

Public Appointment Policy- Governing citizen appointments to HRM Agencies, Boards, Committees and Commissions and to External Bodies

1 GUIDING PRINCIPLES

1.1 Introduction

A commitment to community participation and service is a key to the success of the Halifax Regional Municipality. Part of that commitment can be fulfilled by recruiting and selecting HRM residents to provide high calibre direction to HRM's volunteer Agencies, Boards and Committees (ABCs) and the external agencies for which HRM has been invited to appoint members.

1.2 Provide a variety of perspectives

The appointment of members of the public to serve on HRM Boards and Committees is important for a variety of reasons such as to;

- i. Reflect the diversity of the community
- ii. Represent stakeholder groups (where appropriate)
- iii. Bring specific skills and expertise that contribute to good governance
- iv. Represent specific groups of service users, and
- v. Bring volunteers or profile to a service

1.3 Purpose of the Policy

This policy provides a guide to Members of Regional Council and staff in the process to ensure consistency, integrity and fairness in administering the process and provides information about how the process works for those residents of HRM who are interested in applying to serve.

1.4 Policy applicability

This policy applies to HRM's citizen appointments to HRM Boards and Committees and to appoint members. It does not apply to the appointment of Members of Council to such bodies.

1.5 Open, Competitive and Equitable Process

HRM is committed to an open, competitive and equitable appointment process to encourage a broad range of participation of HRM residents in the democratic functioning of the Region.

- Openness, means that the process for applying and selection is laid out in advance and is communicated to all associated with the selection process

- Competitive means that is a public recruitment for positions and a commitment to seek suitable candidates and evaluate applicants on merit.
- Equity means that practices are consistent, accessible across HRM and discrimination free. It includes an environment that seeks to remove barriers to the recruitment, selection and retention of disadvantaged groups including women, youth (ages 18-30), aboriginal people, people with disabilities and visible minorities.

Openness, competition and equity are values that should reinforce and complement one another in the process of recruitment and selection of residents for appointment to HRM Agencies, Boards and Committees (ABCs).

1.6 Selection Strategy

Council recognizes that the needs of HRM's Agencies, Boards and Committees (ABCs) are best met by candidates who match the needs of the individual ABC's requirements. Council shall approve qualifications relevant to the responsibility of the Board or Committee and ensure, in making appointments, that the appointments collectively cover the range of skills and experience required to effectively make decisions.

Council also recognizes that HRM is best served by Boards and Committees that reflect the geography and diversity of the community to be served.

1.7 Variation from the Policy

This document articulates the general policy applicable to the appointment process. Council may, at its discretion, provide more specific direction or variance from time to time as Council sees fit.

2 ELIGIBILITY AND QUALIFICATIONS

2.1 Eligibility Requirements

Persons selected for appointment must meet with eligibility requirement as outlined in the Municipal Elections Act.

- a) A resident of HRM
- b) At least 18 years of age (exceptions may be made by Council for committees specifically related to youth)

The appointee is required to maintain this status throughout their entire term of appointment.

If/where required by law for a specific appointment the resident must also be a Canadian citizen.

2.2 Restriction for Relatives of Members of Council

Relatives of Members of Council (spouse, children and parents or those living in the same household as the Council Member) are not eligible for appointment to HRM Boards and Committees or to external agencies for which HRM has been invited to appoint members.

2.3 Restriction for Staff

Staff of HRM or its agencies, boards or, commissions (ABCs) are not eligible to apply for an HRM appointment, but they may be appointed on an ex-officio basis (by virtue of their position) to be given the right to attend and participate in discussion at meetings without being a member.

Staff of HRM or its agencies, boards or commissions (ABCs) may be nominated by HRM to serve on external boards, provided that this is within the eligibility requirements of the external board. In such circumstances any honorarium paid for service on an external agency, board or committee shall be paid directly to HRM and not to the staff member.

2.4 Multiple Appointments

To encourage the broadest degree of citizen involvement no citizen shall serve concurrently on more than one (1) HRM Board and/or Committee except;

- A member of a Business Improvement District (BID) may also serve on one(1) HRM Agency or Board or Committee or be nominated to serve on one (1) external body to which Council recommends appointment(s)
- A citizen who is appointed to an HRM Board or Committee may also be nominated by HRM to serve on one (1) external body to which Council recommends appointments.

3 TERMS AND LENGTH OF SERVICE

3.1 Terms of appointment

A set term will be established for each ABC. In general the term will be for two (2) years, coincident with the term of the Council that appoints the members or until a successor is appointed. Exceptions are noted below:

Despite the term of appointment, all citizens are appointed at the pleasure of Council and Council retains the right to replace any appointed member at any time and for any reason.

