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Item No. 12.1
Executive Standing Committee
June 25, 2018

TO: Mayor Savage and Members of Executive Standing Committee

SUBMITTED BY: **Original Signed**

John Traves, QC, Director, Legal, Municipal Clerk & External Affairs

Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: May 8, 2018

SUBJECT: Public Appointment Policy Amendments – Citizen Appointments to External Boards and Commissions

ORIGIN

April 2017, Executive Standing Committee request for potential amendments to the Public Appointment Policy regarding appointments to external boards, to enhance consultation and collaboration with external agencies.

LEGISLATIVE AUTHORITY

The Public Appointment Policy - Governing public appointments to HRM agencies, boards, committees and commissions and external bodies, more specifically the following sections:

- 4.3 Advertised Recruitment
- 5.2 Incumbents
- 6.2 Staff Review
- 6.3 Nominating Body Evaluation Process
- 6.4 Interviewing Process

RECOMMENDATION

It is recommended that the Executive Standing Committee recommend that Halifax Regional Council adopt the amendments to the Public Appointment Policy as outlined in Attachment 1 to this report.

BACKGROUND

April 2017, the Executive Standing Committee requested that staff investigate potential changes to the way citizen appointments made by Halifax Regional Council to external boards and committees occur. At present, public appointments are administered in accordance with the Public Appointment Policy (the Policy), approved by Regional Council in April 2011. The Policy serves as a guide to Members of Regional Council, and staff regarding public appointments to ensure that applications are processed and considered consistently. In addition, the Policy provides to the public information on how the process is administered, and serves as guide to those interested in applying to serve.

In 2014, the Policy was amended to provide for additional instruction regarding section 6.4 (“Interviewing Process”), which permits a nominating body to designate an interview panel, to short-list candidates and direct staff to schedule in-person interviews. This change in Policy was in response to a letter from the Chair of the Board of Commissioners for Halifax Water, and a corresponding motion requesting a staff report outlining additional options for appointments to the Board of Commissioners for Halifax Water. In April 2014, Regional Council adopted changes to section 6.4 of the Policy, and provided additional direction by motion to staff and the Environment & Sustainability Standing Committee to implement a full interview process when considering vacancies on the Board of Commissioners for Halifax Water. This method for processing applications for the Board of the Halifax Water Commission has been in place for four years.

Most recently, March 20, 2018 Regional Council approved the Administrative Order 2018-001-ADM, respecting the Halifax Regional Water Commission (AO). The purpose of the Administrative Order is to ensure the efficient operation of the Commission by providing an accountability framework for the conduct of its business. In terms of public appointments, it formalizes the process on how applications to the Board are reviewed.

DISCUSSION

Halifax Regional Council is tasked by various pieces of legislation to make citizen appointments to various committees, boards, and commissions. Some Members of Council have expressed concern about making appointments to public bodies on which they do not directly serve, or for which they have limited insight into the required expertise. At present, Regional Council makes appointment of public members to the following external boards:

Board of Police Commissioners
Community Monitoring Committee
Halifax Convention Centre Corporation Board
Halifax Harbour Bridges Board of Commissioners
Halifax International Airport Authority Board (HIAA) (Out of Scope)
Halifax Port Authority
Halifax Regional Library
Halifax Water Board of Commissioners (Regional Council Approved Process) (Out of Scope)
Metropolitan Regional Housing Authority
Shubenacadie Canal Commission

The Halifax International Airport Authority Board appointment process is out of scope of this report. The Authority's By-laws set out their own process, which requires HRM Council to nominate a slate of candidates for consideration by the HIAA Nomination Committee. HIAA has its own process for vetting nominated individuals, which may include an interview. HIAA makes its own appointments, and provides notification of the outcome to the Municipality.

Of the above list, only the Board of Commissioners of Halifax Water has a detailed process, approved by Regional Council on how applications are dealt with, first directed by way of motion April 15, 2014 and subsequently by Administrative Order 2018-001-ADM, adopted by Council in March 2018. With respect to appointments the AO provides that Regional Council, during the annual review process provides direction on desirable skillsets (previously consultation with the General Manager). In addition, the Administrative Order also provides for an extension of the previous staff review team (6.2 of the Policy). Customarily the Municipal Clerk and the General Manager of Halifax Water, now includes, the Chief Administrative Officer, and the Chair or Vice Chair from the Board, and provides direction on how applications are to be evaluated. A report would be generated and provided to the nominating body for approval. In practice the increased review and vetting of applicants to the Board of Commissioners for Halifax Water has guided members of the nominating body.

