

ADMINISTRATIVE ORDER NUMBER 2023-001-GOV
RESPECTING PUBLIC APPOINTMENTS TO
COMMITTEES OF COUNCIL AND EXTERNAL BOARDS

WHEREAS the Municipality values community participation and service as fundamental to the success of the Municipality;

AND WHEREAS the Municipality strives to have appointments made by Council reflect the diversity of the communities that it serves;

AND WHEREAS the Municipality seeks to appoint members of the community who bring skills, expertise, and perspectives that contribute to good governance;

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order may be known as the *Public Appointments Policy*.

Purpose

2. The purpose of this Administrative Order is to establish a process for the appointment of residents of the Halifax Regional Municipality to Committees of Council and external boards, committees or commissions, that is principle-based, implemented in a consistent manner, and administered with integrity.

Interpretation

3. In this Administrative Order,

(a) “appointing body” means the Council, or the Community Council or Standing Committee of Council designated by Council to make appointments for a particular Committee of Council or external body;

(b) “CAO” means the Chief Administrative Officer of the Municipality;

(c) “Clerk” means the Clerk of the Municipality, and includes a person acting under the direction or supervision of the Clerk;

(d) “Committee of Council” means a committee established by Council in accordance with the *Halifax Regional Municipality Charter* and includes standing, special and advisory committees, citizen advisory committees, and planning advisory committees;

(e) “Council” means the Council of the Municipality;

(f) “employee” includes an individual who is a permanent, casual, or contract employee, on a full or part-time basis, with the Municipality, the Halifax Regional Library Board, or the Halifax Regional Water Commission;

(g) “external body” means any body corporate whose incorporation documents require the Municipality to appoint or nominate a member of its Board of Directors;

(h) “Municipality” means the Halifax Regional Municipality;

(i) “nominating body” means the Standing Committee of Council or Community Council designated by Council to recommend to Council the appointments for a particular Committee of Council or external body;

(j) “resident” means an individual who has lived in the Halifax Regional Municipality for a minimum of six months prior to the date of their application.

Application

4. This Administrative Order applies to appointments of residents of the Municipality made by the Municipality to either:

- (a) Committees of Council, including Committees of Community Councils; or
- (b) external bodies,

but does not apply to the appointment of members of Council to such entities.

5. Council may, by resolution or by policy, vary the requirements of this Policy for appointments to a particular Committee of Council, or in response to a request from an external body.

Eligibility

6. (1) Subject to subsection (2), applicants for positions on Committees of Council shall meet the following criteria to be eligible for consideration:

- (a) resident of the Halifax Regional Municipality; and
- (b) a minimum of 19 years of age.

(2) Council may vary the minimum age requirement by Administrative Order or resolution of Council where it seeks to engage youth aged 13 to 18 years old. Any such appointments are conditional upon approval by the youth’s parent or guardian.

7. Applicants for positions on external bodies shall meet the criteria as set out in section 6, and any additional criteria for eligibility that may be required by the external body to which the appointment is made.

8. An appointee who ceases to meet the eligibility requirements during the term of their appointment shall inform the Office of the Municipal Clerk and shall be deemed to have resigned their position.

9. The following relatives of a member of Council are not eligible for consideration for an appointment by Council made pursuant to this Administrative Order:

- (a) the spouse of a member of Council;
- (b) any child, father, mother, or sibling of a member of Council or a member of Council's spouse;
- (c) the spouse of the persons referred to in clause (b); and
- (d) any other person who normally resides in the same home as the member of Council.

10. Unless appointed to an external body to represent the Municipality on an *ex officio* basis (by virtue of their position), employees are not eligible for appointment to a Committee of Council or an external body.

Recruitment Period

11. There shall be a minimum of two general recruitment periods during the course of each municipal election cycle, the timing of which shall be determined by the Clerk.

12. Special recruitment periods may occur for the creation of a new Committee of Council, to fill a vacancy on a Committee of Council, or by request for an appointment to an external body.

