

Public Appointments Process Improvements

Date:	August 6, 2014
To:	Executive Committee
From:	City Clerk
Wards:	All

SUMMARY

The purpose of this report is to make some improvements to the public appointments process in advance of the recruitment for candidates to fill expiring terms in early 2015.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council amend the Public Appointments Policy to provide for the following process improvements:
 - a. Staggered terms of office for all boards not otherwise prescribed by law so that the terms of half the members expire every two years;
 - b. Continuous intake of applications, and use of the resulting pool of applicants to fill vacancies instead of the appointment of alternates;
 - c. Public reporting of recommended candidates' names to City Council for appointment; and
 - d. Consultation with board chairs and chief executives on the required skills and experience needed for a board during the staff screening process.

2. City Council establish additional nominating panels to assist the Civic Appointments Committee in the interviewing and nomination of candidates for appointment as set out in Appendix 1, such panels to:
 - a. Report directly to City Council;
 - b. Be composed of three Members of Council; and

- c. Be appointed by City Council on the recommendation of the Striking Committee following a canvass of Members for their interest in serving on the panels to be conducted by the City Clerk following the 2014 election.
3. City Council request the City Clerk to review the public appointments policy and process in light of the first round of appointments in the new term and make any recommendations for further improvements.

Financial Impact

The changes recommended in this report will not have any financial impact on previously approved budgets for the public appointments function.

IMPLEMENTATION POINTS

If adopted:

- The City Clerk will recommend options for staggering terms for each agency and board for consideration by the appropriate nominating panels for recommendation to Council.
- The City Clerk will canvass Members for their interest in the various recommended nominating panels and committees immediately following the election and the results will be reported to the Striking Committee for its first meeting scheduled on December 3, 2014.

ISSUE BACKGROUND

Responsibility for public appointments now managed by a full-time unit in the City Clerk's Office

The City has established a consolidated, full-time public appointments unit reporting to the Director, Secretariat in the City Clerk's Office. Previously, public appointments duties were divided between the City Manager's Office and City Clerk's Office. City Council approved the consolidation of the functions as a result of an Ombudsman's investigation.

COMMENTS

Some changes are needed to the public appointments process before we start recruiting for next term

Most of the terms of existing appointees are due to expire after the election. The City Clerk's Office is preparing the recruitment plan for the coming term. The City Clerk is recommending changes to the existing policy aimed at:

- Making better use of Members' and staff time.
- Distributing the work for Members and staff more evenly over time to make it more manageable

- Making it easier for people to apply and linking outreach activities with the ability to apply.
- Improving the information available about board needs to Council when making appointments.
- Making the appointments process more transparent.

The City should move to staggered terms of office for appointees

At present the term of office for appointees is the same as Council's unless otherwise prescribed by law.

This means almost all recruiting and selection activity is compressed into a short period of time at the start of the term. The concentration of activity places high demands on the time of Members of Council and staff.

It also means in some cases entire boards can turnover with a resulting loss of continuity and organizational memory.

City Council should stagger the terms so that half of each board completes a four-year term every two years. As a transitional measure, in 2015 City Council would appoint half of each board for two years and the other half for four years. The City Clerk will recommend individual plans for boards whose composition is prescribed by law.

The benefits of making this change include:

- A more even distribution of workload for Members and staff over each term of Council
- Providing organizational continuity and memory on boards as a result of overlapping terms of office

Note that City Council directed staff to examine this as an option under item CC26.5.

City Council should reduce the high demand on Members' time by dividing up the work of interviewing across more, smaller panels.

At present most of the work of interviewing is conducted by up to 9 members of the Civic Appointments Committee.

More than 500 interviews are required for the nearly 200 appointments the City makes to boards and corporations each term (not including BIAs).

This places an unreasonable demand on the time of a relatively small number of members. Sometimes it is difficult to achieve and maintain quorum. It also means the process to make appointments carries on for nearly a year.

City Council should divide up and spread out the work across a broader based of Members of Council by establishing additional three-member nominating panels. These panels would take on some of the work, leaving the Civic Appointments Committee to focus on appointments to the the city-wide, high profile boards.

