

PUBLIC APPOINTMENT POLICY
MUNICIPALITY OF THE COUNTY OF INVERNESS

Policy Number:	2021-02-18-01
Date of Last Amendment:	2021-04-01

ARTICLE 1: Title

- 1 (1) This Policy shall be known as the Public Appointment Policy.

ARTICLE 2: Authority

- 2 (1) This Policy is made pursuant to Section 24(3) and Section 47(4) of the *Municipal Government Act*, SNS 1998, c 18, as amended.

ARTICLE 3: Definitions

- 3 (1) In this Policy, the following words shall have the following meanings:
- (a) “**Appointee**” means a successful applicant appointed by Council to a Committee or External Board or Agency pursuant to this Policy;
 - (b) “**Committee**” means a committee established by Council that requires the appointment of a member of the public by Council;
 - (c) “**Council**” means the Council of the Municipality of the County of Inverness;
 - (d) “**Councillor**” means a Councillor of the Municipality of the County of Inverness;
 - (e) “**External Board or Agency**” means an external board or agency that requires the appointment of a member of the public by Council;
 - (f) “**Municipality**” means the Municipality of the County of Inverness;

- (g) “**Nominating Committee**” means the Nominating Committee of the Municipality of the County of Inverness;
- (h) “**Policy**” means this Public Appointment Policy, as amended from time to time; and
- (i) “**Staff**” means employees of the Municipality.

ARTICLE 4: Purpose of this Policy

- 4 (1) The purpose of this Policy is to:
 - (a) clearly identify the process Council must follow when appointing a member of the public to a Committee or an External Board or Agency;
 - (b) ensure consistency, integrity and fairness in administering the appointment process;
 - (c) ensure the needs of a Committee and External Board or Agency are met by appointing members of the public who match the qualifications required of each individual Committee and External Board or Agency; and
 - (d) recognize that the Municipality is best served by appointing members of the public to a Committee and External Board or Agency that reflect the geography and diversity of the community being served.

ARTICLE 5: Application of this Policy

- 5 (1) This Policy applies only when appointing a member of the public to a Committee or an External Board or Agency.
- 5 (2) This Policy does not apply when appointing a Councillor to a Committee or an External Board or Agency.

ARTICLE 6: Eligibility and Qualifications of Applicants

- 6 (1) A person must meet all the following requirements to be eligible to apply for an appointment by Council to a Committee or an External Board or Agency:
- (a) be at least 18 years of age (exceptions may be made by Council for committees specifically related to youth or requiring a youth member);
 - (b) be a resident of the Municipality for at least the last six (6) months before making an application and must continue to be a resident of the Municipality throughout the term of the appointment;
 - (c) if/where required by law for a specific appointment, the resident must also be a Canadian citizen; and
 - (d) not be ineligible for an appointment pursuant to this Policy.
- 6 (2) Each Committee and/or External Board or Agency may require additional qualifications for an appointment.
- 6 (3) A member of Staff is ineligible for an appointment to a Committee or External Board or Agency, unless the Committee or External Board or Agency specifically requires the appointment of a Staff member by virtue of the Staff member's position.
- 6 (4) A member of the public may serve on more than one (1) Committee or External Board or Agency at any given time.
- 6 (5) In the event an Appointee no longer meets the eligibility requirements set out in this Article 6 of this Policy, then Council must remove such person from the Committee or External Board or Agency, and initiate proceedings to replace the vacant position pursuant to this Policy.

ARTICLE 7: Procedure for Making an Appointment

- 7 (1) When Council is required to appoint a member of the public to a Committee or an External Board or Agency, for whatever reason, then Council must follow the order of procedure outlined below.

Step 1: Determination of Qualifications Required

- 7 (2) Staff must provide Council with a list of the required skills, assets and/or qualifications for the particular appointment (based on requirements identified in a policy of Council, by the relevant Committee or External Board or Agency, or by legislation), including those eligibility requirements set out at Article 6 of this Policy.
- 7 (3) Council must, by resolution, identify:
- (a) the available appointment;
 - (b) the skills, assets and/or qualifications for the particular appointment (as provided by Staff in Section 7(2) of this Policy); and
 - (c) the deadline to submit applications for the appointment.

