

## CORPORATE POLICY & PROCEDURE

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**POLICY TITLE:** PUBLIC APPOINTMENTS  
**POLICY NO.:** CG-2.01-P

<b>Chapter:</b>	Corporate Governance		
<b>Section:</b>	2. Board Governance		
<b>Effective Date:</b>	October 22, 2021	<b>Last Review Date:</b>	October 22, 2021
<b>Approval Authority:</b>	Board of Directors		
<b>Issued to:</b>	All TRCA Employees		
<b>Policy Owner:</b>	Clerk's Office		

### 1. PURPOSE

- 1.01. The purpose of this Policy is to create an open, consistent, and equitable process for public appointments to Toronto and Region Conservation Authority (TRCA) advisory boards and committees ("committees").
- 1.02. The Policy provides a framework for the Board of Directors to ensure that the public appointment process is principle-based while ensuring the most suitable candidates are selected and appointed as committee members.
- 1.03. The appointment of public members to serve on committees is important to TRCA in order to:
  - (a) Provide a variety of perspectives, reflecting the diverse demography of TRCA's jurisdiction;
  - (b) Represent stakeholder groups and specific groups of service users; and
  - (c) Bring specific skills and expertise which contribute to good governance.

### 2. SCOPE

- 2.01. This Policy applies to public appointments to any of TRCA's committees, unless the Board of Directors directs that an alternate appointment process be undertaken.
- 2.02. This Policy does not apply to the Board Member appointments to committees.

### 3. POLICY

#### Eligibility

- 3.01. The committee membership eligibility shall be determined in the committee's Terms of Reference (ToR) and applicable TRCA policies and procedures.

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- 3.02. To remain an active member, appointees are required to maintain their eligibility throughout their term.
- 3.03. The following individuals are broadly not eligible:
- (a) TRCA employees;
  - (b) Board of Directors family members;
  - (c) Selection Committee family members;
  - (d) Individuals who have a criminal record for which a pardon has not been granted.

### **Qualifications**

- 3.04. Qualifications, describing the specific competency areas desired for each individual committee will be approved by the Chief Executive Officer on the advice of the program staff. The appointments will ensure that members collectively cover the range of skills and experience required to effectively address the mandate, with individual members bringing a variety of perspectives, interests, or skills.
- 3.05. The following guidelines are considered in establishing the qualifications:
- (a) Qualifications relate to the ability to perform the duties of the committee, including any necessary competencies;
  - (b) Qualifications are clear, yet flexible, defining areas of specialization, experience, or community service; and
  - (c) Skills and knowledge requirements for the positions should not be more specialized than necessary.
- 3.06. TRCA seeks a merit based system for committee composition within a diverse and inclusive culture which solicits multiple perspectives and views and is free of conscious or unconscious bias and discrimination. When assessing committee composition or identifying suitable candidates, TRCA will consider the principles of gender parity and inclusion of under-represented groups, including but not limited to racialized individuals, persons living with disabilities (including invisible and episodic disabilities), LGBTQIA2S+ individuals, and First Nations, Inuit and Métis peoples.

### **Application Process**

- 3.07. Generally, the public appointments process will begin as soon as possible following the first meeting of the Board of Directors after a municipal election.
- 3.08. The recruitment process will be determined by the type of qualifications sought for a committee and may include one or more of the methods set out below.

### **Advertised Recruitment**

- 3.09. Advertised recruitment is the standard recruitment process used by TRCA for committees where skills and interests required are general in nature, which is conducted by inviting applications through an advertisement to the public in large.

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### **Interest Group Nominations**

- 3.10. Where the Board of Directors wishes to represent the interests of stakeholders or obtain special expertise from a professional or technical organization, or government entity, the composition of a committee in the Terms of Reference as adopted by the Board will designate one or more positions as being nominated directly from a specifically designated group or organization.

In that case, the designated stakeholder/interest group will be able to nominate members for approval by Board of Directors. Board of Directors rely on the ability of the interest group to nominate appropriate and effective representatives.

