since 2012, resulting in many of the amendments to be housekeeping in nature, such as providing definitions and increasing the flexibility of the legislation by allowing the ability for future regulations. Amendments were also made to create administrative efficiencies and improvements, make improvements to local governance and accountability and increase transparency. Sections of the bill came into force upon Royal Assent, other sections come into force January 1, 2021, and others come into force by order of the Lieutenant Governor in Council.

This summary will provide city administrators, elected officials and the public a snapshot of the major changes that will affect cities; it does not contain every section that was amended. This summary is not a substitute for the actual legislation, but a resource for you to use with the legislation. Always refer back to the legislation on Publications Saskatchewan here:

<https://publications.saskatchewan.ca/#/home>.

## Coming into Force: Royal Assent

The following sections came into force upon Royal Assent of Bill 194, which took place on July 3, 2020.

| Section                   | Description   |
|---------------------------|---|
| <b>AMENDED Section 8</b>  | <ul style="list-style-type: none"> <li>• Clarifying that bylaws may set out:               <ul style="list-style-type: none"> <li>○ mediation and dispute resolution; and</li> <li>○ the means of sending notices of violation and bylaw contravention.</li> </ul> </li> <li>• Clarifying that fees for “regulating the activity” include cost of enforcing the regulatory scheme. For consistency with subsection (3) (c)(i).</li> </ul> |
| <b>NEW Section 8</b>      | <ul style="list-style-type: none"> <li>• Cities have no power to pass any new bylaws respecting firearms, unless otherwise provided for by regulations.</li> </ul>  |
| <b>AMENDED Section 43</b> | <ul style="list-style-type: none"> <li>• Minutes for public meetings concerning boundary alterations are to be publicly available.</li> </ul>   |
| <b>NEW Section 43.2</b>   | <ul style="list-style-type: none"> <li>• Permits cities to apply to the minister, as per regulations, to incorporate as a municipal district.</li> </ul>  |

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| <b>AMENDED Section 55.1</b>         | <ul style="list-style-type: none"> <li>• Councils need to designate a position for calling meetings in the event of a temporary absence/unavailability of a clerk/administrator.</li> </ul>  |
| <b>AMENDED Section 59</b>           | <ul style="list-style-type: none"> <li>• The municipal wards commission is authorized to use alternate population figures for the purpose of determining wards.</li> </ul>   |
| <b>AMENDED Section 85</b>           | <ul style="list-style-type: none"> <li>• Authorizing the administrator to witness oaths and affirmations.</li> </ul>   |
| <b>AMENDED Section 87</b>           | <ul style="list-style-type: none"> <li>• The appointment, suspension or dismissal of a full-time solicitor may only be done by the majority vote of council, unless otherwise delegated by council. Repealed from section 101.</li> </ul>  |
| <b>NEW Section 87.1</b>             | <ul style="list-style-type: none"> <li>• Providing for the protection from reprisal for city employees who report wrongdoing to a person or authority that has the power to investigate the wrongdoing.</li> <li>• Also includes definitions for reprisal and wrongdoing and the penalties for reprisal.</li> </ul>  |
| <b>AMENDED Section 90</b>           | <ul style="list-style-type: none"> <li>• Changing the requirement to keep tax and assessment rolls from permanent retention to 10 years.</li> </ul>  |
| <b>AMENDED Section 91</b>           | <ul style="list-style-type: none"> <li>• Permitting city documents to be made available for public inspection on a website in addition to being available during regular office hours.</li> <li>• Consistent with the existing provision for financial statements and auditor's reports for cities, financial statements and auditor's reports for controlled corporations are to be reported to council and available for public inspection.</li> </ul> |
| <b>AMENDED Section 114.1, 117.2</b> | <ul style="list-style-type: none"> <li>• Clarifies the definition of "conflict of interest" to better align with the common law definition.</li> <li>• A conflict of interest is now defined as improperly furthering another person's private interest, instead of a closely connected person.</li> </ul>   |
| <b>AMENDED Section 120</b>          | <ul style="list-style-type: none"> <li>• Clarifying council's authority to allow a council member's extended absence from regular council meetings by resolution or policy.</li> <li>• Adding reprisal and civil liability as reasons for disqualification.</li> </ul>   |
| <b>AMENDED Section 121</b>          | <ul style="list-style-type: none"> <li>• Providing council the authority, by resolution, to declare a council seat vacant when a member of council, who is disqualified, does not resign.</li> </ul>   |
| <b>AMENDED Section 134</b>          | <ul style="list-style-type: none"> <li>• Clarifying the contents of the long-term debt bylaw respecting the calculating of interest rates.</li> </ul>  |



