

POLICY: GOVERNANCE OF COUNCIL APPOINTMENTS OF PUBLIC MEMBERS TO BOARDS, COMMITTEES, COMMISSIONS, AND CORPORATIONS



Policy C1011

Adopted by Council:	2022 May 24	Administrative Responsibility:	Municipal Clerk
Council Resolution #:	COU22-215	Last Review Date:	2022
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Replaces:	C019-1		

1.0 POLICY

- 1.1 The Public Member appointment process will be fair, consistent and accountable, and will be respectful of the privacy and dignity of all applicants.
- 1.2 Council will strive to see diversity, inclusion, and equity in connection with the appointment of Public Members to Boards, Committees, Commissions, and Corporations (BCCCs) to reflect the diverse demographics of the community.

2.0 PURPOSE

- 2.1 This policy conveys Council’s preferred process for appointing Public Members to Boards, Committees, Commissions, and Corporations (BCCCs). Any provisions of this policy may be temporarily suspended or permanently amended by majority vote of Council.

3.0 DEFINITION

- 3.1 In this Policy, the following words shall be defined as:
 - a) **Annual Organizational Meeting of Council** means the meeting held annually no later than two weeks after the third Monday in October where Council, amongst other activities, appoints Members to various Boards, Committees, Commissions, and Corporations;

- b) **BCCC Administrative Resource** means the member, or members, of administration (the operational arm of the Municipality, comprised of the various departments and includes all employees who operate under the leadership and supervision of the Town Manager) assigned to support the administrative functions of a BCCC;
- c) **BCCC** applies to the boards of municipally owned corporations, the Municipal Planning Commission, the Development Appeal Board, the Assessment Review Board, the Banff Public Library, advisory committees, task forces and working groups, as well as Council committees established by bylaw in accordance with the *Municipal Governance Act* R.S.A. 2000, c. M-26, and associated regulations, as amended, and any other legislative body to which Council appoints Public Members.
- d) **Chair** means the person elected to preside over meetings of a BCCC;
- e) **Council** means the Council of the Town of Banff.
- f) ***Freedom of Information and Protection of Privacy Act*** or **FOIP** means the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, as amended, or any statute enacted in its place;
- g) **Public Member or BBC Member** means a voting Member of a BCCC appointed by Council in accordance with this Policy.
- h) **Terms of Reference** means the mandate, scope, role, objectives, and deliverables of the BCCC;
- i) **Vice-Chair** means the person elected to preside over a BCCC meeting in the absence of the Chair or Chairperson.

4.0 SCOPE

- 4.1 This policy applies to the appointment of public members to BCCCs.

5.0 RESPONSIBILITIES

- 5.1 Council is responsible for:

- a) Approving the BCCC recruitment profiles;
- b) Approving the formal questions contained in the BCCC application forms; and
- c) Appointing public members in accordance with the Procedures Bylaw and this Policy.

- 5.2 BCCC Members are responsible for:
- a) Participating in a fair, consistent, and accountable nomination process, and for respecting the privacy and dignity of all applicants.
- 5.3 The BCCC Administrative Resource is responsible for:
- a) Reviewing the public member recruitment profiles and application questions and forwarding recommendations to the Municipal Clerk for inclusion in a report to Council for approval;
 - b) Contacting incumbent public members who are not reappointed. These individuals will also receive a letter from the Mayor thanking them for their service in accordance with Sections 6.24 and 8.1;
 - c) Organizing interviews in accordance with Section 6.16; and
 - d) Coordinating the process for non-binding nominations to Council based on timelines determined by the Municipal Clerk.
- 5.4 The Municipal Clerk is responsible for:
- a) Administering the annual recruitment and application process as well as the recruitment and application process for mid-term vacancies as they occur;
 - b) Maintaining records of BCCC membership;
 - c) Contacting public members appointed to BCCCs;
 - d) Contacting individuals appointed to a Wait List to a BCCC;
 - e) Contacting unsuccessful applicants and thanking them for their interest in accordance with Section 6.23;
 - f) Contacting applicants who submit late applications on whether their application was considered by Council in accordance with Section 6.19;
 - g) Maintaining, and disposing of, the confidential applications received as part of the application process; and
 - h) Providing contact information of successful applicants to the BCCC Administrative Resource.

