



**City of Toronto
Public Appointments Policy**

**Governing Citizen Appointments to
City Agencies and Corporations
and Other Bodies**

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Glossary of Terms

The following terms have the meanings indicated for the purpose of interpreting the Public Appointments Policy:

Terms and Definitions

Adjudicative Board: Quasi-judicial and adjudicative boards and positions that conduct hearings to decide on individual cases.

Advisory Body: A body or committee that advises City staff, the Mayor, a Committee of Council or Council. These bodies do not deliver municipal services, direct staff, or make decisions binding on the City.

Advisory Body Composition: The number of members approved for the composition of the advisory body, including the balance between Members of Council and residents and other members, and identification of any organization outside the City that is invited to nominate a member. The composition of each body will vary according to specific business and citizen engagement objectives and is contained in the terms of reference for the advisory body.

Agency: A body to the board of which City Council delegates powers and duties for delivering a service or performing an adjudicative or quasi-judicial function. The term agency generally corresponds to the definition of local board in the City of Toronto Act, 2006.

Association of Community Centres (AOCCs): Refers to the group of boards that manage multi-purpose community centres providing a broad range of community, recreation and social service programs to residents in their local community. Each community centre board of management is a separate community-based service agency.

Board Structure: For each board of an agency and corporation, City Council approves the size, composition, qualifications, term, and appointment of the chair of the board, among other matters, as part of the board's governance structure, subject to any specific legislative requirements. The composition of the board includes the balance between Council Members and citizen members, and identification of any external interest group or organization that will be invited to nominate a member of the board.

Business Improvement Area (BIA): Refers to a Business Improvement Area, or the board of management for a BIA, depending on the context, as defined in Chapter 19 of the Municipal Code, Business Improvement Areas.

Citizen Member: The term citizen member, used interchangeably with the term public member, refers to Toronto residents who are not Council Members, City or agency staff, or staff of City corporations or their subsidiaries. It does not indicate Canadian

citizenship and may include permanent residents, refugees, refugee claimants, and residents without homes.

City Corporation: A corporation wholly-owned by the City of Toronto (the City is the sole shareholder), to the board of which City Council provides shareholder direction.

Civic Appointments Committee: The committee of City Council that is authorized to consider and recommend to Council the appointment of citizens to various City agencies and other bodies.

Code of Conduct: Reference to the Code of Conduct means one or more of the:

- Code of Conduct for Members of Local Boards (Restricted Definition);
- Code of Conduct for Members of Adjudicative Boards; or
- Code of Conduct for Members of Council;

as applicable to the context.

Community-Based Service Agency: A service agency where the community elects or nominates members of the board to represent the constituent community, with the appointment of those members being approved by the respective Community Council. These include arena boards, boards of management of community centres (AOCCs) and Business Improvement Areas (BIAs).

Corporation: A corporation in which the City is a shareholder, that is incorporated pursuant to the City of Toronto Act, 2006, the Ontario Business Corporations Act, the Ontario Corporations Act, the Canada Corporations Act or special legislation.

Corporation Nominating Panel (or Corporations Nominating Panel): A panel appointed by the Mayor to consider and recommend to City Council the appointment of residents to serve on the board of directors of a City or partnered corporation, or to recommend appointments to an external board of directors as determined by City Council. The panel may be constituted to make recommendations with respect to the board of one corporation or several corporations.

External Body: A body external to the City whose board or membership includes City appointees. In some cases, City Council is required by legislation to make appointments to specific external boards. In other cases, City Council may choose whether to make an appointment at the request of the external board.

Interest Group: A stakeholder group, organized service user group, funding partner, labour representative, or a professional or technical organization that has been invited by City Council to nominate one or more members to a board of a City agency.

MFIPPA: The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) imposes mandatory confidentiality obligations on the City of Toronto, Members of Council, and agencies and corporations of the City to refrain from

disclosing personal information and to protect the privacy of confidential information obtained in meetings not open to the public.

Nominating Panel: The Civic Appointments Committee, Corporation Nominating Panel or other committee, or individual delegated the responsibility for recommending candidates for appointment. In most cases, this panel will also short-list and interview candidates. In other cases, a separate recruiting panel may be constituted.

Partnered Agency: A service agency to the board of which City Council as a partner, generally with other municipal governments, jointly delegates powers and duties for delivering a service on behalf of the partners.

Partnered Corporation: A corporation in which the City is a shareholder but the City is not the sole shareholder. City Council together with other shareholders provides direction to the board of the corporation.

Pension Body: Pension bodies administer trust funds on behalf of pension plan beneficiaries, and are governed by the Pension Benefits Act and the pension plans approved by the Financial Services Commission of Ontario.

Public Member: Refer to the definition for citizen member.

Qualifications: The specific skills and experience desired in board members to meet the needs of individual boards. City Council approves the qualifications relevant to the responsibilities of each board as part of the board's governance structure.

Quasi-Judicial Board: Refer to the definition for adjudicative board.

Relationship Framework: A relationship framework documents the relationship between the City of Toronto and a specific City agency. Each relationship framework sets out City Council's delegation of powers and duties, expectations, and reporting, approval and other requirements for the respective board of the agency.

Selection Body: A general term used to mean any committee or individual involved in making decisions during a public appointments process. This includes recruitment committees and individuals, nominating panels, and City Council as a whole.

Service Agency: An agency of the City to the board of which City Council delegates powers and duties for delivering a service that does not fall within City divisional programs or delivering a City program or service through an alternative or supplementary delivery mechanism.

Public Appointments Policy

Part 1: Guiding Principles

1.1 Introduction

A commitment to community engagement, participation and service is considered key to the City of Toronto's future. Part of that commitment is fulfilled by recruiting and selecting Toronto residents who will provide high calibre direction as board members of agencies and corporations of the City, and advice as members of advisory bodies.

The appointment of citizen members to serve on boards is important to the City in order to:

- meet the business needs of City Council and City staff;
- provide a variety of perspectives, reflecting the diversity of the community;
- represent stakeholder groups;
- bring specific skills and expertise that contribute to good governance;
- represent specific groups of service users; and
- bring external funding, sponsorship, volunteers, or profile to the service.