Conflict  
Of  
Interest



Council  
Member  
Disqualification

|   |   |
|---|---|
| <b>AMENDED Section 162</b>  | <ul style="list-style-type: none"> <li>• Changing the disqualification period to 12 years for a councillor found liable for certain matters.</li> </ul>   |
| <b>AMENDED Section 177</b>  | <ul style="list-style-type: none"> <li>• Changing house trailer to trailer or mobile home, when recording an assessed person.</li> </ul>  |
| <b>AMENDED Section 185</b><br><br> | <ul style="list-style-type: none"> <li>• Changing required contents of the assessment notice to include: <ul style="list-style-type: none"> <li>○ contact information of the city;</li> <li>○ contact information for the secretary of the board of revision and any other designated officer with whom an appeal is required to be filed; and</li> <li>○ appeal fees set by the city.</li> </ul> </li> </ul> |
| <b>AMENDED Section 208</b>  | <ul style="list-style-type: none"> <li>• Requires transcripts of the hearing or testimony to be completed by a court reporting service.</li> </ul>  |
| <b>AMENDED Section 220</b>  | <ul style="list-style-type: none"> <li>• Requiring the board of revision to provide all materials to the appeal board, within 14 days after the request.</li> </ul>   |
| <b>AMENDED Section 243</b>  | <ul style="list-style-type: none"> <li>• Clarifying that any payment of taxes needs to be apportioned among all taxing authorities.</li> <li>• Adding regulating authority for the purpose of applying tax payments, current and arrears.</li> </ul>  |
| <b>NEW Section 243.1</b>  | <ul style="list-style-type: none"> <li>• Ensuring any revenue/payments received in connection with the taxes on a property is apportioned to other taxing authorities.</li> </ul>   |
| <b>NEW Section 281.3</b>  | <ul style="list-style-type: none"> <li>• Permitting cities, by bylaw, to develop programs for environmental improvements to properties, such as energy efficiency, renewable energy and site remediation, by adding the costs of the improvements to the owner's property taxes, including over multiple years, under an agreement with the property owner.</li> </ul>  |
| <b>NEW Section 327.1</b>  | <ul style="list-style-type: none"> <li>• Clarifying the ability for animal control bylaws to deal with the number, type, ownership and harbouring of animals.</li> </ul>  |
| <b>NEW Section 351.2</b>  | <ul style="list-style-type: none"> <li>• Authorizing the minister to refer any matter in dispute involving one or more cities to the Saskatchewan Municipal Board for resolution.</li> </ul>  |
| <b>NEW Section 355.1</b>  | <ul style="list-style-type: none"> <li>• Authorizing the minister to use and release information that is submitted to the ministry.</li> </ul>  |

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| <b>AMENDED Section 356</b> | <ul style="list-style-type: none"> <li>• Adding investigations under <i>The Saskatchewan Employment Act</i> and by the Office of the Saskatchewan Information and Privacy Commissioner to the list of “official examinations” for which the minister may issue orders.</li> <li>• Adding the authority for Minister’s Orders or directives to grant any licences, permits, inspections or approvals that were improperly withheld.</li> <li>• Adding due process for the subject of a directive or order (council, council member, administrator) to be given notice and ability to make representation to the minister.</li> </ul> |
| <b>NEW Section 361.1</b>   | <ul style="list-style-type: none"> <li>• Permitting cities to add the cost of custom work or service to a property owner’s taxes over multiple years, by agreement with the owner.</li> </ul>   |

## Coming into Force – January 1, 2021

The following sections will come into force on January 1, 2021.

