

PROPOSED

C2019-0788
ATTACHMENT 1

BYLAW NUMBER 30M2019

BEING A BYLAW OF THE CITY OF CALGARY TO ESTABLISH A COUNCIL COMPENSATION REVIEW COMMITTEE

WHEREAS Council considers it necessary to pass a bylaw establishing a committee to review compensation for Members of Council;

AND WHEREAS section 145 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, empowers Council to pass bylaws establishing Committees of Council;

AND WHEREAS Council has adopted the Members of Council Remuneration Policy (CC035);

NOW THEREFORE THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

PART I – INTERPRETATION AND DEFINITIONS

Short Title

1. This Bylaw may be cited as the “Council Compensation Review Committee Bylaw”.

Interpretation and Definitions

2. (1) In this Bylaw, unless context otherwise requires, the term:
 - (a) “*Act*” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
 - (b) “*Administration*” means administration of The City;
 - (c) “*Base Salary*” means the minimum fixed annual remuneration paid to *Members of Council*;
 - (d) “*CCCO*” means the Coordinating Committee of the Councillors Office;
 - (e) “*City*” means the municipal corporation of the City of Calgary or the area contained within the boundaries of the City of Calgary where the context so requires;
 - (f) “*City Manager*” means the person appointed by *Council* as its chief administrative officer, or that person’s designate;
 - (g) “*Committee*” means the City of Calgary Council Compensation Review Committee established pursuant to this Bylaw;

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- (h) “*Committee Member*” means a person appointed pursuant to this Bylaw to serve on the Committee;
 - (i) “*Compensation Package*” includes, but is not limited to, the items listed in section 15 of this Bylaw;
 - (j) “*Council*” means the municipal council of the City of Calgary;
 - (k) “*Family Member*” includes a person’s parents, spouse or adult interdependent partner, child, parent of that person’s spouse or adult interdependent partner, and also includes any person within the meaning of “councillor’s family” or “spouse” in section 169 of the *Act*;
 - (l) “*Final Report*” means the written report to Council the *Committee* must prepare in accordance with Part VI of this Bylaw;
 - (m) “*Mayor*” means the chief elected official of the City elected by a vote of the electors of the municipality under section 150 of the *Act*;
 - (n) “*Member of Council*” or “*Members of Council*” means all elected officials on Council, including the *Mayor*;
 - (o) “*Organizational Meeting of Council*” means the annual meeting of Council held pursuant to section 192(1) of the *Act*;
 - (p) “*Statistic Canada statistic*” means a data indicator published by the federal agency known as Statistics Canada.
- (2) Where this Bylaw refers to any statute, regulation, or bylaw, that reference is to be read as the statute, regulation, or bylaw as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any statute, regulation, or bylaw that may be substituted in its place.

PART II – COMMITTEE

3. The Council Compensation Review Committee is hereby established.

Composition

4. (1) The *Committee* shall consist of five (5) members who are appointed by resolution of *Council*.
- (2) The *Committee* shall, at its first meeting, elect one of its members to act as its Chair and one of its members to act as Vice-Chair.
- (3) The Vice-Chair shall act as the Chair of the *Committee* in the absence of the Chair.
- (4) The *Mayor* is not an ex officio member of the *Committee* and there shall not be any ex officio members of the *Committee*.

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Chair

5. (1) The Chair shall:
 - (a) ensure the *Committee* abides by the terms of this Bylaw;
 - (b) be the spokesperson for the *Committee*;
 - (c) assign *Committee Members* to assist the Chair with the work plan;
 - (d) present the *Final Report* to *Council*; and
 - (e) ensure *Committee Members* abide by the Code of Conduct for Citizen Members Appointed to Council Established Boards, Commissions and Committees (CC045).

Term

6. (1) Members shall be appointed for a term that:
 - (a) starts on the day their appointment is made effective by resolution of *Council*; and
 - (b) ends on the date that is the earliest of:
 - (i) December 31, 2020, or
 - (ii) the date the *Committee* presents its *Final Report*, or
 - (iii) the day before the start of the next “campaign period” as defined in the *Local Authorities Election Act*, R.S.A. 2000, c L-21.
- (2) Vacancies on the *Committee* caused by resignation of a member may be filled by resolution of *Council* for the balance of that member’s term. The *Committee* may continue to operate and conduct business until vacancies are filled provided that the quorum requirement is met.
- (3) A member of the *Committee* may resign at any time upon written notice to the *Committee* Chair and City Clerk.