### **Membership-Based**

- 3.11. Where members are required to be selected from a special interest membership group, TRCA will reach out to the group to solicit applications, which will then go through the standard selection process.

### **Public Notice**

- 3.12. When pursuing advertised recruitment, The Clerk's Office will arrange for a public notice to be placed on TRCA's website and social media, advising the general public of the committee positions available. In some cases social media or partner municipality websites and social media channels may be leveraged for this purpose. For the membership-based recruitment the notice will be circulated directly to the interest/stakeholder groups. The notice will generally be posted for three consecutive weeks but this may vary depending on factors such as interest received, statutory holidays and other factors.
- 3.13. Board Members and TRCA staff may encourage qualified applicants to submit applications to enrich the applicant pool, but may not provide references for nor endorse or recommend through the recruitment process any candidates that are being or will be considered by a Selection Committee.

### **Information Sessions**

- 3.14. The public notice may advise that an information session will be held by the Clerk's Office and may involving Screening Committee representatives. Interested individuals may attend the information session.

### **Application Form**

- 3.15. Application forms will be made available on TRCA's website and during information session, should it be held in-person. Applicants must submit their completed application forms through TRCA's website or to the Clerk's Office at [clerks@trca.ca](mailto:clerks@trca.ca) or by mail. Incumbents must reapply each term.
- 3.16. The application form will require applicants to provide information about their interest/experience as it relates to the committee to which they are applying. Applicants for all positions will be asked the same questions to ensure consistency and fairness in the evaluation process.

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- 3.17. The application must be completed and submitted to the Clerk's Office by the advertised deadline. Late applications will not be considered.
- 3.18. Prior to submitting the application, applicants should consider whether they have a real or perceived conflict of interest with a Board committee, including direct or indirect pecuniary interest with TRCA. As part of the application process, applicants must identify and disclose any actual or potential conflicts of interest they may have. Potential conflicts of interest may include:
- (a) Currently doing business with TRCA;
  - (b) Any interest, direct or indirect, in outstanding litigation involving TRCA;
  - (c) Any potential direct competition with TRCA for work and funding involving TRCA's partners.

Disclosure of such potential conflicts does not mean that an applicant is automatically ineligible for an appointment, but the Selection Committee may assess potential conflicts in its determination of whether an applicant may be considered further.

### **Selection and Appointments Process**

- 3.19. A Selection Committee will be comprised of the Chair of the Board of Directors, the Chief Executive Officer, and a program staff member, responsible for the committee's strategic direction, or their designates.

### **Screening Process**

- 3.20. All applications received by the established deadline will be screened by the Clerk's Office to ensure overall eligibility and application completeness. Any applications not meeting these requirements will be screened out. All eligible applications will be provided to the internal Screening Committee, comprised from program staff members.
- 3.21. The Screening Committee will meet in private to review applications based on the approved qualifications and form a short list of candidates for the review by the Selection Committee. There will be at least two (2) program staff member reviewing all applications together. The short list will be formed by consensus. The short listed applications, together with the screening and evaluation record will be provided to the Selection Committee.

### **Selection Committee**

- 3.22. The Selection Committee will meet in private to review the application short list. The Committee may directly select members based on the review of short listed applications or they may select candidates to further interview, prior to making a final selection. In the case of interviews, the Committee will approve an interview question list proposed by the program staff. A Clerk's Office staff member will act as a policy advisor for the panel. Additional TRCA program staff may be invited as advisors/observers subject to strict confidentiality requirements. All Selection Committee members must be present throughout the entire selection process in order to make recommendations.