1.2 Purpose of the Policy

This Policy provides:

- a framework aimed at ensuring that the most suitable candidates are selected and appointed as board members;
- a guide for Council Members and City staff to ensure that the public appointments process is principle-based, is implemented in a consistent manner, and is administered with integrity; and
- information about how the City's process works for those citizen members who are interested in applying.

1.3 Policy Applicability

This Policy applies to the City's appointment of citizens to boards of agencies and corporations of the City, pension bodies and external bodies. It does not apply to the appointment of Council Members to such bodies, which is governed by a separate process.

This Policy applies to citizen appointments to advisory bodies as set out in Part 10.

1.4 Values Applied in the Process

The City is committed to the values of openness, impartiality, competition and equity in the appointments process to encourage broad participation of citizen members in the democratic functioning of the City. All involved in the appointments process must understand these concepts and advance them in the recruitment and selection of citizen candidates for appointment by the City.

(a) Openness

Openness 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.

(b) Impartiality

Impartiality means that the selection process is conducted in an objective manner, at arm's length from both the boards being recruited and the staff that report to the boards.

(c) Competition

Competition means that there is public and widespread recruitment for positions and a commitment to seeking the most suitable candidates and evaluating applicants on merit.

(d) Equity

Equity means that practices are consistent with achieving participation that affirms the diversity of our society. The City'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, including women, young adults (ages 18 to 30), Aboriginal people, people with disabilities, racial minorities and people with alternate sexual orientation. It also means fair representation of all geographic areas of Toronto.

1.5 Selection Strategy

City Council recognizes that the needs of the City and its agencies and corporations are best met when candidates are matched to the boards' individual requirements. Council shall approve qualifications relevant to the responsibilities of the individual board and, as set out in Section 3.1, make appointments that ensure the board members collectively cover the range of skills and experience required to effectively further the board's mandate.

City Council also recognizes that the City is best served by boards that collectively reflect the geographic distribution and diversity of the community that they serve (see Section 8.9). Proactive strategies in achieving this result shall be followed (see Section 5.7).

1.6 Variations from this Policy

Because this Policy reflects the basic principles and requirements of City Council, any variation from this Policy should only be implemented in unusual circumstances and such variation must be approved by City Council.

1.7 Updating the Policy

This Policy shall be reviewed and updated by City Council as early as possible at the beginning of each new term of Council. New recruitment processes will begin following the approval of the Policy.

1.8 Minor Changes to the Policy

The City 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.

Part 2: Eligibility Requirements and Restrictions

2.1 Eligibility Requirements

All citizens who apply for appointment as a member of a board, including agencies and corporations of the City, pension bodies and external bodies, must satisfy eligibility requirements in order to be selected for an appointment.

Persons selected for an appointment to boards must be:

- (a) residents of Toronto; and
- (b) at least 18 years of age (the age of majority in Ontario).

Where required by law for specific boards, residents must also be Canadian citizens.

To remain on the board, appointees are required to maintain this status throughout their term of office.

Regarding a City appointment to a board of an external body, the external body may have by-laws or other governance documents that contain specific eligibility requirements for board members separate from and in addition to the City's eligibility requirements.

2.2 Board-Specific Eligibility Requirements

Certain boards of the City have specific eligibility requirements in addition to the requirements in Section 2.1, as set out in the *Policy on Board Governance Structures*, as amended from time to time.

2.3 Restrictions for Former Council Members

Former Council Members who served on City Council in the immediately preceding term are not eligible for appointment to the City's quasi-judicial or adjudicative boards or positions.

2.4 Restrictions for Relatives of Council Members

City Council has placed a restriction on the appointment of relatives of Council Members. Spouses of, those in a conjugal relationship with, and children and parents of Council Members are not eligible for appointment to boards of agencies, corporations or pension bodies.

2.5 Restrictions for Staff

Staff of the City or its agencies and corporations and their subsidiaries are not eligible for appointment by the City to a board of an agency or corporation, but they may be

appointed to boards as full board members on an ex officio basis (by virtue of their position), in a voting or non-voting capacity.

Staff of the City or its agencies and corporations may be nominated by the City to serve on external boards, provided that this is permitted by the eligibility requirements of the external board.

2.6 Restriction on Multiple Appointments

To encourage the broadest degree of citizen involvement, no citizen shall serve concurrently on the board of more than one agency, corporation or pension body, except that:

- (a) a member of a BIA may also serve on one other board;
- (b) a citizen who is appointed to a board may also be nominated by the City to serve on one external body to which City Council recommends appointments;
- (c) one member of the Board of Trustees of the Metropolitan Toronto Pension Plan may also serve as a member of the Board of Trustees of the Metropolitan Toronto Police Benefit Fund; and
- (d) one independent member of the Toronto Fire Department Superannuation and Benefit Fund Committee may also serve as an independent member of the Toronto Civic Employees' Pension and Benefit Fund Committee.

Part 3: Qualifications

3.1 Board-Specific Qualifications

Qualifications relevant to the responsibilities of specific boards are part of the governance structures approved by City Council as set out in the *Policy on Board Governance Structures*. The qualifications describe the specific skills and experience desired for each board. Board members are to collectively cover the range of required qualifications, with individual members bringing a variety of perspectives, interests, or skills.

Board members are not expected to have the same knowledge as staff of the agency or corporation in order to oversee agency or corporation business. They are expected to add a perspective beyond the staff view.

3.2 Guidelines for Establishing Qualifications

The following guidelines are considered in establishing the qualifications:

- qualifications relate to the ability to perform the duties of the board, including any necessary competencies;
- qualifications are clear, yet flexible, defining areas of specialization where required, experience, or community service; and
- skills and knowledge requirements for the positions should not be more specialized than necessary.

Part 4: Term and Length of Service

4.1 Staggered Terms

In order to achieve organizational continuity and memory, and to more evenly distribute the appointments workload for Members and staff, terms of office for all boards not otherwise prescribed by law will be staggered, so that the terms of half the members expire every two years.

