

Banff Public Library Board

The Banff Public Library Board has experienced **two (2) mid-term vacancies**. Additionally, two (2) public member terms expire at the 2021 AOM.

Banff Public Library Board Bylaw 67-2 establishes that the Board shall consist of up to ten voting members including:

- One to two Town of Banff councillors;
- One representative of the Improvement District No. 9 Council; and
- Factoring in the number of council appointees between three and eight public members.

Council's previous practice has been to appoint one Councillor representative and one alternate (the alternate would not make up part of the 10 member board).

It is recommended that Council appoint **three (3) to four (4)** public members to the Banff Public Library Board for a three year term ending on the 2023 AOM **depending on how many Members of Council are appointed**.

Community Grants Committee

One public member term expires at the 2021 AOM.

At its 2018 December 17 Regular Meeting, Council approved the Terms of Reference for the Community Grants Committee. Further, on 2019 April 23, Council appointed five public members to serve on this committee for various term lengths. On 2020 September 08, Council passed Bylaw 350-1, The Council Committees Bylaw, which amended the Terms of Reference for the Community Grants Committee to allow individuals to sit for two consecutive terms of up to three years.

The Committee consists of five public members who must all be residents of Banff and 16 years of age or older.

It is recommended that Council appoint one public member to serve a term of either two or three years ending on the 2023 or 2024 AOM.

Development Appeal Board

The Land Use Bylaw establishes that the Development Appeal Board (DAB) shall consist of a minimum of five members as follows:

- Two Councillors;
- A minimum of two members of the public; and
- One person, or 20 per cent of the Board Members, nominated by the Federal Minister.

Parks Canada has appointed two persons to the DAB.

The members of the DAB are to be appointed by resolution of Council at the Annual Organizational Meeting of Council for one year terms. There is currently no maximum number or years a member may serve.

Changes to the *Municipal Government Act* require DAB members and clerks to undergo mandatory training based on a standard curriculum. The change is contingent on an Article of Entrustment to be in force and effect.

It is recommended that Council appoints a minimum of five to a maximum of six members to the DAB, to ensure that a quorum can be met at any appeal hearings, for one year terms ending at the 2022 AOM.

Municipal Planning Commission

The Land Use Bylaw establishes that the Municipal Planning Commission (MPC) shall consist of eight (8) members as follows:

- Two Councillors;
- Five public members; and
- One person nominated by the Federal Minister.

Parks Canada has appointed one individual to the MPC.

It is recommended that Council appoints five members to the MPC to one year terms ending at the 2022 AOM.

Additional Information

It is of note that Council amended the sections of the Land Use Bylaw that dealt with the Municipal Planning Commission (MPC) and the Development Appeal Board (DAB) as part of Bylaw 431, which received third reading on 23021 May 10. Council further gave three readings to Bylaw 439 to establish a Municipal Planning Commission and Bylaw 440 to establish a Development Appeal Board in accordance with Section 627 of the *Municipal Government Act*. Bylaws 439 and 440, which also received third reading on 2021 May 10, will not come into effect until such time as Bylaw 431 has been signed by the Minister of Environment and Climate Change, or by their delegate. At this time, the profiles for both MPC and DAB reflect the regulations as outlined in the Land Use Bylaw.

The following changes are anticipated to MPC and DAB should Bylaw 431 be signed prior to the 2021 Recruitment Campaign:

- The MPC composition requirements will be defined differently, although this may not practically change the MPC's composition;
- MPC appointments may be up to two years;
- The DAB composition requirements will be defined differently;
- Term lengths for DAB will be extended to three years except for new Board members who shall be appointed to a one-year term.

The membership requirements for both MPC and DAB do not reflect the changes outlined above as they are not currently in effect.

Legislative

Section 192(1) of the *Municipal Government Act* (MGA) indicates that “a council must hold an organizational meeting annually not later than 2 weeks after the 3rd Monday in October”.

