Winnipeg

Legal Services Department • Services juridiques

INTER-OFFICE MEMORANDUM

TO:	**Marc Lemoine** City Clerks	**FROM:**	**Harold Dick** Legal Services
FILE:	G.1/2022(309)	**DATE:**	July 13, 2022

RE: Board of Revision By-Law Amendment

Please find attached a new Board of Revision Compensation By-law which repeals and replaces the Remuneration of the Members of the Board of Revision By-law No. 7026/97.

This by-law is consistent with the intent of Recommendation 2 of the report on the Board of Revision – Implementation of Audit Recommendations which Executive Policy Committee adopted on July 13, 2022 (Item No. 6).

However, I would note the following for Council's consideration:

- The attached By-law repeals and replaces the existing Remuneration of the Members of the Board of Revision By-law No. 7026/97 with a new by-law rather than amending the existing by-law as per the Recommendation. This has no legal effect; the new by-law is just as legally valid as an amendment of the existing by-law would be.
- The above-noted report directs that "The panel hearing Chairs [are] to be paid $60.00 per hour of a hearing or meeting attended as of 2022." The attached by-law is based on the interpretation that this hourly compensation is to be paid to these individuals only while they are engaged in the work of chairing a panel or a meeting of the panel, such as deliberations following a hearing. This pay would not then be applicable to their attendance to other Board meetings or training sessions.
- The above-noted report directs that "The members of the Board of Revision who are not the Chair, [are] to be paid $40.00 per hour of a hearing or meeting attended as of 2022." The attached by-law is based on the interpretation that this compensation is to be paid for all members of the Board – other than the panel Chair - while engaged in a hearing, including meetings of the hearing panel. It would also be paid to all Board members – other than the Chair or Deputy Chair - for attending other Board meetings and training sessions.
- The attached by-law is also based on the interpretation that the hourly rate established would also be paid for a portion of an hour spent in a hearing or at a meeting. This is the approach that has been taken for the Board of Adjustment.
- The above-noted report directs "That renumeration for Board of Revision Members be reviewed every two years and adjusted according to the Canadian rate of inflation, to a maximum of 3%." The attached by-law is based on the interpretation that this review is to be performed by the City Clerk and the rate of inflation for the preceding two years is that of the Consumer Price Index for Canada.

An electronic copy of the By-law has been provided by my assistant to Jennifer Ridge and Lorraine King via email.

If you have any questions, feel free to contact me.

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Harold Dick
Solicitor

HD/mr

Enclosure