(a) Transitional process for 2015 recruitments

To facilitate the introduction of staggered terms outlined in Section 4.1, starting in 2015, half of the members of boards where staggered terms can be implemented will be appointed for two years and the other half will be appointed for four years.

The candidates appointed for an initial 2-year term under Section 4.1(a), shall not have the initial 2-year term count toward the 2 consecutive terms and 8-year term limit under section 4.6.

4.2 Term of Appointment

A set term of appointment (or term of office) will be established for the appointment of citizen members of each board. Unless an exception applies, and subject to Sections 4.1(a), 4.3, 4.4 and 4.7, the term of appointment is generally four years.

4.3 Serving Until Successor Appointed

Despite the set term of appointment in Section 4.2, a citizen member serves until their successor is appointed. The service of a citizen member beyond the appointed term shall not count toward the calculation of the limit on length of service as set out in Section 4.6 if that extension is less than half the length of a term.

4.4 Appointment at Pleasure of Council

Despite the set term of appointment in Section 4.2, all members are appointed at pleasure of City Council and City Council retains the right to remove any appointed member at any time and for any reason, unless legislation provides otherwise.

4.5 Form of Appointment Recommendation

The recommendation appointing a board member shall state:

- (a) the name of the appointee;
- (b) the name of the board;
- (c) the term of appointment;
- (d) and, unless legislation provides otherwise,
- (e) the appointment is at pleasure of City Council; and
- (f) the appointee serves until their successor is appointed.

4.6 Limit on Length of Service

Acknowledging the value of experience and the need for continuity, incumbents who are eligible and willing to seek reappointment may apply for a subsequent term. However, recognizing the importance of engaging as many residents as possible and infusing new ideas and perspectives from time to time, a limit has been set on length of service.

Subject to Sections 4.1(a), 4.3 and 4.7, the limit on length of service for any citizen is a maximum of 2 consecutive terms of 4 years, for a limit of 8 consecutive years, on the same board. Board-specific exceptions are set out below.

(a) Community-Based Boards

For community-based boards, the term is set by the board, but the term may not exceed four years.

The limit on length of service for any citizen member on a community-based board of directors is a maximum of 2 consecutive terms of 4 years, for a limit of 8 consecutive years, on the same community-based board.

(b) Corporations

The Ontario Business Corporations Act applicable to some corporate boards provides for a maximum term of 3 years.

Unless legislation provides otherwise, for City corporations the term of appointment for citizen members is 2 years.

The limit on length of service for any citizen is a maximum of 4 consecutive 2-year terms for any citizen member on the board of directors, for a limit of 8 consecutive years.

(c) Partnered Bodies

For any partnered agency or partnered corporation, the term is set by mutual agreement or established by legislation.

(d) External Bodies

For external bodies, citizens are appointed for terms that are set by the external body inviting the City to nominate a member. Legislative provisions may apply to the term.

The limit on length of service depends on requirements set by the external body or on legislative requirements. However, any citizen who has served 8 or more consecutive years on an external body may not be nominated by the City for reappointment to the same board in the following term.

(e) Interest Group Nominees

For nominees to any board from interest groups, the term of appointment is the same as the term of the board. Nominees from interest groups are exempt from the limit on the maximum length of service on the board.

4.7 Partial Terms

When an appointment is made to fill a vacancy during the last half of the term of the appointment, the balance of the term shall not count toward the maximum length of service on the board for the appointee. However, any partial service longer than half of

the appointment term will be counted as a full term toward the maximum length of service.

4.8 Gradual Turnover of Members

To ensure a healthy and planned turnover of board members, the nominating panel should make every effort to achieve a balance between new members and those with experience serving on the board. Gradual turnover can be achieved by the nominating panel ensuring that a balance of new members and returning incumbents is recommended for each board for each recruitment.

4.9 Quasi-Judicial Boards – Continuation Past the End of the Term

Members who serve on quasi-judicial boards governed by the Statutory Powers Procedure Act, 1990:

- (a) are required under that Act to continue beyond their term of office or resignation date to complete hearing any matters of which they are seized; and
- (b) may continue beyond their term of office until such time as sufficient numbers of incoming new members have completed any mandatory orientation and training.

Where a member dies or is removed from the board by City Council, the hearing of a quasi-judicial body may proceed with the remaining quorum; otherwise procedures for a re-hearing should be followed by the board.

4.10 Reappointments When Maximum Service Reached

Incumbent board members nearing completion of their term or awaiting a successor to be appointed may be appointed to another board for the new term.

Incumbents who reapply for appointment beyond the stated maximum length of service on the same board will be ineligible. Their applications can only be considered under special circumstances, such as when an insufficient number of eligible and qualified applications have been received or the policy on gradual turnover of board members cannot be achieved (see Section 4.8).

Any recommendation to reappoint an incumbent who has reached his or her limit on length of service shall identify these special circumstances and recommend a waiver of the limit on length of service, and any such waiver must be approved by City Council.

4.11 Vacancies

A vacancy on the board is created when a member resigns or vacates the position for any reason, effective the earliest of:

- (a) the date of resignation;
- (b) the date the member ceases to be qualified;
- (c) the date the member is removed by City Council; or
- (d) the date of death or other incapacitation.

The board shall notify the City Clerk when a vacancy occurs, requesting appropriate action by the relevant nominating panel.

Where a vacancy occurs before the end of the term for boards, candidates will be selected by the nominating panel to fill the vacancy from the list of eligible candidates from the applicant pool for that category of board member and recruitment method (see Section 5.3), and if required from the list of qualified candidates, having due regard for the balance of skill sets required and diversity objectives.

If none of these methods result in identification of a qualified nominee, the nominating panel may recommend to City Council that additional recruitment efforts be undertaken. The nominating panel is required to obtain City Council approval for additional advertising expenditures prior to directing staff to conduct a full advertised recruitment process to fill vacancies.