Section 145 (a) of the MGA indicates that a Council may, by Bylaw, establish council committees and other bodies.

Section 4.3 of The Town of Banff Procedures Bylaw 44-7, as amended, indicates, in part, that:

4.3 The business of the annual organizational Meeting shall include:

[...]

c) The appointment of Members to Committees, joint jurisdictional committees, and external agencies;

[...]

Section 15.2 a) states that unless otherwise stipulated in a statute or in a bylaw passed “Council shall appoint Members to Committees when the Committee is initiated, and after that at each annual organizational Meeting.”

Section 6.1 of Council Policy C019-1, Committee Appointments, indicates, in part, that Council will appoint public members “at each annual organizational meeting”.

Section 6.8 indicates:

Committees may provide Council with recommendations for public member appointments, with the expectation that all applications will be forwarded to Council for final approval.

Section 6.9 further states that “Appointments are made by a majority vote of Council in a public meeting”.

ATTACHMENTS

REVISED Confidential Attachment 1: 2020 Public Member Application Chart;

Confidential Attachment 2: 2021 Boards, Committees, Commissions, and Corporations (BCCC) Public Member Applications;

Confidential Attachment 3: Appointment Comments

Attachment 4: Council Policy C19-1, Committee Appointments

Confidential Attachment 5: Banff Public Library Board Confidential Recommendations

Submitted By:

Libbey McDougall, Municipal Clerk

Reviewed By:

Kelly Gibson, Town Manager



POLICY COMMITTEE APPOINTMENTS

Policy C019-1

1.0 POLICY

The public member appointment process will be fair, consistent and accountable, and will be respectful of the privacy and dignity of all applicants.

2.0 PURPOSE

This policy conveys Council's preferred process for appointing public members to committees. Any provisions of this policy may be temporarily suspended or permanently amended by majority vote of Council.

3.0 SCOPE

This policy applies to the appointment of public members to committees. For the purposes of this policy, the term "committee" applies to the boards of municipally owned corporations, the Municipal Planning Commission, the Development Appeal Board, the Banff Public Library, advisory committees, task forces and working groups.

4.0 RESPONSIBILITIES

4.1 Council is responsible for:

- a) approving public member recruitment profiles and application questions; and
- b) appointing public members in accordance with the Procedural Bylaw and this policy.

Section 4.1 revised 2015.09.14 - COU15-170

4.2 Committee administration is responsible for reviewing public member recruitment profiles and application questions and forwarding recommendations to the municipal clerk for inclusion in a report to council.

Section 4.2 revised 2015.09.14 - COU15-170

4.3 The municipal clerk is responsible for

- a) administering the recruitment and application process, and
- b) maintaining records of committee membership.

5.0 ELIGIBILITY OF PUBLIC MEMBERS

5.1 To be eligible to serve on a committee, a public member must be a resident of Banff and 18 years or more of age, unless otherwise specified in the Terms of Reference for the applicable committee.

Section 5.1 revised 2014.07.21 - COU14-241

5.2 A public member must have reliable access to email and must be able to view or print documents provided as email attachments and as web links.

Section 5.2 revised 2013.09.09 - COU13-223

5.3 A public member is not eligible to sit on more than one committee at a time.

5.4 Unless authorized in accordance with section 5.5, a public member is ineligible for continuing a term on a committee and/or from reapplying for the next subsequent term on that committee if the public member is absent:

- a) for more than 3 consecutive regular meetings, or

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- b) for more than 1/3 of the total of regular meetings occurring between subsequent annual organizational meetings of Council.
- 5.5 A public member is not disqualified by being absent if the absence is authorized by a majority vote of Council.
- 5.6 In accordance with the Procedural Bylaw, Town employees may serve as advisors and provide administrative assistance to committees, but may not serve as voting members. This provision may be altered by a majority vote of Council.

