



SUBJECT: Public Appointment Policy and committee review update
TO: Corporate Services, Strategy, Risk & Accountability Cttee.
FROM: Office of the City Clerk

Report Number: CL-26-21

Wards Affected: All

File Numbers:

Date to Committee: November 10, 2021

Date to Council: November 10, 2021

Recommendation:

Rescind the Appointments to Boards and Recruitment of Citizens for Committees Policy attached as appendix A to office of the city clerk report CL-26-21; and
Approve the Public Appointment Policy attached as appendix B to office of the city clerk report CL-26-21.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

Background and Discussion:

The Appointments to Boards and Recruitment of Citizens for Committees Policy, (Appendix A) was last reviewed in 2012, and was slated for renewal in 2017. In addition, Council directed staff to conduct a policy review on April 20, 2020. A review has been conducted, resulting in a recommendation to adopt a new policy, entitled the Public Appointment Policy, (Appendix B). The proposed policy includes significant updates, providing an outline for the appointment process, and introducing diversity and inclusion provisions. The policy is a result of a review of other municipal appointment policies, consultation from the public and with staff to ensure that what has been recommended is made for Burlington. In addition, at the September 29, 2021 Council Workshop, members of Council asked for an update to the Advisory Committee Review (MO-04-

20) approved by Council on April 20, 2020. An update is provided in this report and by way of Appendix C.

Incorporating Diversity, Equity, and Inclusion

On December 14, 2020 City Council, through report RS-13-20, endorsed the Halton Equity and Diversity Roundtable Charter. The Charter has 10 commitments that are in place to help build inclusive communities. The proposed policy reflects the Charter and its commitments, making diversity, equity and inclusion a theme that threads throughout the policy. The following concepts have been incorporated into the draft policy to support, diversity, equity, and inclusion:

- Encouraging all residents to apply to serve. Removal of the reference to citizen, as there are no citizenship requirements for appointment to an advisory committee. Caveat in place for any external boards that may have different citizenship requirements.
- Entire process is mapped out to demonstrate that it is open and transparent and is a commitment to applicants that they will be treated in an equitable manner. In addition, a standard operating procedure will be created to document administrative details on how the process will unfold. Once completed, this document will be made public.
- The application will be amended to include a voluntary self-identified diversity and inclusion questionnaire. The data from this questionnaire will be used by Council and its nominating panels when making decisions in support diversity and inclusion through their selection processes. Staff will use the data to ensure that its recruitment campaigns are reaching marginalized communities and groups. Future iterations of the data may involve high level reporting.
- The proposed policy provides guidance to nominating panels on selection framework. The framework provides several considerations, including diversity and inclusion. In addition, an applicant matrix for each committee will be prepared and provided to all members of Council providing applicant name, ward, and diversity information.

Applicants Defined

The current policy provides clear direction on who is eligible. The proposed policy also has included who is not eligible to serve on a committee or board. Staff are not eligible to serve as a city appointee to a committee or board, and adding this language provides clarity. It is also recommended that relatives of members of Council should be not eligible to serve as a Council appointee to a board. Allowing for relatives to be appointed may lend to a perception that the process is biased.

Current Member (Incumbent) Provisions

Throughout the proposed policy there are references to how current members or incumbents are treated throughout the process. The proposed policy also includes a provision for current members at their term limit, and a process they may follow if they want to be appointed beyond their term. This allows for the general public to see how the process works for current members and demonstrates transparency within the process.

No Late Applications

The proposed policy makes clear that the deadline must be adhered to. Applications received after the deadline will not be considered. This will ensure that no individual has extra time to prepare an application and supports procedural fairness. There are provisions for the City Clerk to extend the recruitment if there is a lack in applications.

The Nomination Process

Staff are recommending a shortlisting process for applications. Shortlisting applications for interview by a nominating panel has been a piloted for about one year. Council approved the pilot in December 14, 2020 upon recommendation from report [CL-24-20](#). The proposed policy provides additional detail on how the process will unfold, with panels receiving additional instruction; all of this is put in place to support equity.

Throughout this process the nominating panel will be supported by a representative from the Office of the City Clerk who will serve as an Advisor to the panel. The Advisor is neutral, they will provide guidance on the nomination process, provide logistical support, prepare nomination reporting, and attend interviews in an observer capacity. With this new policy the Office of the City Clerk will not participate in applicant scoring or shortlisting to remain neutral throughout the process.

New Appointment Terms and Term Limits

The proposed policy is supporting a two-year term for all advisory committees. Committee of Adjustment will remain a four-year term as per legislation (concurrent with the term of Council). In support of renewal on committees and boards, a term limit of six years for a committee or board, and eight years for the Committee of Adjustment is recommended. These terms and limits were approved in principle by Council on September 28, 2020 through report [CL-17-20](#) which provided an overview of the feedback from the extensive surveying on advisory committees completed in 2019. Those who have served their maximum time will be required to take at least one year off from serving on the particular committee, however, they are welcome to serve on another committee.

A fundamental change to terms and appointments is that there will be no future appointments made beyond the term of Council. This appointment standard is apparent throughout the jurisdictional scan and supports that appointees should reflect the current Council.