| <b>Section</b>                  | <b>Description</b>  |
|---------------------------------|---|
| <b>AMENDED Section 160</b>      | <ul style="list-style-type: none"> <li>• Requiring the auditor to report to council on the audited financial statements of a controlled corporation.</li> </ul>   |
| <b>AMENDED Section 192</b>      | <ul style="list-style-type: none"> <li>• Changing the establishment of the board of revision including: <ul style="list-style-type: none"> <li>○ council shall appoint the board of revision before the preparation of the assessment roll;</li> <li>○ employees of the city are not eligible to sit as members on the board of revision; and</li> <li>○ regulations may set out the rules, appointment, training and qualifications of the board of revision.</li> </ul> </li> </ul> |
| <b>AMENDED Section 195</b>      | <ul style="list-style-type: none"> <li>• Any property that has a total assessment value of the prescribed amount or less has the option for a simplified appeal.</li> </ul>   |
| <b>AMENDED Section 198, 199</b> | <ul style="list-style-type: none"> <li>• Clarifying that the 60-day appeal period in a revaluation year applies to the initial assessment notice, not an amended or supplementary notice where it has a 30-day period.</li> <li>• Clarifying that secretaries of appeal boards must explain deficiencies in a notice of appeal.</li> </ul>  |
| <b>AMENDED Section 204, 226</b> | <ul style="list-style-type: none"> <li>• Ensuring the property owner is informed of an agreement to adjust an assessment or a new valuation or classification due to an appeal, if not a party to the agreement or appeal.</li> </ul>   |

Assessment Updates

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|------------------------------|--|
| <b>AMENDED Section 210</b>   | <ul style="list-style-type: none"> <li>• Allows a board of revision decision to be mailed by ordinary mail, to be consistent with how decisions of the Saskatchewan Municipal Board Assessment Appeals Committee may be sent.</li> <li>• Requires the owner be notified of the decision, if the owner of the property is not a party to the appeal.</li> <li>• Changes the allotted time for decisions on all appeals from 90 days to 180 days.</li> </ul> |
| <b>NEW Section 260.1</b>     | <ul style="list-style-type: none"> <li>• Cities shall submit to the minister a mill rate survey return, information respecting tax tools, tax rates and any other taxes and rates levied or proposed to be levied, by August 15, in the prescribed form.</li> </ul>  |
| <b>AMENDED Section 262</b>   | <ul style="list-style-type: none"> <li>• Changes to ensure First Nations have the same property taxation exemption that exist for other school divisions regarding buildings and land.</li> </ul>  |
| <b>AMENDED Section 270.1</b> | <ul style="list-style-type: none"> <li>• Changes to the number of trailers or mobile homes allowed by permit from two or more to one or more.</li> </ul>   |
| <b>NEW Section 347</b>       | <ul style="list-style-type: none"> <li>• Simplifying service of documents provision to focus only on documents needing to be served and allows further clarification by regulation if needed.</li> </ul>   |

## Coming into Force by Order of the Lieutenant Governor in Council

The following sections will come into force by Order of the Lieutenant Governor in Council.

| <b>Section</b>           | <b>Description</b>  |
|--------------------------|---|
| <b>NEW Section 193.1</b> | <ul style="list-style-type: none"> <li>• The Lieutenant Governor in Council can establish an Office of the Registrar for the purposes of receiving, reviewing and processing appeals of any boards of revision.</li> <li>• The Office of the Registrar will be the responsibility of the minister.</li> <li>• The minister may delegate any duties of the secretary of a board of revision to the Office of the Registrar.</li> <li>• Regulations will outline the powers, duties, rules and procedures for receiving, reviewing and processing appeals.</li> </ul> |

**NEW Section 194.1**

- The Lieutenant Governor in Council can establish provincial boards of revision. These boards would be established for the purpose of hearing appeals:
  - for cities located in the prescribed areas;
  - of any prescribed type;
  - for any city whose board of revision does not meet the prescribed requirements; or
  - for any prescribed purpose, circumstance or situation.

**Resources and Further information**

Questions or comments about this bulletin can be directed to a municipal advisor by calling 306-787-2680.