



Report to: Council

Date Report Authored: August 24, 2011

SUBJECT: Revisions to Board & Committee Appointment Policy &
By-law to Appoint a Committee of Adjustment

PREPARED BY: Andrew Brouwer, ext. 8220
Laura Gold, ext. 4930

RECOMMENDATIONS:

- 1) That Council receive the report entitled "Revisions to Board & Committee Appointment Policy & By-law to Appoint Committee of Adjustment" be received; and,
- 2) That Council approve the revised "Board & Committee Appointment Policy" (attached as Appendix A); and,
- 3) That a By-Law (attached as Appendix B) be passed to repeal and replace By-Law No. 11-71 (attached as Appendix C), a by-law to appoint a Committee of Adjustment; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to seek Council's approval of a revised "Board & Committee Appointment Policy" and to obtain Council approval to repeal and replace By-Law No. 11-71, a by-law to appoint a Committee of Adjustment in order to permit minor housekeeping amendments to same.

BACKGROUND:

On March 22, 2011 Council approved a new "Board & Committee Appointment Policy". The Policy was established to provide a process for meaningful volunteer participation and to ensure a clear, consistent and fair recruitment and selection process. At the same time, Council established an Appointment Committee comprised of the Mayor and Regional Councillors to interview applicants and recommend a slate of candidates for appointment by Council. Over the month of July and August, 2011, the Appointment Committee interviewed applicants and prepared a slate of candidates for consideration by Council. The slate of candidates will be considered by Council at their September 7, 2011 Special Meeting.

The Appointment Committee is also charged with making recommendations on improving the board and committee appointment process, including amendments to the Board & Committee Appointment Policy and the By-law to Appoint a Committee of Adjustment.

The Options/Discussion section of this report outlines recommendations prepared by staff intended to implement the Appointment Committee's feedback regarding the new "Board & Committee Appointment Policy" and also recommends housekeeping amendments to the By-law to Appoint a Committee of Adjustment.

OPTIONS/ DISCUSSION:

Revisions to Board & Committee Appointment Policy (Policy)

Eligibility & General Qualifications of Members

It is recommended that Section 2.4 (see Appendix "A", page 5) be inserted in the Policy to provide that employees of the Town of Markham are ineligible to serve on a board or committee, unless provided for in legislation to ensure that there are no conflicts of interest for the employee. While staff actively support and participate on Town boards and committees, their primary role is supportive, and do not constitute the membership of the board or committee, count in a quorum or exercise a vote.

Term & Length of Service on a Board or Committee

Currently, the Policy provides that members' terms expire with the term of Council (e.g., November 30, 2014 in the current term). This practice was established in the former term of Council and was intended to support each successive Council's desire to determine its board and committee structure and membership without having to reconcile the mandate and participation of members appointed by the former Council.

In the current term, Council chose to continue many of the boards and committees present in the former term. As a result, the Appointment Committee had numerous applications to review and interviews to be held in a short timeframe to facilitate appointments in this term.

With the exception of terms established by legislation (e.g., Committee of Adjustment, Library Board), the Appointment Committee recommended 3-year staggered terms be established to make the recruitment, selection and appointment process less onerous and timelier, and to provide a means of continuity on boards and committees. Initial terms would be 1, 2 or 3 years to create the staggering, then 3 years on their expiry for all future terms.

It should be noted that with the exception of boards and committees required to be established by legislation, Council has the authority to dissolve its boards and committees and appoint and revoke its members at any time.

To implement staggered terms, it is recommended that Sections 3.0 and 4.0 of the Policy (see Appendix “A”, page 5 and 6) be revised so that a member’s term will expire in the following circumstances:

- When their term expires;
- When their appointment is revoked by Council;
- When they no longer meet the required eligibility; or
- When the board or committee to which they are appointed is dissolved by Council.

Board and committee terms of references will be amended to reflect the board and committee members’ term, as approved by Council, and brought forward for Council’s approval as a housekeeping matter in a future meeting.

Selection Process

It is recommended that Section 6.14 of the Policy (see Appendix “A”, page 10) be amended to indicate that letters notifying unsuccessful candidates will be sent out by the Mayor’s Office, not the Clerk’s Office to reflect current practice.