In looking at potential amendments to the Public Appointment Policy, staff has looked to the Halifax Water Commission model, as it is established and has evolved over the past four years. Additional language is proposed to allow for current boards to also provide input on competency requirements (no general review done by Council), and that incumbents are aware that they are subject to the interview process. To increase transparency, it is recommended that the process be codified in the Public Appointment Policy.

External Board – Additional Process

- Upon notification of a vacancy, Municipal Clerk staff will prepare a document containing the current board competencies and a brief questionnaire for the head administrator of the external agency to edit and complete, then send back for consideration.
- The information gathered from the head administrator is reviewed by the Municipal Clerk and incorporated into a subsequent document, provided to the external agency board to solicit additional feedback.
- The information gathered is reviewed and incorporated into the appointment public notice, and any promotional materials used when recruiting for the board.
- For all external boards, a staff board will be convened, and will consist of the Municipal Clerk and Chief Administrative Officer (or designate). The head administrator (or designate) of the external agency, and either Chair or Vice Chair of the external agency's board will be invited to participate. Applications would be reviewed (confidentially), any comments provided by the review team will be incorporated into the in-camera(in private) report issued to the nomination body.
- In addition, information gathered from the completed questionnaires submitted by the board, will also be provided to the nominating body, to convey the board perspective to the nominating body through the in-camera report.
- A report will be brought forward to the nominating body, recommending that an interview panel be constituted, consisting of a member of the nominating body, Chief Administrative Officer of Halifax Regional Municipality (or designate), and either the chair or the vice chair of the receiving board.
- For external boards, it is recommended that nominating bodies short-list applicants, strike interview panels and conduct interviews. All incumbents who apply and are eligible for re-appointment must attend an interview should they be short-listed by the nominating body.

The recommended approach would be applied to all external board or committees with public appointments (excluding HIAA and Board of Commissioners for Halifax Water). Should the Policy amendments be approved by Council, reports regarding external appointments will recommend that the nominating body create a shortlist, strike an interview panel and conduct interviews.

In comparison to the current public appointment process for the Halifax Water Board of Commissioners, the only differences are the questionnaires completed by the external agency, which has been recommended to gather input from the receiving board, and that Halifax Water has a more formal annual review process. At present, the in-camera report to the nominating body features some comment provided by the head administrator as well as a suggested short-list of candidates for consideration. It is recommended for the external boards affected by this amendment, the short-list from the review team would be a suggestion included in the body of the report, and not a recommendation. Changes to the overall

process would involve more interviews, nominating bodies have been trending towards interviews, and appointments over the past year to other external boards have included an interview component.

Adopting the recommended changes to the Policy would provide applicants to external boards and committees with a better understanding of what is required and what may occur after their application is submitted. The increase in consultation, with administrators and boards of external agencies may lend to more collaboration, and a better understanding of their desired skillsets, which may remedy skill gaps in their current board composition.

FINANCIAL IMPLICATIONS

None identified, at this time. However, the full extent of staff resources that may be required will only be known after the Policy is amended and a larger recruitment has been executed. If additional support is required it would be brought forward as a cost pressure in the 2019-20 operating budget.

RISK CONSIDERATION

The current public appointment process may take several months to complete. In adding additional steps to the process, contingent on the input and involvement of external boards or external staff may take time to coordinate. Delays to the public appointment process may slow down necessary approval processes.

COMMUNITY ENGAGEMENT

Should Regional Council approve the changes to the public appointment process, the Municipal Clerk's Office will ensure that external partners are notified and provided with a copy of the revised Policy. When the questionnaire is provided to external administrators and boards a comprehensive memorandum will be attached to provide the necessary instruction, including clear expectations and deadlines.