This will:

- Reduce the time demands on Members for interviewing
- Allow filling of expiring terms in 2015 to happen more quickly.
- Involve more Members in the appointments process.

The City should accept applications on a continuous basis

At present the City conduct shorts advertised recruitment campaigns for appointments to boards. This reflects the compressed approach to filling all vacancies at the start of the term.

The City should move to continuous intake of applications. Under this approach:

- Applicants can apply to City boards at any time.
- The City will keep applications on file for four years.
- Assessment of qualifications and eligibility will be performed continuously.

Since there will always be a screened pool of applicants, the confusing practice of identifying "alternates" will be replaced by presenting a range of candidates for filling vacancies when they occur.

There are several important benefits of this approach:

- It more evenly distributes the work associated with processing and screening applications
- It links the applications process to the City's outreach activities – e.g. "Apply Now!" is stronger than "Watch out for opportunities".
- There will be a ready pool of alternate candidates available for the inevitable vacancies that occur over time.
- It eliminates disputes related to the timing of the receipt of an application (e.g., early or late applications)

The City should consult with board chairs and chief executives on needed skills and experience as part of the screening process

At present the policy excludes the boards from the selection process. This reflects a view that the boards should have no influence over who is selected for appointment. This means however that the City may overlook gaps in the skills and experience that are needed for the board.

The City should consult board chairs and chief executives as part of the screening process. This would be performed by the City Clerk's public appointments staff on a regular basis. Based on this, the City Clerk's Office public appointments staff would prepare an summary of the board input for each nominating panel before it establishes lists of candidates for interview.

The benefits of this approach include:

- The Council nominating panels would have up-to-date information about the required skills and experience when considering the results of the candidate screening.
- The City's ability to match skills to gaps and needs will be improved.

The City should adopt a more transparent process for public appointments

At present the public appointments process remains confidential up to and including the City Council meeting at which appointments are made. Even the recommended candidates do not know they are being recommended.

This reflects an approach in which applications for appointment are treated like applications for employment. However, seeking appointment to a board shares many characteristics of seeking elected office, which of course is completely open and transparent.

Nothing requires the City to make appointments in closed session. The City relies on "personal matters about an identifiable individual, including a city employee or a local board employee" as the reason to close all aspects of the public appointments process.

It is not entirely clear that all aspects of the process qualify under this exemption, especially the final debate and vote on recommended candidates. In any event, the City of Toronto Act is permissive in that it says Council may close portions of its meetings for the permitted reasons. It does not require meetings to be closed.

The City should make the process more transparent by making the names of candidates for appointment public in the agenda of the Council meeting at which they are to be appointed.

The following would continue to be kept confidential:

- The names and personal information of persons who apply for appointment
- The names and personal information of persons selected for interview
- The names and personal information of persons NOT recommended for appointment.

The names and biographical information of persons recommended for appointment would appear in the reports to City Council. This means the names would be public for public inspection in the period between the nominating panel or committee meeting and the City Council meeting. City Council would only meet in closed session if it wished to ask questions or speak to additional personal matters, other than those appearing in the public Council agenda.

The benefits of this approach include:

- Increased public scrutiny of Council decision-making
- Elimination of effort to keep information confidential and prevention of leaks
- Ensures greater compliance with the open meeting rules under the City of Toronto Act.

Note that City Council approved and considered the public reporting of candidates names for its recent appointment of the 2014 Compliance Audit Committee. Candidates for appointment to the offices for Ward Councillor in Wards 3, 5 and 20 were also fully public when those appointments were considered.

The City Clerk should conduct a review of the policy and processes

These changes to process are intended to make the 2015 recruitment process faster and more transparent. However a more in-depth review of the policy and process is overdue and should be conducted based on the experiences of the new full-time unit and the first round of appointments in 2015.