The Council document appointing citizen members shall state the name of the appointee, the board or committee (ABCs), the term

of the appointment and the fact that they have been appointed at the pleasure of Council.

3.2 Limits on Length of Service

Acknowledging the value of experience and the need for continuity, incumbents who are eligible and willing to seek reappointment may apply for a subsequent term.

When reapplying for reappointments incumbents must complete an application form as provided by the Office of the Municipal Clerk.

HRM also recognizes the importance of engaging as many residents as possible and infusing new ideas and perspectives from time to time.

To facilitate this length of service for any citizen is two (2) consecutive term on the same Board or Committee (ABC). Exceptions are noted below.

3.3 Exceptions

a) Community-based ABCs

For community-based boards the term is set by the Board, but the term may not exceed four (4) years.

Any citizen who has served eight (8) or more consecutive years on a community-based board may not be reappointed to the same board in the following term.

b) External Boards

For external bodies citizen appointments for terms set by the body inviting HRM to nominate members: The limit for serving on an external body will depend on the requirements set forth by the body inviting the nomination. However, any citizen who has served eight (8) or more consecutive years on an external body may not be nominated by HRM for reappointment to the same body for the following term.

c) Interest Group nominees

For nominees to a board or committee from a stakeholder/interest group (as per the Terms of Reference of the ABC) their term corresponds with the term of the board (as per clause 3.1). Nominees from stakeholder/interest groups are exempt from the limits of maximum length of service on a board or committee (ABC).

3.4 Partial Terms

When an appointment is made to fill a vacancy the balance of the term shall not count towards the maximum length of service or number of terms on the Board for the appointee.

3.5 Staggered Term

Recruitment shall generally be carried out in November of the term of a new Council and November of the mid-term of the Council (even years).

Gradual turn over can be achieved by the nominating Standing Committee ensuring that there is a balance of new members and returning incumbents recommended for each term.

3.6 Continuation past the End of Term

Members continue to serve on a board (ABC) past the end of their term, at the pleasure of Council, until successors are appointed.

3.7 Reappointments when Maximum Service Reached

To ensure healthy turnover effort should be made to achieve a balance between new members and those with experience serving on the Board (ABC).

Subject to the exemptions noted below, incumbents who reapply for appointment beyond the stated maximum length of service on the same board will be deemed ineligible. Their applications can only be considered under special circumstances such as an insufficient number of applications having been received

- a) From eligible and qualified applicants, or
- b) From incumbents who are eligible to be reappointed, and thereby
- c) The board (ABC) would suffer from a lack of continuity if all members are replaced at once.

Any recommendation to reappoint an incumbent who has reached their sunset date shall identify those special circumstances and recommend to Council a waiver of the limit on length of service.

3.8 Vacancies

A vacancy on a board (ABC) is created when a member resigns or vacates the position for any reason effective the earliest of;

1. The date of resignation
2. The date the member ceases to be qualified
3. The date the member is removed by Council

4. The date the board (ABC) declares the position vacant due to lack of attendance (as per Administrative Order #1 – Council procedures), or
5. The date of death or other incapacitation

3.9 Leaves of Absence

Citizen board members who run for elected office shall take a leave of absence from the board. The leave is required to begin as of the day the member is nominated as a candidate standing for election.

Board members who wish to request a leave of absence for an extended period of time may submit such a request to the board. The board, through the Office of the Municipal Clerk, will forward the request to the relevant nominating authority (Standing Committee or Community Council) for action the nominating authority deems as appropriate.

Requests may be approved or denied at the sole discretion of the nominating authority.

A temporary vacancy created by a leave of absence may be filled on a temporary basis from the list of previously submitted applications from among the qualified candidates for the period of leave or may be left vacant.

4 RECRUITMENT METHODS

4.1 Timing of Appointments

Generally, the public appointments process will begin as soon as possible after the municipal election to allow the nominating bodies (Standing Committees and Community Councils) to consider potential applicants as soon as possible in the new term.

A second round of appointments will come due at the mid-term of the term of Council. The timing may vary from board (ABC) to board.

Appointments shall not be made past the term of the sitting Council.

4.2 Nominating body

The term nominating body used in this policy refers to either a Community Council having the ability under the Charter to appoint advisory committees or to a Standing Committee of Council delegated the responsibility by Council to recommend citizens for appointment.

Council will determine, through the adoption of terms of reference for a Standing Committee or by delegating to a Community Council, the appropriate nominating body. Council may choose, by motion, to change those determinations from time to time. The nominating body for HRM's Boards and Committee structure is outlined in APPENDIX A of this policy (as revised from time to time).

