

 <p data-bbox="191 304 544 346">PORT COLBORNE</p>	<p data-bbox="933 199 1079 241">POLICY</p> <p data-bbox="698 273 1323 367">APPOINTMENTS TO BOARDS AND COMMITTEES</p>
--	--

1. PURPOSE

The purpose of this policy is to establish a process relating to the recruitment, selection and appointment of members of the public to boards and committees of the Corporation of the City of Port Colborne and to external agencies when Council is requested to make such appointment and to establish expectations for such appointees.

2. SCOPE

This policy applies to the appointment of members of the public to committees of the City and to external agencies when Council is requested to make such appointment.

This policy does not apply to appointments to City-owned Corporations such as Port Colborne Economic and Tourism Development Corporation or Port Colborne Energy Inc. and its subsidiary companies or to the appointment of members of Council to City or external committees.

3. DEFINITIONS

Boards and Committees means any board or committee of the City of Port Colborne (including advisory and ad-hoc committees, management boards and quasi-judicial bodies) which has a legislative basis in a provincial Act, municipal by-law or resolution and to which Council appoints one or more citizen members and includes an external entity where Council is requested to make such an appointment. The fore-going are hereinafter referred to as “committee” or “committees”.

City means the Corporation of the City of Port Colborne.

Clerk means the Clerk of the Corporation of the City of Port Colborne.

Council means the Council of the City of Port Colborne.

Publicly advertise means at a minimum the placement of one notice in a newspaper having general distribution in the municipality not less than 10 days in advance of the deadline for the acceptance of applications. “*Public notice*” shall have the same meaning.

4. APPOINTMENTS AND SELECTION PROCESS

Council may appoint citizen members to committees whether the committee was established by Council or another agency with a request that Council make an appointment.

A special meeting of Council shall be held to consider applications for appointments to committees. Council shall proceed “in camera” to review the applications to protect the personal information of the applicants.

Members of Council may not copy, disclose or otherwise disseminate information contained in any confidential lists of applicants, or in any applications, confidential reports, or other information received at in-camera sessions, nor may they repeat any confidential information heard at those meetings. The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) imposes mandatory confidentiality obligations on the City of Port Colborne and Members of Council to refrain from disclosing personal information and to protect the privacy of information obtained in in-camera sessions.

Council recognizes that the needs of the City and the committee are best met when candidates are matched to the committee’s requirements. Council will, therefore, endeavour, within the sole opinion and determination of the Council, make appointments to ensure that the committee members collectively cover the range of skills and experience considered necessary and appropriate by the Council to effectively make decisions while also endeavouring to ensure that its committees reflect the geographic distribution and diversity of the community.

The Clerk will accept, review and summarize all applications and prepare a summary that shows by committee:

- a) the name of each applicant
- b) the other committee(s) for which the person has applied
- c) whether eligible and reason if not eligible (e.g. late, under 18 years of age, etc.)
- d) ward of residence
- e) whether a current incumbent and, if so, length of service.

The Clerk will circulate the summary together with the full applications to Council with the agenda for the special council meeting.

All appointments, subject to statutory requirement, shall be made by by-law or resolution and every appointment by the City shall be at the pleasure of Council, whether or not the appointment is for a specified time period.

(Note: In general, appointments for a board or committee established by by-law shall be made by by-law; appointments to a committee established by resolution and confirmed by the confirmatory by-law may be made by resolution or by-law)

at the Clerk's discretion provided there is not statutory requirement to the contrary.)

When Council makes an appointment, the City Clerk or his/her designate shall immediately advise all applicants of the status of their applications and also notify the applicable committee staff liaison of the appointment(s). All applications shall be acknowledged after Council has made appointments to the committees.

5. ELIGIBILITY REQUIREMENTS

Unless otherwise provided for in Statute or the Terms of Reference, all members of the public appointed to a committee must be an eligible elector in municipal elections in the City of Port Colborne and may serve only as long as this qualification is maintained. Employees of the City of Port Colborne or Corporations wholly-owned by the City of Port Colborne are not eligible to sit as citizen representatives on City committees.