4.12 Leaves of Absence – Seeking Elected Office

Citizen members of boards who run for any elected office, or seek an appointment to such an office to fill a vacancy, shall take a leave of absence from the agency or corporation board while doing so. The leave must begin on the day the member is nominated for election or applies for appointment.

4.13 Leaves of Absence – Any Reason

Board members may submit a request for a leave of absence for an extended period of time, for any reason, to the board. The board will forward such approved request to the relevant nominating panel for appropriate action. The vacancy may be filled by the nominating panel on a temporary basis for the period of the leave in accordance with the process in Section 4.11.

Part 5: Recruitment Process

5.1 Timing of Appointments

Recruitment for appointments will take place on a continuous basis. The timing of appointments will be based on several factors including the expiry of appointments, legislative or by-law constraints and the availability of nominating panels.

5.2 Nominating Panel

City Council determines the appropriate nominating panel and associated recruitment methods to be used for each board which, along with the number of members to be appointed, are set out in the Policy on Board Governance Structures.

The standard process for public appointments applies unless City Council has decided otherwise. Under the standard process, the Civic Appointments Committee or Nominating Panel short-lists, interviews and nominates candidates including the Chair or Vice-Chair if applicable. A corporate staff review team conducts the initial screening of applicants for eligibility and qualifications. The staff review team may include a staff representative from the board or relevant program area.

The nominating panel for corporations and community-based service agencies differs from this process as described below.

(a) Civic Appointments Committee

The Civic Appointments Committee is established pursuant to Chapter 27 of the Municipal Code, Council Procedures (Appendix B – Committees).

The Civic Appointments Committee may organize itself into panels of 3, with a quorum of 2, to short-list candidates, conduct interviews and recommend nominees to the full Committee for its consideration and recommendation to Council. The Civic Appointments Committee and its panels are supported by City staff during the public appointments process.

Where skills and competencies are similar for a number of boards (e.g., quasi-judicial and adjudicative boards), the Committee may group applications so that suitable applicants who apply for one board may be considered for an alternative appointment with similar qualifications.

(b) Nominating Panel

Five nominating panels - Committee of Adjustment, City Theatres, Tribunals, Facilities and Finance, and Environmental - were established to assist the Civic Appointments Committee in processing appointments, and are responsible for short listing, interviewing and recommending candidates for appointment to the boards determined by City Council.

The City Clerk will place the recommendation of the nominating panels before City Council for approval.

(c) Corporation Nominating Panel

The Mayor may establish a Corporation Nominating Panel to recommend nominees for the board of a corporation, or a Corporations Nominating Panel to make recommendations for several corporations. A Panel may also be established to make recommendations for other external boards as directed by City Council.

The Mayor may appoint Council Members, external subject matter experts or both to the Panel. The Mayor or the Mayor's designate will Chair the Panel.

The Panel will short-list candidates, conduct interviews of applicants and recommend nominees to City Council for appointment to the respective board of directors. Panels are normally supported by both City staff and an external search consultant during the public appointments process (see Section 5.9).

(d) Community Councils

Community Councils may be delegated authority to appoint nominees for boards of community-based service agencies and any other boards as determined by City Council within the provisions of this Policy. The waiver of a provision of the Policy regarding the

appointment by a Community Council of a candidate who is otherwise ineligible shall require approval by City Council.

The Community Council may establish a nominating panel to short-list candidates, conduct interviews of applicants and recommend nominees for appointment by the Community Council to the respective board, including the Chair or Vice-Chair if applicable.

5.3 Recruitment Methods

The type of qualifications sought for citizen members will determine the recruitment method. Recruitment for any board may use one or more of the methods set out below.

All citizen members who are appointed, regardless of recruitment method used, shall be eligible for appointment pursuant to Part 2 of this Policy and shall maintain their eligibility throughout the term of their appointment unless otherwise determined by City Council.

Type 1: Advertised Recruitment

The advertised recruitment process is the standard process used by the City to invite the public at large, through local or City-wide media advertising or other public posting including the internet, to apply for available positions.

Type 2: Interest Group Nomination

Where City Council wishes to represent the interests of stakeholder groups on a board or to obtain special expertise such as from a professional or technical organization, the composition of the board may include one or more positions designated for nomination by specific interest groups.

In that case, the designated interest group, stakeholder group, organized service user group, funding partner, labour representative or professional/technical organization is invited to nominate members for approval by City Council. This requires that City Council rely on the ability of the interest group to nominate appropriate and effective representatives, and that the interest group is organized in a way to make such nomination possible.

Where required by the nomination process for specific boards, the interest group will nominate more candidates than positions for further consideration and selection by the nominating panel.

Type 3: Membership-Based

Where members of an organization are represented on a community-based board such as BIAs and AOCCs, or tenant representation on the board of the Toronto Community Housing Corporation, the City accepts nominations resulting from election of candidates from the membership. The City must be assured of the fairness and equity of the election process before accepting nominations. City staff may observe or support the election process.

5.4 Board Composition and Recruitment Method Types

The composition of each board will be determined by City Council on the recommendation of the City Manager based on the mandate of the individual board, City interests, the impact of decisions made by the board, the nature of the decisions, and the diverse perspectives/influences needed to facilitate delivery of the board's mandate (refer to the Policy on Board Governance Structures).

The composition may reflect the desirability of having any one or several of:

- (a) Council Members to represent Council interests (appointed through the Striking Committee or Community Council as the case may be);
- (b) individuals with specific skills, expertise or experience (Type 1 or Type 3 process);
- (c) representatives from a specific interest or stakeholder group (Type 2 process);
- (d) perspective of a membership-based or tenant group where the representative is elected by the membership (Type 3 process);
- (e) local community perspective or service user perspective (Type 2 process);
- (f) members of supportive volunteer community or funding partners (Type 2 process);
and
- (g) where the diversity of the community at large is the primary criteria (may apply using any Type).

For any one board, Council may approve a combination of recruitment processes to be employed in relation to different categories of board members. Within each process, other variations may be appropriate such as limiting the breadth of the recruitment area, as for community-based boards where it is appropriate to limit the recruitment area to the local community. Recruitment methods will include strategies to attract diverse candidates.