The City Clerk will consult with the following in conducting the review:

- Members of Council
- Agencies and boards
- Applicants
- Appointees
- Other jurisdictions
- Other affected City Divisions including the City Manager's Office
- Other interested persons

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SIGNATURE

City Clerk

ATTACHMENTS

Appendix 1 – Summary of Nominating Processes for Various City Bodies

APPENDIX 1 - SUMMARY OF NOMINATING PROCESSES FOR PUBLIC APPOINTMENTS TO VARIOUS CITY BODIES

Process	Bodies (No. of vacancies to fill)
<p>A. City Council appointment on the recommendation of the Civic Appointments Committee</p> <p>*Existing process; no change recommended</p>	<ul style="list-style-type: none"> • Board of Health (7) • Toronto Police Services Board (1) • Toronto Public Library (8) • Toronto Parking Authority (5) • Toronto Port Authority (1) • Toronto Transit Commission (4) • Toronto Zoo (8)
<p>B. City Council appointment on the recommendation of the Civic Appointments Committee on the recommendation of the Deputy City Manager and Chief Financial Officer.</p> <p>*Existing process; no change recommended</p>	<ul style="list-style-type: none"> • Metro Toronto Pension Plan Board of Trustees (1) • Metro Toronto Benefit Fund Board of Trustees (1) • Toronto Civic Employees' Pension and Benefit Fund Committee (1) • Toronto fire Department Superannuation and Benefit Fund Committee (1)
<p>C. City Council appointment on the recommendation of nominating panels to be appointed by the Mayor.</p> <p>*Existing process; no change recommended</p>	<ul style="list-style-type: none"> • Build Toronto (8) • Greater Toronto Airports Authority Board of Directors (1) • Invest Toronto (12) • Toronto Hydro (8) • Toronto Community Housing Company (7) • Waterfront Revitalization Corporation (3)
<p>D. City Council appointment on the recommendation of nominating panels to be appointed by City Council.</p> <p>*New process recommended in Recommendation 2 of this report.</p> <p>(Under existing process, applicants to these bodies are interviewed and nominated by the Civic Appointments Committee)</p>	<p>Panel A – Committee of Adjustment</p> <ul style="list-style-type: none"> • Committee of Adjustment – all panels (28) <p>Panel B – City Theatres</p> <ul style="list-style-type: none"> • St. Lawrence Centre for the Arts (6) • Sony Centre for the Arts (8) • Toronto Centre for the Arts (8) <p>Panel C - Tribunals</p> <ul style="list-style-type: none"> • Rooming House Commissioner and Deputy Licensing Tribunal (2) • Property Standards Committee /Fence Viewers (16) • Sign Variance Committee (5) <p>Panel D - Facilities and Finance</p> <ul style="list-style-type: none"> • Exhibition Place Board of Governors (4) • Independent Investment Advisory Committee (3) • Legacy Fund Allocations Committee (1) • Metro Toronto Convention Centre Board of Directors (2) • Yonge-Dundas Board of Management (5)

Process	Bodies (No. of vacancies to fill)
	<p>Panel E – Environmental</p> <ul style="list-style-type: none"> • GTAA Community Environment and Noise Advisory Committee (2) • GTAA Consultative Committee (1) • Toronto and Region Conservation Authority (5) • Toronto Atmospheric Fund (7)
<p>F. Community Council appointment under authority delegated by City Council</p> <p>*Existing policy; no change recommended</p>	<ul style="list-style-type: none"> • George Bell Arena (10) • Larry Grossman Forest Hill Memorial Arena (7) • Leaside Memorial Community Gardens (9) • McCorkmick Playground Arena (9) • Moss Park Arena (9) • North Toronto Memorial Arena (7) • Ted Reeve Community Arena (8) • William H. Bolton Arena (10) • 519 Church Street Community Centre (11) • Applegrove Community Complex (10) • Cecil Street Community Centre (11) • Central Eglinton Community Centre (7) • Community Centre 55 (6) • Eastview Neighbourhood Community Centre (11) • Harbourfront Community Centre (8) • Ralph Thornton Community Centre (12) • Scadding Court Community Centre (13) • Swansea Town Hall (15)