Recruitment Process

13. The recruitment process shall be conducted by the Office of the Municipal Clerk.

14. (1) Subject to subsection (2), the Clerk shall choose one of the following recruitment processes:

(a) standard recruitment: A standard recruitment is used for Committees of Council where the skills and interests required are general in nature. Recruitment is done through an expression of interest advertised to the public at large;

(b) special expertise recruitment: A special expertise recruitment is used for positions on Committees of Council where Council has designated a specific expertise or perspective from a technical or professional group. Recruitment is done through an expression of interest advertised to the public at large identifying the particular expertise or perspective required;

(c) specified stakeholder recruitment: A specified stakeholder recruitment is used for positions on Committees of Council where Council has identified a specific stakeholder organization to nominate a member of the Committee. Recruitment is done through a request to the stakeholder group to put forward one or more nominations for Council's consideration; or

(d) external body recruitment: An external body recruitment is used for appointments or nominations made by Council to an external body. The Clerk shall prepare a document outlining the required competencies for appointment to the external body for review by the head administrator

of the external body. The Clerk may revise the competency requirements in response to the feedback from the head administrator. Recruitment is done through an expression of interest advertised to the public at large identifying the required competencies.

(2) Where an external body makes a request in writing to the Council, through the nominating body where applicable, Council may agree to reappoint or renominate an incumbent candidate to the external body without undertaking a recruitment process.

15. The Clerk may conduct outreach initiatives to raise awareness by equity-deserving groups of opportunities and the process for applying. The Clerk may also cooperate with community agencies that recruit and train members from under-represented constituencies to have a more representative applicant pool.

Application Process

16. (1) An individual applying for an appointment in accordance with this Administrative Order shall submit an application to the Office of the Municipal Clerk.

(2) A new application is required for each recruitment period and each term of appointment.

17. (1) An application for a standard recruitment shall include a completed application form. Cover letters and resumes will not be considered by the Clerk or by Council.

(2) An application for a special expertise recruitment or an external body recruitment shall include a completed application form and may require a cover letter or resume as set out in the advertised recruitment posting. Cover letters and resumes will only be considered by the Clerk or Council where they are required by the advertised recruitment posting.

(3) No application is required for a specified stakeholder recruitment. The stakeholder group shall put forward the nominations for Council's consideration.

18. In order to assist the Municipality in achieving its objectives of access, equity and diversity, applicants are encouraged, but not required, to include self-identifying information in the application.

19. (1) During the recruitment period, the Clerk shall make application forms available on-line at www.halifax.ca.

(2) The Clerk Shall make available one additional method by which an application may be submitted.

20. An applicant who requires accommodation to participate in the application process may contact the Clerk.

21. An applicant may apply for no more than one Committee of Council and one external body during a recruitment period.

22. Only those applications received in the prescribed form by the advertised deadline date shall be considered by Council.

23. An applicant may withdraw their application by advising the Clerk, in writing, that they no longer wish their application to be considered.

24. In the event insufficient eligible applications from qualified individuals are received, the Clerk may extend the deadline date for applications. Public notice of an extension of the deadline shall be published by the Clerk on www.halifax.ca.

25. Upon the closing of the application period, the Clerk shall review the applications received for each Committee of Council and external body to:

(a) confirm that the applicant is eligible for appointment, including identifying current incumbents and determining their current length of service and eligibility to re-apply; and

(b) confirm that the application is complete and was submitted on time.

26. Applications may only be submitted in response to an active recruitment and will not be kept on file for future recruitment opportunities.

27. The Clerk shall maintain the confidentiality of the applications in accordance with Part XX of the *Municipal Government Act* (Freedom of Information and Protection of Privacy), and shall only provide copies of the applications to those staff and members of Council participating in the selection process.

Selection Process

28. (1) Subject to subsection (2), the selection process is conducted by the nominating body with support from the Clerk and may include the following steps in addition to the consideration of the application by the nominating body:

(a) review board; and

(b) interviews.

(2) Where there is no nominating body, the appointing body acts in the place and stead of the nominating body.

Consideration by the Nominating Body

29. The nominating body shall meet *in camera* to review applications and, where a review board has reviewed the applications, a summary of its review. The nominating body may request additional information if it feels it is necessary to support its review.