6.0 APPOINTMENT PROCEDURE

This section was renumbered 2016.09.12 COU16-215

- 6.1 Council appoints public members:
 - a) when a committee is initiated, and after that at each annual organizational meeting (in accordance with s. 63a of the Procedural Bylaw), or
 - b) when a vacancy arises during a term.
- 6.2 The Municipal Clerk will conduct an annual recruitment campaign in the Fall to solicit applications from residents who are interested in serving on a board.
Section 6.2 added 2016.09.12 COU16-215
- 6.3 Other recruitment activities may occur periodically to address mid-term vacancies.
Section 6.3 added 2016.09.12 COU16-215
- 6.4 Committee vacancies are advertised for a minimum of two weeks.
- 6.5 Prior to each annual organizational meeting, the Municipal Clerk will submit a report to Council including committee recruitment profiles and a list of suggested application questions for consideration and approval.
Section 6.3 added 2015.09.14 - COU15-170
Renumbered 2016.09.12
- 6.6 Applications must be submitted in the form provided by the municipal clerk, unless otherwise authorized by Council. Applicants may also provide additional information, such as a resume.
- 6.7 Names of applicants are available on request but are not published as part of a committee or council agenda. The contents of the applications and any discussion of candidate qualifications are protected from disclosure in accordance with the Freedom of Information and Protection of Privacy Act.
- 6.8 Committees may provide Council with recommendations for public member appointments, with the expectation that all applications will be forwarded to Council for final approval.
- 6.9 Appointments are made by a majority vote of Council in a public meeting.
- 6.10 Council may terminate an appointment by majority vote in a public meeting.
- 6.11 All applications will remain on file until the following Fall recruitment campaign. These applicants may be contacted throughout the year if a vacancy occurs on any board.
Section 6.11 added 2016.09.12 COU16-215

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- 6.12 Unsuccessful applicants will notified an put on a wait-list so that any unexpected vacancies can be filled quickly.

Section 6.12 added 2016.09.12 COU16-215

- 6.13 Council will provide a successors list signed by the Mayor that will be held by the Municipal Clerk. This list, when possible, will have at least two names ranked in order of preference.

Section 6.13 added 2016.09.12 COU16-215

- 6.14 In the case of a mid-term vacancy, the Municipal Clerk will contact the first person on the Successor List. If the applicant wishes to accept the position, the Municipal Clerk will take a report to council. Non-successful applicants will remain on file for one year and will be contacted

Section 6.14 added 2016.09.12 COU16-215

7.0 RESIGNATIONS AND APPOINTMENTS

- 7.1 Committee members wishing to resign their position mid-term shall submit their resignation in writing to the Municipal Clerk.

Section 7.1 added 2016.09.12 COU16-215

- 7.2 When the resignation is accepted by the Municipal Clerk, the Municipal Clerk, in consultation with committee administration and the Mayor, shall also consider the need to replace the committee member, having regard to the remaining composition of the committee, the current workload of the committee, the length of time remaining in the term.

Section 7.2 added 2016.09.12 COU16-215

- 7.3 If the Municipal Clerk deems it advisable to replace the public member, Council may direct administration to:
- a) fill the vacancy with an applicant who had applied during annual recruitment period ,
or
 - b) publicly advertise the vacancy and appoint a member in accordance with the appointment procedure.

Section 7.3 added 2016.09.12 COU16-215

8.0 MEMBERSHIP RECOGNITION

Upon retirement, all committee members will be recognized for their service with a letter from the Mayor.

9.0 RELATED DOCUMENTS

- 9.1 Town of Banff Procedural Bylaw 44, as amended from time to time.

This policy shall be in effect on the date it is approved by resolution of Council.

Karen Sorensen
Mayor

Robert Earl
Town Manager

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APPROVAL HISTORY

Revised	2016.09.12	COU16-215
Revised	2015.09.14	COU15-170
Revised:	2014.07.21	COU14-241
Revised:	2013.09.09	COU13-223
Approved:	2011.10.24	COU11-259