4.3 Advertised Recruitment

i) Standard recruitment

The standard recruitment process used by HRM for Boards and Committees where skills and interests required are general in nature is to invite applications and expressions of interest through an advertisement to the public at large.

ii) Special Expertise

Where Council has designated a special expertise from a professional or technical group but not a specific organization the standard publicized application process will be used identifying the particular expertise or professional designation required. Applicants must be able to demonstrate that they meet the requirements as outlined in order to be considered.

iii) Specified Stakeholders/interest groups/organizations

Where Council wishes to represent the interests of stakeholders or obtain special expertise from a professional or technical organization, the composition of a board (ABC) in the Terms of Reference as adopted by Council will designate one or more positions as being nominated from a specifically designated group or organization.

In the case of special interest groups, stakeholders groups or specifically designated organization Council relies on the ability of the interest group to nominate appropriate and effective representatives. If required by the nominating process for a specific board the interest group may be asked to nominate more than one candidate for a position for selection by Council's designated nominating body.

5 Application Process

5.1 Applications

During the recruitment process applications forms are made available on line, by mail from the Office of the Municipal Clerk, and at HRM Customer Service Centres.

Applicants must submit their completed application forms to the Clerks Office at clerks@halifax.ca, by mail or fax or through the on-line recruitment form provided on the HRM web site.

Applicants are requested to attach a short bio (summary of biographical information) that will be made public if the applicant is appointed.

Applicants may submit a resume or other pertinent information along with the completed application form.

5.2 Incumbents

Incumbents who are eligible and willing to seek reappointment to HRM Boards (ABCs) or External boards to whom HRM makes appointments must reapply in the same manner as other applicants to be considered for reappointment.

5.3 Multiple Applications

Applicants may apply for more than one (1) board. The applicant must specify which boards (up to 3) they are applying for and express their priority of choice (1 through 3, with 1 being their first choice)

Applicants applying for more than one board should identify how their skills and interests apply to each of the boards (ABCs) for which they wish to be considered.

5.4 Portability of Skills

With the permission of the applicant, where skills and competencies are similar and transferable applicants who apply for one boards may be identified and considered by the nominating body for consideration on another board with similar requirements.

5.5 Submission Deadlines

The nominating body shall consider only applications received in the prescribed form by the advertised deadline date. Late applications shall not be considered.

In those cases where there are insufficient applications from qualified or eligible candidates, the nominating body, through the Office of the Municipal Clerk, may extend the deadline for applications. Public notice of any extension to the deadline shall be given. Public notice of an extension can be in the form of a notice on the Boards & Committees page of the HRM web site.

5.6 Retention of Applications

Applications will be retained by the Office of the Municipal Clerk for the term of the Board for consideration of vacancies that may arise during the Term of the Board and may be brought forward with the permission of the applicant should a vacancy arises.

5.7 Potential Conflict of Interest

Applicants should consider whether they have a real or perceived conflict of interest with a board, including direct or indirect pecuniary interest with HRM. As part of the application process applicants must identify and disclose any actual or potential conflicts of interest they may have.

Potential conflicts of interest may include, but not be limited to applicants, their spouses, partners, parents or children;

- Currently doing business with or working as a consultant for HRM or HRM agencies, boards or committees; or.
- Serving as a lobbyist for an industry, interest or organization that may be affected by the outcome of considerations of the board (ABC);or
- Any interest, direct or indirect, in outstanding litigation involving HRM or HRM agencies, boards or committees; or
- Any tax arrears or fines outstanding to HRM beyond the current year whether it is private, commercial, property or business.

Disclosure of such potential conflicts does not mean that an applicant is automatically ineligible for an appointment, but the nominating body may assess potential conflicts in its determination of whether an applicant may be considered further.

5.8 Self-identified Diversity Information

In order to enable HRM to achieve the objectives of access, equity and diversity applicants are encouraged to include self-identifying information in their applications for an appointment.

5.9 References from Members of Council

The practice of Members of Council providing references (verbal or written) in support of an applicant for an appointment to a Council agency, board or committee or external body to which Council has been invited to appoint members shall be governed by this policy that states;

1. A Member of Council shall not provide a reference in support of an applicant for appointment to an HRM Agency, Board, Committee or Commission or to an external body to which Council has been invited to appoint members, unless the Member of Council has had an employment or relevant board, committee or agency relationship with the person requesting the reference.
2. Unless circumstances clearly indicate otherwise and the Member declares their interest in the matter, the member of Council shall;
 - a. Not provide references where the only basis for doing so is to use the influence of their office or help someone the

Member knows merely as a constituent, friend or relative;
and

- b. Confine the provision of references (written or verbal) to situations where the Member has relevant personal experience of the applicant.