By-Law to Appoint a Committee of Adjustment

The Appointment Committee recommended an increase the composition of the Committee of Adjustment to allow for up to seven (7) members from the present five (5) members. As well, staff recommend additional housekeeping amendments, including a revision to the term of the Committee (from 3 to 4 years) and excluding of the names of the members appointed to the Committee in the by-law (current appointments are made separately by Council resolution).

FINANCIAL CONSIDERATIONS AND TEMPLATE:

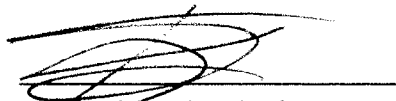
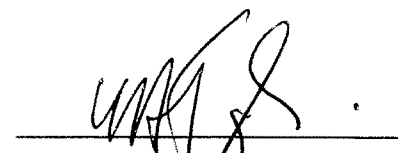
The Planning and Urban Design Department’s budget would be affected by increasing the composition of the Committee of Adjustment from five (5) to seven (7) persons, as members of the Committee of Adjustment are remunerated \$2,400 per annum. The total annual increase to the Planning and Urban Design Department’s budget would be \$4,800 per annum.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Planning and Urban Design Department were advised regarding the proposed changes to the composition of the Committee of Adjustment. The Appointment Committee was also consulted.

RECOMMENDED

BY:


Kimberley Kitteringham,
Town Clerk
Andy Taylor,
Chief Administrative Officer

ATTACHMENTS:

- 1) Appendix A - Revised "Board and Committee Appointment Policy"
- 2) Appendix B – Replacement By-Law No. 2011- “, a by-law to appoint a Committee of Adjustment
- 3) Appendix C – By-Law No. 11-71, a by-law to appoint a Committee of Adjustment



TOWN OF MARKHAM

**BOARD & COMMITTEE
APPOINTMENT POLICY**

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PURPOSE OF POLICY

The purpose of the Town of Markham (Markham) Board and Committee Appointment Policy is to ensure a fair and equitable appointment process to Town **Boards** and **Committees** where:

- The most qualified applicants are appointed as **Members**; and
- Applicants are representative of Markham's diverse community with a broad wealth of experience and skills.

SCOPE OF POLICY

This Policy applies to appointments to all Markham **Boards** and **Committees**. This Policy does not apply to Markham **Boards** and **Committees** which are subject to their own applicable legislative requirements, governing by-laws and/or other legal requirements regarding **Board** and **Committee** appointments.

1. DEFINITIONS

The following definitions are referred to throughout this Policy:

Appointment Committee – means a Sub-Committee of **Council** responsible for interviewing applicants and recommending a candidate/slate of candidates for **Council's** consideration and for ensuring consistency, fairness and professionalism in the recruitment, selection and orientation process.

Board, Committee – means any Advisory Committee, Statutory Committee or Board, established by a resolution of **Council** or by enabling legislation, to provide advice, make recommendations; fulfill a statutory or quasi judicial role; organize events; or provide program support among other functions.

Clerk – means the Clerk of the Town of Markham, or his or her designate.

Council – means the **Council** of the Corporation of the Town of Markham.

Diversity Information – means information provided on a voluntary basis regarding board and committee applicants' 1) age; 2) gender; 3) aboriginal status; 4) visual minority status; 5) length of time in Canada; and 6) persons with a barrier to ability. **Diversity Information** is used to determine the relative diversity represented on **Boards** and **Committees** at various stages of the **Board** and **Committee** appointment process. **Diversity Information** reflects the communities of focus outlined in the Markham Diversity Action Plan and profile criteria used by Statistics Canada in the course of their data collection.

Eligibility – means the qualifications established by **Council** that an applicant must possess in order to serve on **Boards** and **Committees**.

Member – means a person appointed by **Council** to serve on a **Board** or **Committee**.

Orientation Session – means a training session for new **Members of Boards and Committees**.

Recruitment Information Session – refers to a meeting or event where interested applicants can enquire about volunteer opportunities related to **Boards and Committees**.