Alternates – A new Approach

Currently, alternates are part of advisory committees but are non-voting members. This creates a two-tier system of appointees. Some residents have expressed confusion on what their status has been when appointed as an alternate. Moving forward, alternates appointed by Council are in waiting, not made public or invited to participate on the committee in an official capacity.

Should a vacancy occur before the end of the two-year term, the Office of the City Clerk will contact the alternate, in order of nominating panel preference, to verify that they are still eligible and interested to serve. If they are interested, they will be invited to attend the meeting as a voting member. The Office of the City Clerk will advise Council and the committee of any alternates being called upon to serve through a memorandum to the Committee and included in the Council Information Package.

New Process for External Institution Recommendations for Appointment

The proposed policy has created a process for how liaison or external groups with membership on an advisory committee makes recommendation for appointment. The external institution will provide nominations to Council in order of preference in confidence. Council will review the list and make recommendation. Council has the right not appoint the recommended appointments and request additional nominations. Term limits will apply to these appointees.

Reconciling the Advisory Committee Review

On April 20, 2020 Council approved recommendation MO-04-20 providing Council direction for the Advisory Committee Review. At the September 29, 2021 Council Workshop, the question was asked for an update and clarification on proposed changes to the existing committee structure.

Advisory Committees Future State

The advisory committees require establishing an additional layer to the governance system, with the common framework as its procedural center. Should Council endorse this change, it will have an impact on how items are considered. Some reports that may have been introduced at a standing committee would be first brought to an advisory committee for recommendation and review. Once an advisory committee has dealt with the item it would then be reported to Council through the assigned standing committee.

These changes would allow for more active advisory committees, providing its members with additional duties and responsibilities.

Building a common framework for advisory committees will take a substantive amount of time. In creating a new system, the mechanics and rules will need to be refined. As the general context has changed, each terms of reference will require a review, consultation with staff to ensure understanding, and role clarity. In order to succeed, the new approach will require significant corporate buy-in, support and accountability from management, and without this support, the system will lapse to its current state. The work completed in 2021, the budgeting and annual reporting process, onboarding and training program, and the public appointment policy will become supports to the common framework.

Update on Work Completed

Working through the review, staff brought forward a comprehensive report at the September 17, 2020 CSSRA Committee meeting that provided information on the consultation completed in 2019, and getting Council endorsement on key terms, which reconciled recommendation # 2 and recommendation #3. At that meeting, Council directed staff to reinstate the committees, and this constituted a fundamental change, which meant the review had to be re-prioritized to support the operation of current committees. In addition to MO-04-20, through completing recommendation #3, additional deliverables were added to the Office of the City Clerk's workplan. Appendix C to this report provides a detailed breakdown on what progress has been made on MO-04-20 and recommendation #3. The following reports, presented through 2020-2021, have addressed portions of the committee review and were in service of supporting the current advisory committee members:

CL-24-20 Short Listing of Applicants (December CSSRA)

CL-10-21 - Interim advisory committee budget allocation process (April CSSRA)

CL-16-21 Training and onboarding strategy for committee appointees (June CSSRA)

CL-26-21 Public Appointment Policy and Committee Review Update (November CSSRA)

In addition to the work to repair the Advisory Committee system, several internal processes and actions have been identified throughout 2020 and 2021 that required remediation. Some of these items represent a risk to the Corporation, and therefore these items have taken precedence over the advisory committee review. One public example were the risks addressed in SD-30-20 which were fixed through report CL-05-21 (April 2021 CSSRA) and resulted in Procedure By-law amendments establishing a formal process on how motions or reports received from members of Council are processed. As the year concludes, the committee review and deliverables must wind

down, with election policy and administrative deliverables increasing. Throughout the months of May through September significant work has been completed towards procuring vote tabulation services for the 2022 election, some details will be shared with Council in December. Further, there are election policies and a staff direction to create an election contribution rebate program. It is the goal of the Office of the City Clerk that most of this work occur before the election year.

Strategy/process

Should Council approve the policy there will be a transition period. For those appointed for one year in the upcoming recruitment campaign, this year will not count towards the maximum term limits. In addition, the standard operating procedure may be in development for the first recruitment campaign. It is anticipated that this procedural work will be completed by the 2022 Fall Campaign.

Financial Matters:

Not applicable.

Climate Implications

Where possible, remote meeting tools will be used to conduct interviews, and this will reduce the carbon footprint associated with the nominating panel's processes.

Engagement Matters:

A public survey hosted on the GetInvolvedBurlington.ca webpage, open from April 30, 2019 through to June 7, 2019, received 385 respondents. The public survey posed questions to determine barriers to participation, advisory committee experience, and asked for suggestions to improve the system. Some of the information provided pertained to the recruitment and selection of public appointees to boards and committees. This information has been helpful in determining what services should be reviewed.

In addition, the Burlington Inclusivity Advisory Committee was consulted on proposed diversity and inclusion additions to the policy. They were also canvassed on their experience in the current process in order to identify any barriers.

Conclusion:

The updated public appointment policy will provide the necessary structure and rigor to the process.

Respectfully submitted,

Kevin Arjoon

City Clerk

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Appendices:

- A. Appointments to Boards and Recruitment of Citizens for Committees Policy
- B. Proposed Public Appointments Policy
- C. Reconciliation of items completed by the Committee Review.

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.