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- 3.23. The Selection Committee will conduct interviews with short-listed candidates in private. All candidates will be asked the same questions. The Clerk's Office staff will attend the interviews in advisory capacity. Program staff may also be invited to attend as advisors/observers subject to strict confidentiality requirements.
- 3.24. Following the review process, potential appointees will be selected by the Selection Committee. The recommendations will be consolidated by the Clerk's Office in a public report to the Executive Committee for review and recommendation, which will then be submitted to the Board of Directors for their consideration and final approval. The report will contain names and biographical summaries of individuals recommended for appointment. If the Executive Committee or Board of Directors wishes to discuss the confidential personal information about recommended nominees, it shall do so in private in accordance with the closed meeting provisions of the *Board of Directors Administrative By-Law*. In special circumstances, where submission to the Executive Committee is not possible due to time constraints, recommendations may be submitted directly to the Board of Directors.
- 3.25. Board Members who have a conflict of interest or who perceive a conflict of interest with respect to an applicant for a committee appointment, must declare the conflict and abstain from debating and voting at any meeting where the application is being discussed. A business relationship between a Board Member and an applicant should also preclude them from participating in the appointment process.
- 3.26. The Clerk's Office will notify all applicants, in writing, of the Board of Directors' decision and manage all applications in accordance with TRCA's Records Retention Schedule.

#### **Confidentiality of Applications**

- 3.27. All applications will be retained by the Clerk's Office for the term of the committee for consideration of vacancies that may arise during the term and may be brought forward with the permission of the applicant should a vacancy arise.
- 3.28. Only members of the Screening Committee, Selection Committee and designated TRCA staff who are providing support in the selection process shall be provided with copies of the applications by default. However, other Board Members, who will be voting when a recommendation is made by the Selection Committee, may request to see the applications.
- 3.29. Board Members and TRCA staff may not copy, disclose or otherwise disseminate information contained in any confidential lists of applications, or in any confidential applications, or other information received in private sessions, nor may they repeat any confidential information heard at those meetings.

#### **Term of Office**

- 3.30. A set term will be established for each committee in the Terms of Reference. The term of office is generally two years and aligned with the municipal terms of office. Members shall retain office until successors are appointed.

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- 3.31. Where a committee has a renewable two-year term, the Clerk's Office will canvas members prior to the expiration of their first two-year term to establish whether they wish to pursue a term renewal. Should members choose renewal, their terms will be automatically renewed for another two-year term. The two-year term can only be renewed once, after which the member would need to undergo application and selection process again.
- 3.32. While there are no specific term limits for public appointees, Board of Directors may give preference to qualified applicants who have not had a previous opportunity to serve over those who are seeking re-appointment after serving two (2) consecutive terms.

#### **Transitional process for 2021 and 2022 recruitments**

- 3.33. To facilitate the alignment of committee terms with the municipal terms of office, any appointments conducted in the 2021 or 2022 shall be for either a one-year or a three-year term with the end of term aligned with either the end of term or the mid-term of municipal councils.

For example, a member appointed in November 2021 may be appointed for a one-year term expiring at the end of 2022 at which point a new recruitment for a standard two-year or four-year term, as described in the ToR, will be conducted.

#### **Leaves of Absence**

- 3.34. Committee members who run for elected office shall take a leave of absence from the committee. The leave is required to begin as of the day the member is nominated as a candidate standing for election.
- 3.35. Members who wish to request a leave of absence for an extended period of time may submit such a request to the committee Chair. The Chair, through the Clerk's Office, will forward the request to the Selection Committee for action it deems as appropriate.
- 3.36. Requests may be approved or denied at the sole discretion of the Selection Committee.
- 3.37. A temporary vacancy created by a leave of absence may be filled on a temporary basis from the list of previously-submitted applications from among the qualified candidates for the period of leave, or it may be left vacant.

#### **Vacancies and Resignations**

- 3.38. Resignation of a member during the term of the committee must be given in writing to the committee Chair. The Chair, through the Clerk's Office, will forward the request to the Selection Committee for action it deems as appropriate. Selection Committee may choose not to fill a vacancy, except where a resignation will leave the committee unable to maintain quorum.
- 3.39. In order to maintain a high level of commitment, members may be required to resign if they have been absent for three consecutive meetings without good cause.

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- 3.40. When a vacancy needs to be filled, the previous applications will be submitted to the Selection Committee for consideration.
- 3.41. If there are no previous applicants who are suitable and available to serve, the Clerk's Office will undertake application and appointment process described above.

### **Expenses**

- 3.42. Members may be eligible for reimbursements in accordance with the committee Terms of Reference.