Short Listed Applicants – means a list determined by the **Appointment Committee** of the most qualified applicants for appointment to a particular **Board or Committee**. Persons appearing on this list can be appointed or considered as alternates if a vacancy arises.

Term of Council – means the period of time for which **Council** is elected to serve, as governed by applicable legislation.

Terms of Reference – a document outlining the mandate and board or committee operational details including such things as composition, activities, term, quorum, meeting schedule, staff roles and the like. **Terms of Reference** must be approved by **Council**, including any amendments.

Voluntary Diversity Form – is a confidential form voluntarily completed by **Board and Committee** applicants to collect **Diversity Information**.

2. ELIGIBILITY & GENERAL QUALIFICATIONS OF MEMBERS

- 2.1. A **Member** must be 18 or more years of age to serve on **Boards** and **Committees**, unless otherwise specified in the Terms of Reference for the applicable **Board** or **Committee**, or where youth representation is required.
- 2.2. A **Member** will be a resident of Markham, or own property within Markham unless it is deemed by **Council** that there is need to acquire specialized knowledge, experience or representation, or a need to maintain continuity within a **Board** or **Committee** and requires reappointment of a **Member** who has moved from Markham.
- 2.3. **Members** are responsible for advising the **Clerk** of any change with respect to their **Eligibility** to serve on **Boards** and **Committees**. The **Clerk** in consultation with the appropriate **Staff** will then decide if the **Member** is still eligible to serve on the **Boards** and **Committees** based on other qualifying criteria.
- 2.4. Employees of the Town of Markham or a local board are not eligible to serve as a **Member**, unless provided for in legislation.

3. TERM & LENGTH OF SERVICE ON AN BOARD OR COMMITTEE

- 3.1. **Members** will be appointed for a period of time set out in the **Terms of Reference** for the applicable **Board** or **Committee**, ~~which will not exceed the Term of Council~~, and will continue to serve until any of the following scenarios occur:
 - i) Their term expires in accordance with their appointment;
 - ii) Their appointment is revoked by Council;
 - iii) They no longer meet the required **Eligibility**; and,
 - iii) The **Board** or **Committee** to which they are appointed is dissolved by Council.
 - A. The date of the resignation;
 - B. The date the **Member** is removed by **Council** resolution;
 - C. The date the **Member** no longer qualifies for the position;
 - D. The date of the death of the **Member**.
- 3.2. ~~Notwithstanding Section 3.1, Members may be appointed beyond the Term of Council.~~
- 3.3. ~~Notwithstanding Section 3.1, Members will continue to be appointed and serve beyond the Term of Council until the appointment of successors or the dissolution of the Board or Committee by the succeeding Council.~~

- 3.2. **Members** will not be appointed to more than two (2) **Boards** or **Committees** in a **Term of Council**.
- 3.3. **Members** will not be appointed for more than two (2) consecutive terms on the same **Board** or **Committee**. Notwithstanding the foregoing, **Council** may reappoint a **Member** beyond two (2) consecutive terms if deemed necessary by **Council** to maintain continuity and to achieve balance between new and experienced **Members**.
- 3.4. **Members** eligible for reappointment must complete an application form and submit it to the **Clerk**.
- 3.5. **Members** that have served two (2) consecutive terms on one (1) **Board** or **Committee** may apply to serve on another **Board** or **Committee**.

4. **MEMBER RECRUITMENT PROCESS**

- 4.1. The recruitment of **Members** will begin ~~once a new Council has been sworn in~~ where vacancies are required to be filled, and, if applicable, following any changes the terms of reference for the applicable **Boards** and **Committees**, or after the establishment of any new **Boards** and **Committees**.
- 4.2. The recruitment process includes written advertisements and may include a **Recruitment Information Session** for interested applicants, where possible.
- 4.3. Advertisements

Advertisements for vacancies on **Boards** and **Committees** will contain the following information:

- A. **Member Eligibility;**
- B. Meeting frequency and time;
- C. Information on how to obtain the following: 1) an application form; 2) **Board and Committee Terms of Reference**; and 3) information with respect to attending a **Board** or **Committee** meeting prior to submitting an application;
- D. The date, time, and location of the **Recruitment Information Session** held to provide information about various **Boards** and **Committees** to interested applicants;
- E. Details with respect to submitting an application including, without limitation, application deadline, where to submit the application or the application process;