30. A staff member from the Office of the Municipal Clerk will be the policy advisor to the nominating body during the consideration of applications. Where a review board has reviewed the applications, the nominating body may choose to invite the review board members to advise or observe.

31. Following consideration of applications, the nominating body may:

- (a) short-list applicants to conduct interviews in accordance with section 36; or
- (b) move directly to nominations, or where there is no nominating body, the appointing body may move directly to appointments.

32. In addition to the applications, any review board summaries, and any interviews, the nominating body may consider the following in making its nominations:

- (a) achieving a balance of experienced and new members;
- (b) geographic representation from across the municipality; and
- (c) representing the diversity and demographics of the community.

33. The nominating body shall submit its recommendation for each vacant position to the appointing body for its consideration. The recommendation may include one or more alternates for appointment in the event that a vacancy occurs during the term of any member of the Committee of Council or external body.

Review Board

34. (1) For Committees of Council that utilize a special expertise recruitment or a standardized recruitment, a review board may be initiated by the Clerk or requested by the nominating body to review the applications in advance of the nominating body and shall consist of the CAO or designate, the Clerk, and a member of staff selected by the CAO.

(2) For external bodies, a review board shall be initiated to review the applications in advance of the nominating body and shall consist of the CAO or designate, and the Clerk. The Clerk shall extend an invitation to the Chair or Vice Chair of the external body's board of directors, and its head administrator or designate, to participate in the review board process.

35. The role of a review board is to apply this Administrative Order and any specific qualifications required as part of the recruitment process to review the applications and determine:

- (a) eligibility;
- (b) qualifications;
- (c) diversity considerations; and

(d) potential conflicts of interest,

and a shortlist shall be prepared for consideration by the nominating body.

Interviews

36. (1) For Committees of Council that utilize a special expertise recruitment or a standardized recruitment, interviews may be initiated by the Clerk or requested by the nominating body, consisting at a minimum of a member of the nominating body, the CAO or designate, and a staff representative as appointed by the CAO.

(2) Subject to the specific requirements of any external body, the Clerk may recommend that the nominating body appoint an interview panel to conduct interviews for an external body recruitment, consisting at a minimum of a member of the nominating body, the CAO or designate, and the Chair of the board of directors for the external body.

37. Interviews shall be conducted with those individuals short-listed by the nominating body and shall be done generally in accordance with human resources practices.

38. The Clerk and a member of the review board shall be invited to attend.

39. References may be requested by the interview panel.

40. The interview panel shall report the results of the interviews to the nominating body for its consideration in making nominations.

Appointments

41. (1) Unless otherwise directed by Council at the time of a Committee of Council's establishment, appointments shall be made by Council *in camera* upon recommendation from the nominating body directed by Council.

(2) The recommendation from the nominating body shall include a list of candidates recommended for appointment, the term of appointment, and a list of alternate appointments.

(3) For an external body recruitment, the recommendation from the nominating body may include a short candidate biography.

42. Appointments are made at the pleasure of the appointing body and may be rescinded at its discretion by resolution.

43. Council shall make the number of appointments necessary to fill the vacancies required for a Committee of Council or external body and may appoint alternates for use in the event that a vacancy occurs on the Committee of Council or external board between recruitment periods.

44. After approval of appointments by Council, the Clerk shall:

(a) prepare a notice of appointment stating the name of the appointee, the Committee of Council or external body to which they have been appointed, and the length of their term;

(b) communicate to all applicants for the Committee of Council or external body the decision of Council with respect to whether their application, either:

(i) including their notice of appointment;

(ii) thanking them for their interest in volunteering; or

(iii) notifying them that they have been selected as an alternate; and

(c) for appointments to an external body, communicate to the external body the appointment or nomination made by Council and provide the external body with the necessary contact information for the appointee or nominee to facilitate communication.

45. (1) Appointments to Committees of Council are conditional on acceptance by the applicant and shall take effect upon receipt of the applicant's acceptance by the Clerk's Office.