6 Selection Process

6.1 Screening for eligibility

The Office of the Municipal Clerk will review the eligibility requirements and identify those applicants that are ineligible for appointment either because they have not met the eligibility for appointment or due to late submissions. The Clerk's office will also identify which applications are incomplete and whether an applicant is a current incumbent, and if so, the length of service.

6.2 Staff Review

When establishing a new board, committee or agency or making appointments for a new term to a board, agency or committee where Council has designated a specific expertise or skills set a staff board may be requested to review the applications.

The staff board will apply the Public Appointment policy and the board-specified qualifications as approved by Council to reach a consensus on how each applicant demonstrates qualification for the position.

The staff board will prepare a summary for each applicant that shows

- a) Name,
- b) Whether eligible and reasons for not eligible (late, incomplete, non-resident, under 18, etc.)
- c) The district of residence
- d) Whether a current incumbent, and if so the length of service
- e) Which qualifications are sufficiently demonstrated in the application sorted in order of most qualified first
- f) Any disclosed diversity information; and
- g) Any disclosed potential conflicts of interest.

The staff board will disclose the results of any relevant evaluations or references that may have been conducted.

6.3 *Nominating Body Evaluation process*

The nominating body (Standing Committee or Community Council) shall meet in private to review candidates for nomination.

A staff member from the Office of the Municipal Clerk will be the policy advisor to the nominating panel. The staff board or any program staff identified by the nominating body may be invited as advisors/observers.

The nominating body will review the applications along with the summaries prepared by the Clerk's office and/or staff board to determine if there is any additional information about any candidate that should be obtained before proceeding with short-listing or nominations and direct staff to secure the information needed. The nominating body may also refuse to consider incomplete or insufficient applications without seeking further information.

Current board members should be evaluated in the same way and by the same criteria as new candidates, but nominating bodies should also consider the results of any evaluation process that has been conducted.

The nominating body may then proceed to either:

- a) Short-list applicants in order to conduct interviews, or
- b) Move directly to nominations

Where there are insufficient numbers of applicants to conduct a competitive selection process, the nominating panel may:

- a) Request the Clerk's office to extend the deadline for submissions
- b) Refer to applications for candidates for other boards, committees of agencies, with the permission of the applicants, who may have similar skills and competencies
- c) Request the staff board to pursue an active recruitment and/or re-advertising for the position; or
- d) Consider recommending waiving the limits for length of service to re-appoint incumbents that have served the maximum terms

6.4 *Interviewing Process*

At the direction of the nominating body interviews may be conducted to further determine the expertise and suitability of candidates for the skills sets sought.

The nominating body will designate an interview panel on which at least one member of the nominating body will serve.

The interview panel will conduct interviews with the candidates short-listed by the nominating body in accordance with acceptable human resource practises.

A representative of the Office of the Municipal Clerk and staff board (if applicable) shall be invited to attend as advisors/observers.

References may be requested by the interview panel for candidates being considered.

The interview panel will report to the nominating body and the results of the interviews will be considered by the nominating body to assist in their recommendation/s.

6.5 Nominating/Selection Process

Whether done through an interview process, or by nominations from the information provided by the applications and any relevant staff board reviews the selection body will strive to achieve a balance of:

Qualified candidates covering the range of qualifications specified by the Terms of Reference of the board

- Experienced and new members
- Geographic representation; and
- Representation of the diversity and demographics of the community

The Nominating body shall recommend to Council only one person for each vacant position.

Alternatives:

In addition to the candidate recommended to Council for appointment, the nominating body is encouraged to identify a number of alternatives for first consideration when/if a vacancy occurs during the term. If a vacancy occurs before the end of the term, the Municipal Clerk's Office will contact identified alternatives to verify continued eligibility and interest and forward the information to the nominating body for their nomination to Council.

6.6 Reporting to Council

The names of individuals recommended for appointment will be submitted to Council under Confidential Cover along with the names and bios (brief summary of biographical information) of all eligible applicants considered for the nomination body for the position.

If Council wishes to discuss the recommended nominees it shall do so In-Camera.

The name and bio of the successful appointees will become public once Council has approved the appointments.

Other personal information about an individual will only be disclosed where the individual has agreed to such disclosure.

6.7 *Communications following the Appointments*

When Council or Community Council, or other delegated authority, makes an appointment the Office of the Municipal Clerk shall immediately advise all applicants of the status of their applications, thanking all applicants for their interest. All applications shall be acknowledged after Council has made their appointments to the boards (ABCs).