### **Policy Management**

- 3.43. This Policy shall be reviewed and updated by the Board of Directors as early as possible following the municipal elections. New recruitment processes will begin following the approval of the Policy.
- 3.44. The Clerk may make minor wording changes to the Policy from time-to-time to update terminology and titles, clarify existing processes, and reflect use of new technologies. These administrative changes do not require Board of Directors approval.

## **4. RESPONSIBILITY**

- 4.01. **Board of Directors** is responsible for approving committee members.
- 4.02. **Executive Committee** is responsible for reviewing and recommending candidates to the Board of Directors.
- 4.03. **Selection Committee** is responsible for:  
(a) Selecting and recommending candidates to the Executive Committee; and  
(b) Approving or denying leaves of absences.
- 4.04. **The Screening Committee** is responsible for forming a short list of candidates for the review by the Selection Committee.
- 4.05. **Clerk's Office** is responsible for administering appointments to committees in accordance with this Policy.
- 4.06. On advice of the Board of Directors, TRCA may accept, revise or rescind this Policy.

## **5. PROCEDURE**

None.

## **6. DEFINITIONS**

- 6.01. **"Board Members"** means Members of the Board of Directors.

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- 6.02. **"Code of Conduct"** means a set of rules outlining the norms, rules, and responsibilities of committee members.
- 6.03. **"Committee"** means an advisory board, a committee, or a task force, established by the Board of Directors under subsection 18(2) of the *Conservation Authorities Act*. Committees do not deliver services, direct TRCA employees, or make decisions binding TRCA.
- 6.04. **"Committee Composition"** means the number of members approved for the composition of the committee. The composition of each committee will vary according to specific stakeholder engagement objectives and is contained in the terms of reference for the committee.
- 6.05. **"Equitable"** means that practices are consistent with achieving participation that affirms the diversity of our society. TRCA's commitment to a discrimination-free environment includes the responsibility to remove barriers to the recruitment, selection and retention of members of systemically disadvantaged groups. It also means fair representation of all geographic areas of TRCA's jurisdiction.
- 6.06. **"Family member"** means:
- (a) Spouse or partner;
  - (b) A parent, step-parent or foster parent of the individual or their spouse;
  - (c) A child, step-child or foster child of the individual or their spouse;
  - (d) A grandparent, step-grandparent, grandchild or step-grandchild of the individual or their spouse;
  - (e) The spouse of a child of the individual;
  - (f) Brother or sister;
  - (g) A relative who is dependent on the employee for care or assistance.
- 6.07. **"Interest Group"** means a stakeholder group or a professional or technical organization that has been invited by the Board of Directors to nominate one or more members to a committee.
- 6.08. **"Open"** means that clear expectations for each position are identified, with expectations agreed to in advance and clearly communicated to all associated with the selection process.
- 6.09. **"Public member"** means residents of TRCA's jurisdiction appointed to a committee.
- 6.10. **"Qualifications"** mean specific skills and experience desired in committee members to meet the needs of individual committees. Board of Directors approves the qualifications relevant to the responsibilities of each committee as part of the committee's governance structure.
- 6.11. **"Vacancy"** means a position that is no longer filled due to resignation or other means.



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**7. ADMINISTRATION**

*Administered by the Clerk's Office*

<b>Review Schedule:</b>	4 Years	<b>Next Review Date:</b>	January 27, 2023
<b>Supersedes:</b>	<i>NEW</i>		
<b>Related Legislation, Regulations and Guidelines:</b>	Ontario's <a href="#">Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11</a> Ontario's <a href="#">Human Rights Code, R.S.O. 1990, c. H.19</a>		
<b>Related Policies and Policy Tools:</b>	<i>CG-1.01-P Board of Directors Administrative By-Law</i> <i>CS-2.02-P Protection of Privacy</i> <i>Accessibility for People with Disabilities (2014-01-10)</i> <i>Accessibility Standards for Customer Service (2010-05-31)</i>		
<b>Revision History</b>			
<b>Version Number</b>	<b>Version Date</b>	<b>Description</b>	
1	October 22, 2021	Policy went into effect.	