Application Process

7. Applications for appointment to the *Committee* shall be made in accordance with Governance and Appointments of Boards, Commissions and Committees (CP2016-03).

Committee Member Eligibility and Qualifications

8. (1) A person must be 18 years of age or older and be a resident of Calgary in order to be eligible for appointment to the *Committee*.

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- (2) Special consideration will be given to candidates with one or more of the following professional experience:
 - (a) municipal government;
 - (b) human resources;
 - (c) compensation;
 - (d) business; or
 - (e) law.
- (3) Special consideration will also be given to candidates who have the professional skills, experience and willingness to engage in activities which would enhance the *City's* diversity and inclusivity efforts.
- (4) A past municipally elected official is not eligible for appointment to the *Committee* unless that person has not been in a municipally held position for at least two (2) years prior to the 2019 *Organizational Meeting of Council*.
- (5) The following persons are not eligible to be appointed as a member of the *Committee*:
 - (a) *Members of Council*;
 - (b) an employee of the *City*; or
 - (c) a *Family Member* of any person listed above.

Selection and Appointment of Committee Members

9.
 - (1) Except as otherwise provided in this Bylaw the selection and appointment of the *Committee Members* shall be made in accordance with the Governance and Appointments of Boards, Commissions and Committees (CP2016-03).
 - (2) The CCCO may receive and review applications for appointment to the *Committee* and may conduct interviews of prospective appointees.
 - (3) The CCCO may recommend a short list, through The Nominations Committee, to *Council*.
 - (4) Final appointment of *Committee* members will be at the sole discretion of *Council*.
 - (5) *Council* must appoint *Committee* members no later than December 31, 2019.
 - (6) *Committee Members* must abide by the Code of Conduct for Citizen Members Appointed to Council Established Boards, Commissions and Committees (CC045).

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- (7) When appointing members to the *Committee*, *Council* shall strive to ensure that the *Committee* composition is diverse, inclusive and reflective of Calgary's population.

Committee Meetings and Resources

10. (1) The *Committee* shall meet as often as necessary and with the frequency determined by the call of the Chair.
- (2) The quorum of the *Committee* is three (3) members.
- (3) *Committee* meetings shall be conducted in accordance with the Procedure Bylaw 35M2017 except that:
 - (a) Appendix C section C.7(1) of the Procedure Bylaw 35M2017 does not apply as *Members of Council* may not attend *Committee* meetings.
 - (b) remote participation in accordance with the Procedure Bylaw 35M2017 may be allowed at the discretion of the Chair but only in-person attendees shall count for *Committee* quorum.
- (4) *Administration* will provide the *Committee* with a city clerk resource for legislative support and an HR resource from its Human Resources business unit for its meetings.

Reimbursement of Committee-related Expenses

11. (1) *Committee Members* are considered to be volunteers and will not be paid an honorarium, salary or any such compensation.
- (2) *Committee Members* will be reimbursed for reasonable committee-related expenses as determined by the *City Manager* or that person's designate.

Further Direction

12. The *Committee* may provide an interim report to the Priorities and Finance Committee of *Council* during the course of its term in the event that challenges arise in the delivery of its mandate that require *Council* resolution or direction.

External Communications and Public Information Updates

13. (1) The *Committee* may provide information to the public only to the extent that such public information updates or media communications do not disclose or discuss the content of the *Committee's Final Report to Council* prior to the start of the public meeting of *Council* where the *Final Report* will be presented.
- (2) *Committee Members* may communicate with the media regarding its *Final Report* after the conclusion of the public meeting of *Council* where the *Final Report* was on the agenda.

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PART III – MANDATE

Mandate Statement

14. (1) The mandate of the *Committee* is to conduct an impartial review and assessment of *Members of Council's Compensation Package* and to provide recommendations on changes to the *Compensation Package* in the form of a *Final Report* to *Council*.
- (2) The *Committee* may also review and make recommendations on matters listed in Part IV and Part V of this Bylaw.
- (3) The following are not part of the *Committee's* mandate or work plan:
 - (a) the *Committee* shall not recommend a final dollar amount for the *Base Salary* for *Members of Council*;
 - (b) the *Committee* shall not undertake any citizen engagement activities outside of providing public information updates pursuant to section 13; and
 - (c) The *Committee* shall not undertake any review of, or make recommendations on, any compensation or benefits package relating to any persons outside of *Members of Council* such as, but not limited to, employee compensation or benefits received by the Mayor's Office, Office of the Councillors, or *Administration*.