5.5 Advertising Vacancies

The extent and type of advertising may vary with the selection process and type of board. General advertising is only required for the Type 1 recruitment process targeted to the general population. Media advertisements are generally placed in accordance with the City's advertising policy and budget allocated for this purpose.

Where applicable, the advertisement will direct potential applicants to the City's website for more detailed information on the board appointment opportunity. The City's website will be used to advertise all vacancies. The agency's or corporation's website may also be used.

For active outreach to designated groups, advertising methods may include ethnic newspapers, trade bulletins and publications, websites or newsletters of professional organizations, and community newsletters and networks.

The advertisement should outline the eligibility criteria and qualifications for the position and describe the position broadly enough to elicit a wide response from qualified applicants.

Applicants may also be directed to the City Clerk's Office, public libraries and public access locations in Civic Centres for a profile of the position that may include qualifications, responsibilities, time commitment, timing and location of meetings, and remuneration.

The advertisement shall specify:

- (a) the position that is vacant;
- (b) the process for submitting applications;
- (c) the date, time and location of any information sessions;
- (d) the deadline date for receipt of applications (if applicable);
- (e) that late applications may not be considered (if applicable); and
- (f) that the City encourages applications from diverse communities.

5.6 Outreach by Councillors, Staff and Boards

Council Members, City staff, board members and staff of agencies and corporations 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 nominating panel (see Section 6.6).

5.7 Diversity Outreach

City staff may also conduct advance outreach initiatives to raise awareness by equity-seeking groups, under-represented in the applicant pool during the previous round of appointments, of upcoming opportunities and the process for applying. The City may also cooperate with community agencies that recruit and train members from under-represented constituencies to improve diversity of the applicant pool.

5.8 Information Sessions

In addition to the advance outreach initiatives referred to in Section 5.7, City staff may conduct advertised public information sessions at the start of the advertised recruitment process (Type 1).

Applicant attendance at an information session is not mandatory. Applicants are expected to obtain the information they need in order to meet the submission deadline and other application requirements.

The information session for interested applicants does not take the place of member orientation by the City and the agency or corporation after appointment.

5.9 Search Consultants

As deemed necessary, a search consultant may be used with any advertised recruitment process to enhance the applicant pool and assist with the application intake, screening and short-listing process. Use of a search consultant is routinely part of the recruitment process for citizen appointments to corporation boards given the requisite qualifications for these appointments.

Where the City uses a search consultant on an advertised recruitment process, funds are normally allocated for this purpose by the agency or corporation.

Part 6: Application Process

6.1 Applications

Applicants are encouraged to submit applications through the electronic application process on the City website.

Hardcopy application forms may be obtained from the City Clerk's Office and may be made available in public access locations in Civic Centres. This Policy and detailed information on the application process and requirements will also be available on-line.

Nominees who are nominated by an external body (for Type 2 Interest Group Nominations) must also submit an application for the relevant nominating panel's consideration along with their nomination.

6.2 Incumbents Must Reapply

Incumbents who are eligible and wish to seek reappointment to a City agency or corporation or external body must reapply in the same manner as other applicants.

6.3 Multiple Applications

Applicants may apply for more than one board; however, applicants who wish to apply for an appointment to the Committee of Adjustment shall be limited to:

- (a) choosing one panel as their first choice; and
- (b) if interested, choosing one other panel as a second choice.

Applicants applying for more than one board must submit a separate application for each board. This requirement does not apply to candidates who have been interviewed by a nominating panel and identified for possible consideration for other board appointments where skills and competencies are similar (see Section 6.9).

6.4 Applicants – Potential Conflicts of Interest

Applicants should consider whether they have a real or perceived conflict of interest with the board of the agency or corporation, or with the City, including any direct or indirect pecuniary interest. As part of the appointment process, applicants must identify and disclose any actual or potential conflicts of interest they may have.

Potential conflicts of interest may include, but are not limited to, applicants or their spouses, partners, children or parents, or employers or business partners:

- currently doing business or seeking to do business with, or working as a consultant, for the agency, corporation or the City;
- for appointment to quasi-judicial boards, being engaged in a business over which the quasi-judicial board has jurisdiction; or

- serving as a lobbyist during the current or previous term of Council on issues affecting the agency or corporation.

Other potential conflicts could include applicants having:

- any interest, direct or indirect, in outstanding litigation involving the City or the agency or corporation; or
- any tax arrears that remain outstanding to the City beyond the current year, whether for private or commercial property or business taxes.

Disclosure of potential or perceived conflicts does not automatically make an applicant ineligible for an appointment. However, the nominating panel is required to assess any potential or perceived conflicts in determining whether an applicant should be considered further.

6.5 Self-Identified Diversity Information

To enable the City to achieve its objectives for access, equity and diversity and to assist the City in its efforts to appoint boards that collectively reflect the diversity of the community, applicants are encouraged but not required to include self-identified information in their applications.

The application will include a self-identification form where applicants can provide information about their gender, age group, Aboriginal status, racial group, disability status, and sexual orientation.

6.6 References from Council Members

The practice of Council Members providing references in support of individuals who have applied for a board appointment shall be governed by the Code of Conduct for Council Members and by Council's policy on Council Members providing letters of reference that state:

- (a) a Council Member shall not provide a reference in support of an applicant for an appointment to a City agency or corporation, or any other position or office with the City, unless that Council Member has had an employment or other relevant relationship (such as that of teacher or volunteer group supervisor) with the person requesting the reference;
- (b) even where there is such a relevant relationship, a Council Member shall not provide a reference for any person:
 - i. who is a relative of the Council Member as defined in the City's Employment of Relatives Policy; or
 - ii. whose only relevant relationship with the Council Member has been as a member of the public service of the City or a City agency (with the exception of the Council Member's own staff);
- (c) no Council Member participating on a nominating panel shall act as a reference for a candidate for appointment, and, where a participating Council Member would

otherwise be eligible to act as a reference, the Council Member shall declare that fact to the appointing authority;

- (d) for the purposes of these rules, providing a reference includes both written and verbal references and any other form of intervention on behalf of the person in question. However, it does not extend to sending on (without comment) letters of inquiry about possible appointments or positions with the City to the relevant hiring authority (or nominating panel); and
- (e) unless the circumstances clearly indicate otherwise, a Council Member shall:
 - i. not provide references where the only basis for doing so is to use the influence of their office or to help someone the Council Member knows merely as a constituent, friend or relative; and
 - ii. confine the provision of references to situations where the Council Member has relevant personal experience with the candidate.