- F. A note that personal information is collected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*;
 - G. A note that the vacancy is a volunteer position.
- 4.4. Vacancies on **Boards and Committees** will be advertised in appropriate locations as determined by the **Clerk**.
- 4.5. Recruitment Information Sessions
- At the onset of the recruitment process and whenever possible, a **Recruitment Information Session** may be held to provide an opportunity for prospective **Members** to ask questions of staff regarding the **Boards and Committees**.
- 4.6. Filling Positions Where Specialized Knowledge is Required
- Boards and Committees** may have one or more position in its composition designated to a stakeholder group with a specialized knowledge, experience or representation. **Council** may fill this type of vacancy in the following manner: 1) by invitation; 2) by seeking the assistance of a recruitment agency; or, 3) outreach to specific organizations or other means deemed appropriate by **Council**. Activities with respect to filling **Board** and **Committee** vacancies where specialized expertise is required will be coordinated by the **Clerk**, in consultation with applicable staff.

5. APPLICATION PROCESS

- 5.1. All applicants will submit to the **Clerk** a completed application, together with a resume or other supporting information, where applicable.
- 5.2. Completed applications must be submitted before the deadline prescribed by the **Clerk** in order to be considered for appointment to **Boards and Committees**.
- 5.3. Applicants applying to more than one vacancy will be requested to prioritize their preference.
- 5.4. Applicants will answer questions on the application form based on their first preference and to the best of their ability.
- 5.5. In order to support Markham's commitment to diverse representation on its **Boards and Committees**, applicants will be encouraged to complete a **Voluntary Diversity Form**. The information collected will be processed separately from the application form and will remain confidential and in the secure care and custody of the **Clerk**.

In order to process the **Diversity Information** in a fair and equitable manner, the information will be collected in the following manner:

- A. Upon receipt of the application by the **Clerk**, the application form along with the diversity form will be assigned a sequential application number;
 - B. The **Clerk** will then separate the application form from the diversity form;
 - C. Once the deadline for receiving applications has past, the **Clerk** will provide a copy of all application forms to the **Appointment Committee** (see Section 6);
 - D. The **Appointment Committee** will provide the **Clerk** with the application number(s) of the applicants selected to be interviewed;
 - E. After the interviews have occurred and the applicants have been selected, the **Appointment Committee** will provide the **Clerk** with the application number(s) of the applicants selected by the **Appointment Committee** for Council's consideration;
 - F. The **Clerk** will match the number on the application form with the number on the **Voluntary Diversity Form** in order to provide an aggregate indicator of the diversity of applicants at each stage of the recruitment process: applications received, applicants interviewed and applicants selected for recommendation to Council;
 - G. The **Clerk** will provide **Council** with the diversity statistics on an annual basis;
 - H. The **Clerk** will retain **Diversity Information** records in accordance with the Town Record Policy after which point it will be destroyed.
- 5.6. Applicants may be required to complete supplementary screening requirements, such as a criminal record check; all applicants exposed to children will be required to complete a vulnerable sector screening. These requirements will be noted in the recruitment advertisement and are considered part of the **Eligibility** requirements for **Members** of a particular **Board** or **Committee**.
- 5.7. All personal information collected in the application process, is collected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act R.S.O., 1990*, and will be used to determine **Eligibility** for appointment and aggregate **Diversity Information**.