If during the term of the appointment a member of a committee no longer meets the eligibility requirement referenced herein, he/she is required to advise the City Clerk in writing forthwith and the member is deemed to have resigned.

6. LIMITS ON LENGTH OF SERVICE

An individual whose term has expired or is about to expire may apply and, at Council's discretion, be reappointed to the same committee.

7. APPLICATION PROCEDURE

- a) Notice of vacancies (or lack thereof) on committees shall be posted on the City's website at all times.
- b) Vacancies that arise due to reasons other than expiry of the term, e.g. resignations, ineligibility, etc., will not be publicly advertised unless the vacancy(ies) mean the committee cannot achieve quorum for its meetings in which case the Clerk shall promptly publicly advertise the vacancy(ies) together with any others on hand.
- c) Excepting for the circumstances outlined in b) above, the Clerk will publicly advertise vacancies only to coincide with the expiry of terms or when new committees are created.
- d) Council may at any time direct the Clerk to publicly advertise vacancies.
- e) Applicants are encouraged to use the current standard application form approved by Council. Applications not in the standard form may be considered, however, sufficient information must be provided (particularly with regard to qualifications) to permit Council to make an informed decision.
- f) Incumbents who are eligible and willing to seek reappointment must reapply in the same manner as other applicants.

- g) Personal information collected on the application is collected for purpose of candidate selection only and will be protected in accordance with the Municipal Freedom of Information and Protection of Privacy Act.
- h) The names of unsuccessful applicant's will not be made public without the express permission in writing of the applicant.
- i) The names of successful applicants will be made public and successful applicants may be required to make publicly available information relating to their education, qualifications and experience as it pertains to their membership on the committee and to provide contact information for use by the general public. A successful applicant who does not forthwith agree to the release of such information on the request of the Clerk or Council will be deemed to have forfeited his or her appointment.
- j) Only applications received by the deadline date will be considered except in the event that insufficient applications from qualified and eligible applicants are received, in which case Council may consider the late application(s) or extend the deadline for applications as it sees fit. Public notice of any extension to the deadline shall be given by the Clerk.

8. GENERAL CONDITIONS OF APPOINTMENT

Unless the terms of reference/mandate of the committee provides otherwise,

- a) All members of committees are expected to familiarize and adhere to all applicable corporate policies and procedures.
- b) The staff member responsible for the committee shall be responsible for ensuring that citizen members receive appropriate orientation training.
- c) Proceedings of the committee shall be subject to the applicable terms of reference, rules of procedure specific to the particular Committee and the City's Procedural By-law and shall be open to the public unless closed by resolution of the committee in accordance with the *Municipal Act, 2001*, as amended.
- d) Committee members are expected to:
 - familiarize themselves with the mandate and/or terms of reference of the committee and restrict their discussions/activities to matters pertinent to their Council approved mandate/terms of reference
 - understand the committee's relationship to Council
 - strive to attend all scheduled meetings
 - prepare for meetings by reading agendas and any background information supplied
 - clearly identify any items of pecuniary interest before they are discussed, and refrain from attempting to influence the consideration, participate in any discussion or vote on the same
 - actively participate in the discussion and decision making process
 - respect the role and responsibility of the Chair

- be open-minded and allow for a variety of opinions to be heard
 - respect the individual worth and dignity of other committee members, and, maintain a high degree of professionalism
 - ask questions and seek clarification through the staff, the Council liaison or chair
 - reflect a professional, courteous manner when interacting with the public
 - undertake any work assigned, including special projects and research, in between meetings
 - respect that actions taken and recommendations shall reflect the majority view of the committee
 - not take it personally if Council disregards one of their recommendations (Council members have to weigh various competing interests) and respect the decisions and finality of Council
 - not reconsider, recommend or advise on any matter that has been decided by Council, unless directed by Council
- e) A member of a committee shall be deemed to have forfeited their committee position should the member be absent, without the approval of the committee by resolution, from three consecutive meetings of the Committee or from over 50 percent of the meetings in one year subject to an opportunity for the member to address Council in writing regarding their absenteeism and the committee chair to do the same. Council reserves the right to make the final decision regarding ending committee appointments. The staff liaison shall notify Council through the Clerk of any appointee who has contravened this section.
- f) Citizens appointed to committees may only be eligible for consideration for appointment to additional committees at the discretion of Council. In the event of a resignation of a member, the resignation shall be submitted in writing to the City Clerk.
- g) Committees, unless specifically authorized by Council, shall not consider personnel matters, but shall forward any such concerns to the relevant Director or Chief Administrative Officer as appropriate