It is anticipated that by increasing communication with external agencies that receive HRM appointees may lead to a collaborative approach to further promote vacancies by using their social media reach and other related communication levers; by increasing promotion, the Municipal Clerk's Office hopes to add more diversity to the slates of candidates it presents to nominating bodies for consideration.

ENVIRONMENTAL IMPLICATIONS

No identified environmental impacts.

ALTERNATIVES

Regional Council may decide not to approve the recommendation to amend the Public Appointment Policy. In reviewing the Policy, through an application of section 1.7 Council may at its discretion, provide more specific direction or variances from time to time as Council sees fit.

ATTACHMENTS

1. Amending Policy
2. Public Appointment Policy with proposed changes

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Kevin Arjoon, Municipal Clerk, 902.490.6456

Attachment 1

(Amending Policy)

PUBLIC APPOINTMENT POLICY

BE IT RESOLVED by the Council of the Halifax Regional Municipality that the Public Appointment Policy is amended as follows:

1. Section 4.3 is amended by adding section 4.3(iv) immediately following section 4.3(iii) as follows:

iv) Recruitment to External Boards and Commissions

The Municipal Clerk will prepare a document outlining the competencies required by the Board for its members, and will provide that information, along with a questionnaire, to the head administrator of the external agency, for review and feedback to the Municipal Clerk.

The Municipal Clerk will revise the competency requirements in response to feedback received from the head administrator of the external agency, and will then circulate the revised document, along with the questionnaire, to the external agency's board to solicit additional feedback.

The information gathered from both the head administrator and the board of the external agency will be incorporated into the public notice, and promotional materials used when recruiting for the board. Some information gathered will also be incorporated into reports to nominating bodies.

2. Section 5.2 is amended by adding the punctuation and words “, which may include completing the formal interview process” after the word “reappointment” and before the period at the end of the sentence.

3. Section 6.2 is amended by adding the following, immediately following the sentence “The staff board will disclose the results of any relevant evaluations or references that may have been conducted”:

External Board Appointments

For external board appointments, a staff board will be convened to review the applications, consisting of the Municipal Clerk and Chief Administrative Officer (or designate). The Chair or Vice Chair of the external agency's board, and the head administrator (or designate) of the external agency, will be invited to participate in the staff board review process.

4. Section 6.3 is amended by adding the following, immediately following the paragraph that ends “that has been conducted” and before the paragraph that begins “The nominating body may then...”:

The staff report submitted to the nominating body will recommend that the nominating body appoint an interview panel to conduct interviews when considering appointments to external boards and commissions.

5. Section 6.4 is amended by:

(a) deleting the words “on which at least one member of the nominating body will serve” after the word “panel” and before the period at the end of the sentence; and

(b) adding the words “which will consist of a member of the nominating body, the Chief Administrative Officer for HRM (or designate), and either the Chair or Vice Chair of the external agency’s board.

Done and passed this day of July, 2018.

Mayor

Municipal Clerk

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.

iv) Recruitment to External Boards and Commissions

The Municipal Clerk will prepare a document outlining the competencies required by the Board for its members, and will provide that information, along with a questionnaire, to the head administrator of the external agency, for review and feedback to the Municipal Clerk.

The Municipal Clerk will revise the competency requirements in response to feedback received from the head administrator

of the external agency, and will then circulate the revised document, along with the questionnaire, to the external agency's board to solicit additional feedback.

The information gathered from both the head administrator and the board of the external agency will be incorporated into the public notice, and promotional materials used when recruiting for the board. Some information gathered will also be incorporated into reports to nominating bodies.

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, **which may include completing the formal interview process.**

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.

External Board Appointments

For external board appointments, a staff board will be convened to review the applications, consisting of the Municipal Clerk and Chief Administrative Officer (or designate). The Chair or Vice Chair of the external agency's board, and the head administrator (or designate) of the external agency, will be invited to participate in the staff board review process.

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 staff report submitted to the nominating body will recommend that the nominating body appoint an interview panel to conduct interviews when considering appointments to external boards and commissions.

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.~~ which will consist of a member of the nominating body, the Chief Administrative Officer for HRM (or designate) and either Chair or Vice Chair of the receiving board.**

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.

Adopted by Halifax Regional Council – August 2, 2011

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