6. SELECTION PROCESS

- 6.1. **Council** will appoint a Sub-Committee know as the **Appointment Committee** to fill all vacancies on **Boards** and **Committees**. The **Appointment Committee** will be comprised of five (5) Members of Council appointed by **Council**, and will be responsible for interviewing **Short Listed Applicants** and recommending a candidate/slate of candidates for **Council**'s consideration and for ensuring consistency, fairness and professionalism in the recruitment, selection and orientation process.
- 6.3. The current Chair or another **Member** of the **Board** or **Committee** may be invited to attend the **Appointment Committee** interviews. As well, **Boards** or **Committees** may provide the **Clerk** with suggested candidate evaluation criteria for consideration.
- 6.4. The Member(s) of Council appointed to the Board or Committee where a vacancy occurs may provide input on the applicants, or suggest selection criteria for consideration by the **Appointment Committee**.
- 6.5. The **Appointment Committee** must have a minimum of three (3) Members of Council in attendance to hold meetings, including applicant interviews.
- 6.6. The **Clerk** in consultation with appropriate staff, will pre-screen applicants for the **Appointment Committee**.
- 6.7. Once the **Appointment Committee** feels that there are an adequate number of appropriate applications, the **Appointment Committee** will review the applications and create a short list of applicants to interview. The **Appointment Committee** may request an extension to the application submission deadline when there are an insufficient number of applications deemed appropriate.
- 6.8. Unless the **Appointment Committee** decides otherwise, current **Members** that are eligible for reappointment will be evaluated in the same way as all new applicants.
- 6.9. Applicants that have been short listed will be invited to an interview by a representative of the Office of the Mayor and Members of Council, or the **Clerk**.
- 6.10. All applicants being interviewed for the same **Board** or **Committee** will be asked the same questions in order to ensure a fair and equitable appointment process. The **Clerk** will provide the **Appointment Committee** with interview questions. The applicants' responses will be evaluated using a measured or scored approach.
- 6.11. The **Appointment Committee** will recommend to **Council** one applicant per vacancy.
- 6.12. The **Appointment Committee** is encouraged to recommend additional **Short Listed Applicants** to fill future vacancies. The **Clerk** will maintain confidential records of **Short Listed Applicants**, and other qualified applicants, that can be

used to fill future vacancies for the current Term of Council. All **Short Listed Applicants** will be advised of their application status.

- 6.13. The **Appointment Committee** recommendations will be provided to the **Clerk**, and placed on a Confidential Agenda for consideration by **Council** in accordance with Section 239 (b) of the *Municipal Act, 2001 S.O. 2001, c. 25*.
- 6.14. Once **Council** makes its appointments, the **Mayor's Office Clerk** will send a letter to all unsuccessful Applicants thanking them for their interest.
- 6.15. Once **Council** makes its appointments the **Clerk** will provide **Council** with aggregate statistics pertaining to the diversity of the applicants at the different stages of the appointment process. These statistics are calculated based on information collected from the **Voluntary Diversity Form** (see Section 5.5). The **Clerk** will provide **Council** with this information annually, and will include the diversity statistics from the following stages of the appointment process:
 - A. Applications received;
 - B. Applicants interviewed;
 - C. Applicants selected.
- 6.16. All newly appointed **Members** of **Boards** and **Committees** will sign two (2) copies of the Code of Conduct that will be provided to **Members** in their orientation package. **Members** will keep one (1) copy for their reference and return one (1) copy to the **Clerk**.
- 6.17. The **Clerk** will notify the applicable Staff of the appointment and provide them with information on how to contact the new **Member(s)**.
- 6.18. The **Clerk** will maintain a confidential database containing all appointments to **Boards** and **Committees**.

7. VACANCIES

- 7.1. Vacancies on **Boards** and **Committees** are created when a **Member** resigns or vacates the position, effective:
 - A. The date of the resignation;
 - B. The date the **Member** is removed by **Council** resolution;
 - C. The date the **Member** no longer qualifies for the position;
 - D. The date of the death of the **Member**.

- 7.2. In accordance with the Rules of Procedure Governing Statutory and Advisory Committees (as amended), **Boards** and **Committees** may pass a resolution requesting that a **Member's** position be declared vacant when a **Member** has been absent without good reason for three (3) consecutive meetings or five (5) meetings in any calendar year.
- 7.3. A **Member** who is resigning from their appointed position will submit a written letter of resignation to the **Clerk**.
- 7.4. Whenever possible, vacancies will be filled from the **Short Listed Applicants** for particular **Boards** and **Committees**; otherwise vacancies will be filled as specified in Sections 4, 5 and 6.