9. RESPONSIBILITIES AND EXPECTATIONS OF THE CHAIR

All of the responsibilities and expectations of committee members apply to the Chair. Additional responsibilities and expectations include:

- facilitate the meeting by identifying the order of proceedings and speakers
- ensure active participation by all advisory committee members
- be open-minded and encourage a variety of opinions to be heard
- maintain decorum and ensure fairness and accountability
- respect the individual worth and dignity of other advisory committee members, and maintain a high degree of professionalism
- generally refrain from the discussion until all committee members and Council liaison have had an opportunity to speak on a matter

- the Chair has no authority to make decisions on his own; the will of the majority prevails after the minority has had a fair chance to present its point of view
- assist staff liaison when possible or when requested

10. RESPONSIBILITIES AND EXPECTATIONS OF THE COUNCIL LIAISON

Expectations and responsibilities that are unique to Council members are:

- ensure that ABC members are fairly and appropriately engaged
- ensure the staff liaison is not unfairly taking on tasks outside the general parameters of their position
- liaise between Council and the committee, providing information and clarification
- ensure other members are aware of Council issues that may affect the goals and objectives of the committee, including past actions of Council
- when necessary and appropriate, explain the rationale behind the committee's actions and/or recommendations when brought forward to Council
- assist staff liaison and/or Chair, especially with regard to reports to Council or Committee of the Whole.

11. RESPONSIBILITIES AND EXPECTATIONS OF THE STAFF LIAISON

Each Committee will have such staff members as Council may provide for in the terms of reference or otherwise.

Staff members will assist committees as part of their work duties. If the staff member feels that the activities of the committee are going beyond the parameters of their position, they are to discuss the matter with their supervisor.

Responsibilities and expectations unique to the staff liaison:

- provide an administrative, secretarial or policy advice role to the committee
- remain impartial to all members
- do not participate in voting unless specifically authorized in the terms of reference; in general, staff are not members of the committee
- be mindful of any recommendations/actions proposed by the committee that conflict with the municipality's by-laws or policies; attempt to reconcile such conflicts and, if reconciliation is not possible, point out the conflicts in the report.

12. MINUTES

Minutes of committee meetings will be the responsibility of the committee secretary. The minutes will, on approval by the committee, be forwarded to the Clerk and in turn placed on a Council agenda.

12. REPORTS

All reports to Committee of the Whole or Council will be prepared by the staff liaison in consultation with the Chair. The reports will reflect the recommendations of the committee mindful of the policies, practices and by-laws of the municipality.

13. DISSOLUTION

Dissolution of a committee may be triggered by one of the following:

- Expiration of term
- Completion of task or mandate
- Resolution of Issues
- Legislative requirement no longer exists
- Merger with another committee
- recommendation by committee by resolution
- recommendation by staff in staff report

Regardless of a committee sunset clause, if Council deems it expedient to dissolve a committee, Council will formally dissolve such committee by simple Council resolution.

The following steps will be taken following the dissolution of a committee:

- a) Committee will be removed from the active committee list
- b) Thank you letters from the Mayor on behalf of Council will be sent to committee members.
- c) Relevant staff members will be informed.

14. EXTERNAL BOARDS AND COMMITTEE APPOINTMENTS

All citizen appointments to external committees must be approved by Council resolution. To the extent possible and practicable, Council appointments to external committees will follow and abide by the principles and procedures set out in this policy.

15. STATUTE/TERMS OF REFERENCE PREVAIL

Where this policy is inconsistent with either the requirements of a Statute or the terms of reference established by Council for a particular committee the Statute or the terms of reference, as the case may be, shall prevail.

Adopted: November 10, 2008

Revised: _____