(2) Appointments or nominations to external bodies are conditional on acceptance by the applicant and shall take effect upon receipt of the applicant's acceptance by the Clerk's Office, except whereas the appointment process varies as outlined in the external body's terms of reference.

46. (1) Subject to the process outlined in an external body's terms of reference, upon notification to the applicant from the Clerk's Office that the applicant has been selected for nomination or appointment, the applicant shall have 14 days to accept the nomination or appointment.

(2) The Clerk may extend the 14-day acceptance period in their sole discretion where the applicant has identified extenuating circumstances that require additional time. But in no such case shall the acceptance period be extended beyond 7 additional days.

47. The names of the appointees shall be published by the Clerk on www.halifax.ca after communication has been sent to all applicants in accordance with section 44(b). The names of any alternates shall not be published until such time as the individual is required to fill a vacancy.

Term of Appointment

48. (1) Unless otherwise established by Council, appointments to Committees of Council shall be for a term of two (2) years.

(2) Each appointment to a Committee of Council shall continue until the successor is appointed.

(3) The term of appointments to external bodies shall be as established by the external body.

49. To achieve continuity on Committees of Council, it should be the practice to stagger the terms of the members so that not all members are replaced at the same time. In the event that the terms of the members are complete at the same time, the Council should consider appointing some incumbent members.

50. Where an appointment is made to fill a vacancy that occurs part way through a term, the appointment shall be for the remainder of that term, and that appointment shall not be considered as a term when calculating the maximum number of terms that the appointee may be appointed to serve.

Length of Service

51. (1) Subject to subsection (2), an incumbent may reapply to serve on the same Committee of Council for a subsequent term, but Council shall not consider appointing individuals for more than two (2) consecutive terms on the same Committee of Council or external body.

(2) Incumbents may be considered for reappointment by Council for more than two (2) consecutive terms in the following circumstances:

(a) an insufficient number of applications have been received from eligible or qualified applicants to fill the number of vacancies; or

(b) there would be a lack of continuity of membership on the Committee of Council if all members were replaced at the same time.

(3) The length of service for external bodies shall be as established by the external body.

Leaves of Absence

52. In the event that a member of a Committee of Council requires a leave of absence for more than three consecutive regular meetings, that member shall submit such a request to the Office of the Municipal Clerk, which shall submit the request to the appointing body for its consideration.

53. The approval of a request for a leave of absence is in the sole discretion of the appointing body.

Vacancy

54. A vacancy is created on a Committee of Council or an external body on the date that:

(a) the member submits their resignation;

(b) the member ceases to be qualified in accordance with the requirements in Section 6, the Committee of Council's Administrative Order or terms of reference, or the external body's qualification requirements;

(c) the member is removed by Council or the appointing body;

(d) the member dies; or

(e) the member, without leave of the committee, is absent for three consecutive regular meetings and notification is provided to the Clerk.

55. (1) Council, through its appointing body, shall fill the vacancy.

(2) Where the appointing body has appointed alternates for a Committee of Council or external body, Council hereby delegates to the Clerk the power to advise the alternate of their appointment without requiring further approval from the appointing body.

56. A member may resign by submitting a letter of resignation to the Clerk. Such resignation becomes effective upon receipt. A resignation may not be withdrawn once it has been delivered to the Clerk.

New Members

57. The Clerk may arrange an initial orientation for all new and returning members appointed to a Committee of Council, which may include training on:

- (a) the Committee of Council’s terms of reference;
- (b) meeting procedure (Administrative Order One);
- (c) conflict of interest (Municipal Conflict of Interest Act); and
- (d) access and privacy (Municipal Government Act – Part XX FOIPOP).

Repeal

58. The Public Appointment Policy adopted by Council on August 2, 2011 is repealed effective as of the date this Administrative Order comes into force.

Done and passed in Council this 22nd day of August, 2023.

Mayor Mike Savage

Iain MacLean, Municipal Clerk

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was adopted at a meeting of the Halifax Regional Council held on August 22, 2023.

Iain MacLean, Municipal Clerk

Notice of Motion:
Approval:

July 11, 2023
August 22, 2023