6.7 Prescribed Form for Applications

The nominating panel shall consider only applications received in the prescribed form.

6.8 Extension of Submission Deadlines

In cases where there are insufficient applications from qualified and eligible applicants, City staff may extend the deadline for applications or other steps may be taken as outlined in Section 8.3. Public notice of any extension to the deadline shall be given.

6.9 Portability of Skills

With the permission of the applicant, where skills and competencies are similar for different boards, applicants who apply for one board may be identified for consideration on another board with similar requirements.

Part 7: Privacy Issues, Codes of Conduct, Conflict of Interest

7.1 Council Members – Potential Conflicts of Interest

Council Members are governed by the Municipal Conflict of Interest Act. Council Members who have a conflict of interest or who perceive a conflict of interest with respect to an applicant for a board appointment, must declare the conflict and abstain from debating and voting at any meeting where the application is being discussed. Where the meeting is private and not open to the public, Council Members must declare the conflict and leave the meeting or the part of the meeting during which the matter is under consideration.

In accordance with Council policy restricting the appointment of relatives of Council Members to boards (see Section 2.4):

- (a) where a Council Member is a member of a nominating panel, he or she shall declare a conflict of interest and withdraw from any appointments process, both as a member of a nominating panel or at City Council, if a relative (as defined in the

- City's Employment of Relatives Policy) is being considered as a candidate for appointment; and
- (b) Council Members shall also withdraw from debating and voting at City Council if the recommendation is for the appointment of a relative.

A business relationship between a Council Member and an applicant should also preclude the Member from participating in the appointments process. Council Members who have a conflict of interest or perceive a conflict of interest should declare the conflict and abstain from any discussion and voting on the appointment.

7.2 Information Provided to Council Members and Designated City Staff

Council Members shall be notified of the meeting dates of the Civic Appointments Committee and nominating panels and, upon request, shall be permitted to review a confidential list of applicants who have applied prior to the short-listing process (subject to any Conflicts of Interest and other restrictions imposed under Council policy relating to the giving of references by Council Members).

Only members of the nominating panel and designated City staff who are providing support in the selection process shall be provided with copies of the applications. However, other Council Members, who will be voting when nominations are considered, may in all cases request to see the applications and the summary prepared by the Staff Review Team.

Should a written examination be required for any appointment (such as for the Toronto Licensing Tribunal), only the staff or consultants directly involved in the examination process shall see the completed exams, and these completed exams shall remain confidential. Members of the nominating panel and any other Council Members who request the information will be provided with the averaged total scores for all applicants who took the exam, but will not be permitted to see the completed exams.

7.3 Confidentiality Requirements and Obligations

All persons shall return all applications and related confidential material in their possession (including any lists of applicants) to the City Clerk once City Council approves the appointments.

Council Members and citizen members of any nominating panel may not copy, disclose or otherwise disseminate information contained in any confidential lists of applicants, or in any applications, confidential reports, or other information received in private sessions, nor may they repeat any confidential information heard at those meetings.

MFIPPA imposes mandatory confidentiality obligations on the City and Council Members to refrain from disclosing personal information and to protect the privacy of information obtained in private sessions.

These mandatory obligations are further strengthened by the provisions of the Code of Conduct for Council Members and citizen members of City boards. These provisions

prohibit Council Members and citizen members of City boards from disclosing confidential information obtained as a result of their office, including personal information under MFIPPA.

Personal information will only be released by the City Clerk, and in the manner directed by City Council.

Part 8: Selection Process

8.1 Screen for Eligibility

The staff designated by the City Clerk will review all applications and identify those applicants that are ineligible for appointment either because they have not met the eligibility criteria or because their application is late. Staff will also identify which applications are incomplete and whether an applicant is a current incumbent and, if so, their length of service.

8.2 Staff Review Team

A City Staff Review Team comprised of representatives from the City Clerk's Office, the search consultant if one is used in the selection process, and program staff as appropriate, will examine the applications.

The Staff Review Team will apply this Policy and the board-specific qualifications in the Policy on Board Governance Structures to reach a consensus on whether each applicant demonstrates each of the requirements and qualifications for the position.

The Staff Review Team will prepare a summary of each applicant that shows:

- (a) name;
- (b) whether eligible and reason if not eligible (e.g., late application, non-resident, under 18, etc.) and whether the application is complete;
- (c) the ward of residence;
- (d) whether a current incumbent and, if so, length of service;
- (e) which qualifications are sufficiently demonstrated in the application;
- (f) applicants sorted in tiers ranked from most to least qualified;
- (g) diversity information as disclosed by the applicant;
- (h) potential conflicts of interest as disclosed by the applicant; and
- (i) notes on the Staff Review Team's identification of any areas of concern that may include eligibility, potential conflicts of interest, or other policy issues.

All agencies and corporations are required to provide the City Staff Review Team with records of attendance at board and committee meetings for incumbent members during the previous term. Results of any relevant board evaluation may also be provided.

8.3 Short-listing Process

The nominating panel shall meet in private to short-list candidates for interviews.

A staff member of the City Clerk's Office will be the policy advisor to the nominating panel. The Staff Review Team and any program staff identified by the nominating panel shall be invited as advisors/observers.

The nominating panel will review the applications, the summaries prepared by the Staff Review Team, attendance records for reapplying incumbents and any evaluation available to determine whether additional information about any candidate should be obtained before proceeding with the short-listing process and direct staff to secure the information needed. The nominating panel may also refuse to consider incomplete applications without seeking further information.