6.0 ELIGIBILITY OF PUBLIC MEMBERS

- 6.1 To be eligible to serve on a BCCC, a public member must be a resident of Banff and 18 years or more of age, unless otherwise specified in the establishing Bylaw or Terms of Reference for the applicable BCCC. A resident of Banff can include Temporary Residents, Permanent Residents of Canada, and Canadian Citizens.
- 6.2 A public member must have reliable access to email and be able to view documents provided as email attachments and as web links.
- 6.3 BCCC meetings are conducted in English. Individuals are able to participate even if English is not their primary language. Although members should feel confident in communicating in English, wherever possible, BCCC's will provide reasonable support to those members who require translating assistance.

- 6.4 To encourage a broad degree of citizen participation, no public member shall serve concurrently on more than one BCCC unless Council determines, by majority vote, that there is a need.
- 6.5 Unless authorized in accordance with section 5.5, a public member is ineligible for continuing a term on a BCCC and/or from reapplying for the next subsequent term on that BCCC if the public member is absent:
- a) For more than 3 consecutive regular meetings; or
 - b) For more than 1/3 of the total of regular meetings occurring between subsequent Annual Organizational Meetings of Council.

The BCCC Administrative Resource and/ or BCCC Chair is responsible for including this information in its recommendation to Council.

- 6.6 A Public Member is not disqualified by being absent if the absence is authorized by a majority vote of the BCCC.
- 6.7 In accordance with the Procedures Bylaw, Town employees may serve as an Administrative Resource or advisors and provide administrative assistance to a BCCC but may not serve as voting members unless specified in the establishing Bylaw or Terms of Reference.
- 6.8 A Public Member must maintain eligibility status throughout their term.

7.0 APPOINTMENT PROCEDURE

- 7.1 Unless otherwise specified in the establishing Bylaw or Terms of Reference for the applicable BCCC, Council appoints Public Members:
- a) When a BCCC is initiated, and after that at each Annual Organizational Meeting (in accordance with the Procedures Bylaw); or
 - b) When a vacancy arises during a term.
- 7.2 The Municipal Clerk will conduct an annual recruitment and advertising campaign in the fall to solicit applications from residents who are interested in serving on a BCCC. The application deadline will be established by the Municipal Clerk.
- 7.3 A statement of inclusivity will be added to print and online advertising postings for BCCC applications.
- 7.4 The Municipal Clerk will facilitate all duties in relation to recruitment, advertising, preparing and distribution of applications. Administrative recourses may also support these activities.
- 7.5 Other recruitment activities may occur periodically to address mid-term vacancies.

- 7.6 BCCC vacancies will be advertised for a minimum of two weeks.
- 7.7 Members of Council, Administrative Resources and Public Members may encourage qualified applicants to submit their applications to enrich the applicant pool.
- 7.8 Prior to each Annual Organizational Meeting, the Municipal Clerk will submit a report to Council including BCCC recruitment profiles and a list of suggested application questions for consideration and approval.
- 7.9 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.
- 7.10 A Councillor shall not pose additional supplementary questions to any/ all applicants without first obtaining the support of Council as a whole by way of an approved resolution of Council.
- 7.11 Council may, by resolution, approve additional supplementary questions for applicants. Any additional questions will be administered by the Municipal Clerk's office in a fair and consistent manner.
- 7.12 Public Members who are eligible to be reappointed for another term on a BCCC must reapply through the application process outlined in Section 6.9.
- 7.13 Names of applicants, and associated submitted materials, will remain confidential and will not be published as part of a public BCCC or Council agenda. Applications and associated submitted materials will be delivered to a BCCC or Council as part of a confidential agenda that is not accessible to the public. Personal information collected during the application process is collected pursuant to the *Freedom of Information and Protection of Privacy Act* and will be used solely for conducting the appointment process and, in the case of an individual's appointment, in carrying out BCCC business. Applicants may be contacted by the Municipal Clerk or the BCCC Administrative Resource to undertake the above noted process. Personal contact information of applicants will not be provided to a BCCC or Council.
- 7.14 In accordance with the guidelines discussed in Section 6.13, applications that are received by the Municipal Clerk within the application deadline will be provided to the BCCC Administrative Resources and/ or BCCC Chairs and/or Vice-Chairs.
- 7.15 BCCC's may provide Council with recommendations for Public Member appointments in the form of a non-binding nomination, with the expectation that all applications will be forwarded to Council for final approval. Non-binding nomination means a Public Member nomination submitted to Council by a BCCC. Council may or may not appoint the nominee. Non-Binding Nominations will be submitted in accordance with the time-frame established by the Municipal Clerk.
- 7.16 BCCC's may choose to interview candidates prior to making their non-binding recommendations. The interview process may be unique to each BCCC and will be organized by Administrative Resource for the BCCC and in consultation with that BCCC.