Following the Council appointments or nominations to an external body the Office of the Municipal Clerk shall;

- a) In a letter to the external body, advise them of Council's appointment and request such body to provide HRM's appointee with information regarding the organization
- b) In a letter to HRM's appointee or nominee, confirmation of their appointment and suggestion that they may wish to follow-up with the external body to get information on board membership, including the body's Directors and Officers liability coverage for members of the board.

7 Privacy Issues and Conflict of Interest

7.1 *Members of Council – Potential Conflict of Interest*

Members of Council are governed by the Municipal Conflict of Interest Act. Members of Council who have a conflict of Interest or perceived a conflict of interest with respect to an applicant for a board appointment must declare the conflict at any meeting where they are present and the matter is being discussed. Where the meeting is not open to the public (in-camera), Members of Council must declare the conflict and leave the meeting or the part of the meeting during which the matter is under consideration.

7.2 *Information provided to Members of Council and designated Staff*

Only members of the nominating agency (Standing Committee or Community Council) and members of a designated staff panel or interview panel shall be provided with copies of the applications.

When nominations come forward members of Council are provided with the names and short bios of all eligible applicants. However, other members of Council who will be voting at Council when the nominations are considered by request to see the application.

7.3 *Confidentiality Requirements and Obligations*

Members of the nominating body and Regional Council shall return all applications and related private and confidential material in their possession (including any list of applicants) to the Clerk once Council approves the appointments.

Members of Council or staff may not copy, disclose or otherwise disseminate information contained in any confidential list of applicants, or any application, confidential report or information received at in-camera sessions nor may they repeat any confidential information heard at those meetings.

The NS Freedom of Information and Protection of Privacy Legislation (FOIPOP) and the HRM Elected Officials Code of Conduct imposes confidentiality obligations on Members of Council and HRM staff to refrain from disclosing personal information and to protect the privacy of information obtained by them in the course of their duties.

8 Standards of Conduct for Agency, Board and Committee Appointees (ABCs)

8.1 Orientation to New Board Members

The Office of the Municipal Clerk and HRM staff shall arrange briefing session(s) to provide an initial orientation for all new and returning appointed members on the operation of the board and/or committee and HRM expectations.

In certain cases new appointees may be required to attend mandatory training to enable them to carry out their responsibilities as members of the agency, board or committee.

8.2 General Standard of Conduct

Members of the public who are appointed to an HRM board (ABC) shall serve and be seen to serve in a conscientious and diligent manner, and in a manner that accommodates access to services by HRM diverse communities, and is respectful of difference and diversity.

No member of an HRM agency, board or committee (ABC) shall use the influence of the office to which s/he is appointed for any purpose other than the exercise of official duties.

Members are expected to perform their duties in a transparent manner that promotes public confidence and will be close public scrutiny.

Members shall strive to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal parliament, Province of Nova Scotia and Halifax Regional Municipality.

Members of HRM's Agencies, Boards and Committees are subject to the Municipal Conflict of Interest Act.

8.3 Ceasing to Meet General Requirements

Any board member who accepts an office or employment, or has a conflict of interest that is incompatible with continued service on the board (ABC), ceases to reside in HRM, or ceases to meet the general requirements of the appointment shall immediately notify, in writing, the

board and the office of the Municipal Clerk. The Office of the Municipal Clerk shall notify the relevant nominating body.

8.4 Meeting Attendance Requirements

Attendance requirements for members of HRM's boards are set out under HRM's Administrative Order #1 – Procedures of Council.

A member appointed by Council or Community Council, or Committee who fails to attend three (3) consecutive meetings of the committee without having been excused by resolution of committee shall be deemed to have resigned from the Committee.

Under those conditions, the position may be declared vacant and the board or committee shall immediately notify the Office of the Municipal Clerk, who shall notify the relevant nominating body to fill the vacancy that has occurred.

8.5 Assessment Process

Board members and the boards (ABCs) as a whole may undergo an evaluation process during the term.

The evaluation will be coordinated through the Office of the Municipal Clerk and may include an evaluation where members are assessed by Councillors on the Board and/or Senior Staff that interact with the board or other relevant contacts.

As part of the assessment attendance, level of participation, board work plan and outcomes against the Terms of Reference should be considered.

Results of the evaluations will be reported by the Office of the Municipal Clerk to the nominating body (Standing Committee or Community Council) and/or Regional Council.

Boards and Committees will be reviewed at the beginning of the term of each new Council or at other times at the sole discretion of Council.

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