Where there are insufficient numbers of applicants to conduct a competitive selection process, City staff or the nominating panel may:

- (a) request City staff to pursue additional recruitment activities;
- (b) recommend that City Council authorize the additional cost to re-advertise; or
- (c) consider recommending waiving the limits for length of service to re-appoint incumbents that have served the maximum terms.

Once the nominating panel determines that there are a sufficient number of applicants, the applicant pool is screened with the goal of arriving at a short-list of excellent candidates to interview. The selection is to be based on the explicit position-related criteria set by City Council, geographic distribution, and diversity objectives. The nominating panel must also assess any identified potential conflicts of interest.

Current board members should be evaluated in the same way and by the same criteria as new candidates, but the nominating panel may also consider attendance records and the results of any board member evaluation process that may have been conducted.

8.4 Testing

Where a written or other test is required, the Staff Review Team will develop and administer the test to all short-listed candidates and score the test results. Only the averaged total scores for each candidate will be made available to the nominating panel on the day of the interview (or to Council if requested). The test questions, the individual test papers and individual scorer marks and will not be made available to anyone except those administering the test (see Section 7.2).

8.5 References

If selected for an interview, the nominating panel may request that interviewees provide the names of three people who can provide references. Staff will conduct the reference checks and provide the resulting information to the nominating panel. Reference information shall remain confidential.

8.6 Interviewing Candidates

The nominating panel must interview a candidate who is short-listed, in addition to considering the candidate's application, qualifications and results from any required testing, before the panel recommends the candidate for appointment.

Staff of the City Clerk's Office will propose interview questions for consideration by the nominating panel, and may request input from the Staff Review Team. The nominating panel shall agree on interview questions in advance.

The nominating panel shall meet in private to interview candidates.

All candidates will be asked the same questions.

Staff of the City Clerk's Office will attend the interviews as advisors to the nominating panel. Members of the Staff Review Team and any program staff invited by the nominating panel may also attend the interviews as advisors or observers.

Interview candidates will be required to sign their application forms and any other release forms on the day of the interview if they have not already done so (as may be the case when applications are submitted electronically).

On the day of the interview, staff will provide the nominating panel with the results of any required written tests (averaged total scores), results of reference checks performed, and any other information requested by the nominating panel.

8.7 Attendance During Interviews

A member of an interview panel must be in attendance for interviews of all the candidates for a respective board in order to vote on the selection as a member of the panel. This does not preclude a member of the nominating panel who did not attend the interviews from voting to support the recommendation of the interview panel.

8.8 Evaluating Qualifications

The nominating panel should review the areas of expertise being sought, and understand the criteria that will be used to evaluate candidates.

The nominating panel should take the following criteria into consideration in evaluating qualifications of candidates:

- (a) how well qualifications are demonstrated on the application;
- (b) test results where tests were administered;
- (c) strength of answers to interview questions;
- (d) references if requested; and
- (e) board attendance and evaluations if available.

8.9 Selection Objectives

The nominating panel's recommendations will strive to achieve a balance of:

- (a) qualified applicants covering the range of qualifications specified for the board;

- (b) experienced and new members;
- (c) geographic representation; and
- (d) representation of the diversity and demographics of the community including age, gender, sexual orientation, Aboriginal status, race and disability.

The nominating panel shall recommend to City Council one person to fill each vacant position, one person to be appointed chair of the board if this is a requirement of the board structure.

8.10 Reporting to Council

The names and biographical summaries of individuals recommended for an appointment will be submitted to City Council publicly. The application form will authorize the City to develop and make the bio public. Other personal information about an individual will only be disclosed where the individual agrees to such disclosure.

If City Council 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 City of Toronto Act.

City staff are required to report to City Council on how the equity objectives have been met in the appointments process each term of Council. As the City Clerk determines appropriate, this report accompanies the appointment recommendations to City Council from the Civic Appointments Committee (see Sections 8.9 and 8.14).

8.11 Communication Following the Appointments

After City Council or other delegated authority makes an appointment to a board, the City Clerk or other designated person shall immediately acknowledge all applications, advising applicants of the status of their applications and thanking them for their interest.

Following the City Council appointment or nomination to an external body, the City Clerk or other designated person shall include:

- (a) in a letter to the external body, a request that such body provide the City's appointee with information regarding that body's Directors and Officers Liability Insurance; and
- (b) in a letter to the City's appointees or nominees, a suggestion that they may wish to follow-up with the external body to get information about indemnity coverage for members of the board.

8.12 Diversity Monitoring

A voluntary and confidential diversity questionnaire is included in application packages for board appointments. Self-identified diversity data (applicant pool, short-listed candidates, appointed members) may be monitored and reported on in summary form at different stages of the selection process. The identities of specific candidates shall be kept confidential.

The purpose of this monitoring is to assess how well City Council's diversity objectives have been met and ascertain what improvements could be made such as targeted outreach or removing barriers to participation.

Part 9: Standards of Conduct for City Appointees

9.1 Orientation for New Board Members

Board and City staff shall arrange briefing sessions to provide an initial orientation for all newly appointed members on the operation of the board and City expectations. Topics should include information related to the board's mandate, current issues, program statistics and operations, the board's relationship to the City, the Code of Conduct, City policies and objectives for boards including the objective of removing barriers to accessing services in a diverse community.

In certain cases, new appointees may be required to attend mandatory training (e.g., quasi-judicial boards such as the Toronto Licensing Tribunal and Committee of Adjustment).

Staff of the board or the City or both shall include information on the Directors and Officers Liability Insurance in the orientation materials provided to new board members.

9.2 General Standards of Conduct

Members of the public who are appointed to a board of the City shall serve and be seen to serve in a conscientious and diligent manner, and in a manner that accommodates access to services by the City's diverse communities.

No member of a board of the City shall use the influence of the office to which he or she is appointed for any purpose other than for the exercise of official duties.

Members are expected to perform their duties in a transparent manner that promotes public confidence and will bear close public scrutiny.

Members shall strive to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature and City Council, including the Code of Conduct, as well as any policies established by the board.