Compensation Package Recommendations

15. (1) The *Committee* shall make recommendations to *Council* on its *Compensation Package* which includes, but is not limited to;
 - (a) *Base Salary* for *Members of Council*;
 - (b) other compensation, which may include Deputy Mayor honorarium and/or committee attendance honorariums;
 - (c) benefit plans, including group life, health, dental, short-and long-term disability insurance and related premiums;
 - (d) taxable benefits, which may include annual car allowance, special permits, and parking;
 - (e) Workers Compensation Board plan;
 - (f) transition allowance;
 - (g) pension plan; and

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- (h) any other form of remuneration, pension, benefits, or other forms of compensation or the levels thereof that *Members of Council* receive or could receive.

PART IV – COMMITTEE WORK PLAN

Final Report Determinations

- 16. (1) In reviewing the *Members of Council's Compensation Package* and developing its recommendations the *Committee* shall make the following determinations in its *Final Report*:
 - (a) review the current *Members of Council Compensation Package* and determine whether it is competitive and can attract municipal candidates who are reflective of Calgary's population;
 - (b) determine if the current *Council Compensation Package* is competitive and fair based on market research;
 - (c) determine if the *Council Compensation Package* reflects the responsibilities, time commitments and accountability of *Members of Council* expected by the general public;
 - (d) determine and define the criteria to be used to determine the *Base Salary* for *Members of Council*;
 - (e) benchmark and assess if *Members of Council's Compensation Package* is comparable to equivalent municipally elected positions elsewhere in Canada.

Third Party Service Provider

- 17. The *Committee* may, subject to the approval of the *City Manager* or that person's designate, engage a third party service provider specializing in compensation to assist the *Committee* in completing the benchmarking assessment referenced in section 16(1)(e).

PART V – ADDITIONAL RECOMMENDATIONS

Base Salary Adjustment Recommendations

- 18. (1) The *Committee* may make recommendations to adjust *Members of Council's Base Salary* based on its analysis of the determinations in Part IV.
- (2) Recommendations to adjust *Base Salary* may include a mechanism to be used to determine adjustments to *Members of Council's Base Salary* over the course of a *Council* term.
- (3) If the *Committee* makes a recommendation for an adjustment mechanism that includes reference to a *Statistics Canada statistic* the *Committee* shall state and

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define the exact *Statistic Canada statistic* to be used and if that statistic is based on an annual average or a particular point in time.

- (4) If the adjustment mechanism is based on an annual average, then the *Committee* must state the start and end dates for the annual average to be calculated.

Policy and Bylaw Recommendations

- 19. (1) The *Committee* may review and recommend changes or amendments to:
 - (a) the Elected Officials Benefit and Pension Policy (CC038);
 - (b) the Maternity and Parental Leave for Members of Council Bylaw 38M2018; or
 - (c) this Bylaw and / or the process and procedure of future *Council* compensation reviews.
- (2) Recommendations made under section 19(1)(c) may include the recommendation that a third party service provider be retained to conduct future reviews but shall not recommend a specific third party service provider.

Citizen Engagement Recommendations

- 20. (1) The *Committee* may make recommendations that *Council* consider undertaking citizen engagement activities on matters related to the *Committee's* mandate.
- (2) Any recommendations made under section 20(1) must define the scope and type of citizen engagement activities being recommended.

PART VI – FINAL REPORT

- 21. (1) Any and all recommendations to amend the *Compensation Package*, or any and all other recommendations the *Committee* may make pursuant to this Bylaw, must be included in the *Committee's Final Report* to *Council*.
- (2) The *Committee* shall provide its *Final Report* in the form of a written report to *Council*.
- (3) The *Final Report* shall include an analysis and finding on the determinations the *Committee* is required to make pursuant to Part IV and V of this Bylaw.
- (4) The *Committee* shall present its *Final Report* to *Council* no later than the end of its term.
- (5) *Council* shall consider the *Final Report* of the *Committee* when making decisions on *Members of Council's Compensation Package* and related policies and bylaws.

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Repeal

22. Bylaw Number 25M2015 is hereby repealed.

Coming into Force

23. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____