- 7.17 A BCCC will:
- a) Vote on their nominations during a public meeting. If an incumbent Member has applied for the vacancy, the Member must leave the meeting during the discussion and subsequent vote, and this will be recorded in the meeting minutes. If as a result of incumbent Members leaving the meeting there is no quorum, those Members present may make a non-binding nomination to Council by way of majority consent of those Members present, and this will be recorded in the meeting minutes; or
 - b) Vote by way of an email survey of the BCCC. If an incumbent Member has applied for the vacancy, they will not be eligible to participate in the email survey that results in a non-binding nomination to Council by way of majority consent.
- 7.18 BCCC Public Member appointments are made by a majority vote of Council in a public meeting.
- 7.19 Late applications will be submitted to Council at the Annual Organizational Meeting of Council and may be accepted for consideration by majority vote.
- 7.20 Council may terminate an appointment by majority vote in a public meeting.
- 7.21 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 BCCC. After a one year, all applications, electronic and hardcopy, received will be disposed.
- 7.22 Unsuccessful applicants will be notified by the Municipal Clerk and put on a successors list so that any unexpected vacancies can be filled quickly.
- 7.23 Unsuccessful incumbent applicants will be notified by the BCCC Administrative Resource responsible for the BCCC and will be recognized in accordance with Section 8.1.
- 7.24 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.
- 7.25 Council's decisions respecting appointments will be made in a manner that is not discriminatory to any individual based on the person's race, religious beliefs, colour, gender, gender identity, gender expression, immigration status (including Temporary Residents, Permanent Residents of Canada including refugees, and refugee claimants) physical disability, mental disability, age, ancestry, place of origin, accent or first language, marital status, source of income, family status, or sexual orientation.

8.0 RESIGNATIONS AND APPOINTMENTS

- 8.1 BCCC Members wishing to resign their position mid-term shall submit their resignation in writing to the Municipal Clerk.
- 8.2 When the resignation is accepted by the Municipal Clerk, the Municipal Clerk, in consultation with the BCCC Administration Resource and the Mayor, shall also consider the need to replace the BCCC Member, having regard to the remaining composition of the BCCC, the current workload of the BCCC, the length of time remaining in the term.
- 8.3 In accordance with Section 7.2, should it be deemed advisable to replace the Public Member:
- a) The Municipal Clerk will contact the first individual on the successors list to determine if the applicant is still interested and available to serve as a Public Member. If the first individual is unavailable, the Municipal Clerk will contact the second application. The resulting applicant will be submitted to Council for consideration and may be used to fill the vacancy;
 - b) If no successors list exists, or the successors list applicants are unavailable to fill a vacancy, the Municipal Clerk may contact eligible applicants, who applied for the subject BCCC, remaining from the previous recruitment campaign, to determine interest and availability. The resulting list will be submitted to Council and may be used to fill the vacancy; or
 - c) If no successors list exists, or the successors list applicants are unavailable to fill the vacancy, and there no/ insufficient number of eligible remaining applicants from the previous recruitment campaign, the Municipal Clerk may publicly advertise the vacancy and submit a list of applicants for Council's consideration.

9.0 MEMBERSHIP RECOGNITION

- 9.1 Upon resignation, or at the completion of their final term, all BCCC Members will be recognized for their service with a letter from the Mayor.

10.0 RELATED DOCUMENTS

- 10.1 Town of Banff Procedures Bylaw, as amended from time to time.
- 10.2 Town of Banff BCCC establishing Bylaws, as amended from time to time, including those of the boards of municipally owned corporations, the Municipal Planning Commission, the Development Appeal Board, the Assessment Review Board, the Banff Public Library, advisory committees, task forces and working groups.

This policy shall replace Policy C019-1, in its entirety, and be in effect on the date it is approved by resolution of Council.

On Original

Corrie DiManno
Mayor

On Original

Kelly Gibson
Town Manager