Boards of agencies and corporations on which the members serve are delegated authority by City Council to provide certain services and functions and implement certain policies. Any board may establish committees to assist the functioning of the board.

A board may appoint members to a committee who may or may not be board members as long as the board does not delegate to a committee that has non-board members

any final decision making authority. Final decisions must be made by board members, but a committee that has non-board members may provide advice to the board.

9.3 Ceasing to Meet General Requirements

Any board member who accepts an office or employment, or has a conflict of interest, that is incompatible with continued service on the board, ceases to be a resident of Toronto, or ceases to meet other general or board-specific requirements of the appointment set out in this Policy or the Policy on Board Governance Structures, shall immediately notify the board, and the board shall so notify the City Clerk.

9.4 Meeting Attendance Requirements

The board or a panel of a quasi-judicial board has the discretion to permit or excuse a member's absence without further action.

Board members who are absent from 2 consecutive regularly scheduled meetings of the board, without permission of the board, are to be contacted by the Chair or Secretary to confirm their commitment to the board. When any board member is absent for 3 consecutive regularly scheduled meetings of the board, without permission of the board, the board shall provide written notice of the absence to the City Clerk.

In the case of quasi-judicial boards, members who are absent from all scheduled hearings held during the previous 2 consecutive months, without permission, are to be contacted by the Chair or Secretary to confirm their commitment. When any of the quasi-judicial members are absent from all scheduled hearings held during the previous 3 consecutive months, without permission, the quasi-judicial board or panel will provide written notice of the absence to the relevant nominating panel for appropriate action.

9.5 Board Assessment Process

Board members and boards as a whole may undergo an evaluation process during the term.

This evaluation will be co-ordinated through City staff and may include an evaluation where members are assessed by Councillors on the board, senior board staff and City staff that interact with the board or other relevant contacts.

As part of the assessment, attendance and level of participation should be considered. Staff of the City and the board will be involved in the development of standard evaluation criteria that may be used.

Staff may engage external consultants to assist with the development and implementation of board assessment processes.

Part 10: Public Appointments Policy Governing Designated Advisory Bodies

10.1 Designated Advisory Bodies

Part 10 of the Policy applies to all citizen appointments to advisory bodies that meet the following criteria:

- (a) have a City-wide mandate;
- (b) are supported by City staff; and
- (c) are composed of citizen members appointed by a political body including the Mayor, City Council, Community Council or other Committee of Council.

The provisions in Parts 7 and 9 of the Policy setting out requirements under the Municipal Conflict of Interest Act, Standards of Conduct, MFIPPA, shall apply, with necessary modifications, to the selection and recruitment of members of designated advisory bodies.

10.2 Other Advisory Bodies (Not Designated)

Due to the high cost and time commitment of recruiting and selecting board members, the Civic Appointments Committee shall not recommend appointments to advisory bodies other than those that meet the criteria in Section 10.1.

The provisions and procedures in this Policy may generally be applied on a discretionary basis where deemed appropriate to guide any application, recruitment and selection processes for advisory bodies that do not meet the criteria in Section 10.1.

10.3 Values Applied in the Process

The City has a commitment to an open, inclusive and equitable appointments process to encourage broad participation of residents in the democratic functioning of the City.

10.4 Selection Objectives

City Council recognizes that the needs of the City are best met when residents are matched to the required functions and purpose of the individual advisory body.

City Council also recognizes that the City is best served by advisory bodies that reflect the geographic distribution and diversity of the community. Proactive strategies in achieving this result shall be followed.

10.5 Terms of Reference and Composition

Prior to appointment of citizen members, terms of reference shall be adopted for each advisory body that:

- (a) set out the required functions and purpose of the advisory body that meet the needs of the City;
- (b) identify the skills, expertise, stakeholder interest, or perspectives that contribute the needed advice;
- (c) take into consideration the selection objectives in Section 10.4;
- (d) set out a composition consistent with the above;
- (e) set out the recruitment and selection processes to be used; and

- (f) set out the term of the advisory body and the term of appointment of the citizen members.

10.6 Recruitment Process

(a) Flexible Process

Given the unique nature of advisory bodies (varying terms of engagement, program and project specific focus, decentralized staff support), it is the intention of this Policy to maintain maximum flexibility in the process by which members are selected to advisory bodies, while providing mechanisms to enable desired equity, diversity and recruitment outcomes.

(b) Nominating Panel

Nominating panels may be a committee or individual delegated the responsibility for recommending candidates for appointment. In most cases, this panel will consider a variety of individuals who meet the selection criteria, short-list those who most closely match the requirements, may conduct interviews, and nominate the best candidates. In some cases, separate recruiting panels may conduct each step in the process.

(c) Recruitment Methods

Nominating panels may use a variety of methods for recruitment including, but not limited to:

- i. open, advertised process;
- ii. nomination by external interest group;
- iii. invitation of individual experts in a desired field; or
- iv. election by a membership-based organization.

(d) Diversity Outreach

City staff may also conduct advance outreach initiatives to ensure that equity-seeking groups can be recruited successfully.

10.7 Diversity

(a) Self-Identified Diversity Information

To enable the City to achieve its objectives for access, equity and diversity in the public appointments process, candidates are encouraged to complete a self-identification diversity survey.

A corporately approved standard form must be used for the diversity survey to aid in collection of the same data from all sources.

(b) Diversity Monitoring

Self-identified diversity data at each stage of the selection process (applicant pool, short-listed candidates, appointed members) may be monitored and reported on in summary form. The identities of specific candidates shall be kept confidential.

The purpose of this monitoring is to assess how well Council's diversity objectives have been met and ascertain what improvements could be made such as targeted outreach or removing barriers to participation.

(c) Diversity Reporting

City staff who support advisory bodies are required to collect diversity surveys from members of advisory bodies, fill in a standardized summary sheet and submit it to the designated corporate staff for roll-up for the Council term and this may be reported in accordance with an established protocol.

Designated corporate staff shall submit a summary report on diversity results at the end of the recruitment cycle comparing to previous results.