8. ORIENTATION FOR NEW MEMBERS

- 8.1. The **Clerk** in consultation with appropriate staff will provide new **Members** with an orientation package prior to the first meeting, which will generally include:
 - A. Previous meeting minutes;
 - B. **Members** contact information, provided the consent of the **Members** has been obtained;
 - C. Meeting dates;
 - D. **Terms of Reference**;
 - E. Rules of Procedure Governing Statutory and Advisory Committees (as amended);
 - F. Two (2) copies of the Code of Conduct;
 - G. Accessible Customer Service: A Guide for Markham Advisory Boards and Committees Members and Volunteers;
 - H. Markham's Strategic Priorities; and
 - I. Other relevant documentation deemed appropriate for volunteers prepared in cooperation with key stakeholders.
- 8.2. **Staff** will, whenever possible, telephone new **Members** to provide them with meeting details and to address any questions or concerns.
- 8.3. At the onset of each **Council** term, once **Council** makes its appointments, the **Clerk** will hold an **Orientation Session** for newly appointed **Members**. An **Orientation Session** will also be held for **Members** appointed to fill a vacancy in

the midst of a **Term of Council**, when there is sufficient attendance to hold an **Orientation Session**.

9. LEAVE OF ABSENCE

- 9.1. A **Member** who would like to take a leave of absence for an extended period of time must obtain the approval of the **Board** or **Committee**. The approved request will be forwarded to the **Clerk**.
- 9.2. **Council** may appoint a temporary **Member** to the **Board** or **Committee**. The temporary vacancy will be filled as prescribed above in Section 7. The **Member** whose spot is vacant as a result of a leave of absence will not be included towards establishing quorum until the temporary vacancy is filled.

10. COMPLETION OF MEMBERS TERM

- 10.1. At the completion of a **Member's** term or once **Council** receives the resignation; the **Member** will be sent a letter thanking them for their service.
- 10.2. At the completion of a **Member's** term or when a **Member** submits their resignation, the **Clerk** may conduct an exit interview with the objective of improving the volunteer position (to be conducted in person or by completing a written questionnaire). The **Member** may provide suggestions for improving the position, or may seek information with respect to other opportunities to serve on other **Boards** and **Committees**.

11.0. EXCEPTIONS TO THIS POLICY

Where a conflict exists between the provisions of this policy and any legislative or legal requirement, the legal requirement will prevail.

12.0. INTERPRETATION & ADMINISTRATION

The **Clerk** is responsible for interpreting and administering this policy, and such interpretations will be final.



BY-LAW 2011-

A by-law to appoint a Committee of Adjustment

The Council of the Corporation of the Town of Markham enacts as follows:

1. Pursuant to the provisions of the Planning Act there is hereby constituted a Committee of Adjustment for the Town of Markham.
2. The Committee of Adjustment shall be comprised of five (5) to seven (7) persons, who save as hereinafter provided, shall hold office for the term of Council.
3. The persons on the board will be changed from time to time by resolution of Council.
4. The remuneration to be paid the said Committee of Adjustment shall be as from time to time fixed by resolution of Council.
5. That By-law 11-71 be repealed in its entirety.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
7TH DAY OF SEPTEMBER, 2011.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR

*See also
101-84*

THE CORPORATION OF THE TOWN OF MARKHAM

BY-LAW NUMBER 11-71

APPENDIX C

A by-law to appoint a Committee of Adjustment.

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM;

1. That pursuant to the provisions of The Planning Act there is hereby constituted a Committee of Adjustment for the Town of Markham.

2. The Committee of Adjustment shall be comprised of FIVE persons, who, save as hereinafter provided, shall hold office for a term of three years.


3. That the following named persons be and they are hereby appointed members of the said Committee of Adjustment and they shall hold office as hereinafter set forth;

David A. RHYDWEN	- January 1st 1971 to December 31st. 1971
Lionel S. FROST	- January 1st, 1971 to December 31st. 1971
George D. VIGUS	- January 1st, 1971 to December 31st. 1972
John E. SCHULTZ	- January 1st, 1971 to December 31st. 1972
Stuart D. CORK	- January 1st, 1971 to December 31st. 1973


4. That the remuneration to be paid the said Committee of Adjustment shall be as from time to time fixed by resolution of Council.

READ a first and second time this 5th day of January, 1971.

READ a third time and passed this 5th day of January, 1971.



Mayor



Clerk