Step 2: Advertisement

- 7 (4) Once Council has made the resolution as set out in Section 7(3) of this Policy, then the appointment must be advertised to the public at large by publishing the advertisement:
- (a) at least twice in each of The Inverness Oran newspaper and The Reporter newspaper, with the second advertisement being published at least five (5) business days before the deadline to submit applications; and
 - (b) on the Municipality's website.
- 7 (5) The advertisement set out in Section 7(4) of this Policy must contain the following information:
- (a) the skills, assets and/or qualifications for the appointment as set out in the resolution of Council pursuant to Section 7(3)(b) of this Policy;
 - (b) the deadline for submitting applications; and
 - (c) how to submit the application.

Step 3: Applications

- 7 (6) Application forms for an advertised appointment must be made available:
- (a) on the Municipality's website; and
 - (b) at the Office of the Municipality (375 Main Street, Port Hood, NS, B0E 2W0).

- 7 (7) To apply for an advertised appointment, an applicant must:
 - (a) complete the required application form and submit it before the application deadline; and
 - (b) disclose any real or perceived conflict of interest with the Committee or External Board or Agency, including direct or indirect pecuniary interest with the Municipality, Staff, and/or individual Councillors. Disclosure of such potential conflicts does not mean that an applicant is automatically ineligible for an appointment, but the Nominating Committee and Council must assess potential conflicts in its determination of whether an applicant may be considered further.
- 7 (8) Applicants may submit a resume or other pertinent information along with the completed application form to demonstrate they meet the skills, assets and/or qualifications outlined in the advertisement.
- 7 (9) Incumbent Appointees who are eligible and willing to seek reappointment to a Committee or External Board or Agency must re-apply in the same manner as other applicants in order to be considered for re-appointment, which may include completing the formal interview process (if applicable).
- 7 (10) Applicants may apply for more than one appointment.

Step 4: Review and Consideration of Applications

- 7 (11) After the advertised deadline for submissions has passed, the Office of the Chief Administrative Officer will provide the Nominating Committee with all applications submitted for an appointment before the submission deadline.
- 7 (12) The Nominating Committee must:
 - (a) review all applications submitted for an appointment;
 - (b) nominate one (1) applicant for the appointment, and recommend this nomination to Council;
 - (c) not review any applications until the advertised deadline for submissions has passed; and
 - (d) not review applications submitted after the deadline for submissions for the appointment.
- 7 (13) When reviewing and discussing the applications, the Nominating Committee must:

- (a) meet in a closed session (to protect the personal information of applicants), but must comply with the requirements of a closed session set out in the *Municipal Government Act*, SNS 1998, c 18, as amended, and be able to provide reasons for their decision on each applicant, if required by law;
 - (b) be guided by the following principles:
 - i. merit
 - ii. equity;
 - iii. accessibility; and
 - iv. diversity;
 - (c) determine what effect, if any, an applicant's real or perceived conflict of interest has on the applicant's ability to meet the requirements of the appointment; and
 - (d) evaluate an incumbent Appointee in the same way and by the same criteria as new applicants.
- 7 (14) After reviewing the applications, the Nominating Committee must then move into a public session to do one of the following, at the Nominating Committee's sole discretion:
- (a) move directly to a resolution nominating an applicant for the appointment;
 - (b) short-list applicants in order to conduct interviews to further determine the expertise and suitability of candidates for the skills set sought; or
 - (c) extend the deadline for applications by making one further advertisement in The Inverness Oran newspaper and The Reporter newspaper, as well as online if there are insufficient applications from qualified or eligible candidates.

Interviews (Optional)

- 7 (15) If the Nominating Committee chooses to conduct interviews pursuant to Section 7(14)(b) of this Policy, then the Nominating Committee must make a resolution outlining the method of conducting interviews, including the composition of the interview panel. Only members of the Nominating Committee are eligible to be on the interview panel.

- 7 (16) After interviews have taken place, the interview panel must report to the Nominating Committee in a closed session (to protect the personal information of applicants), but must comply with the requirements of a closed session set out in the *Municipal Government Act*, SNS 1998, c 18, as amended, and be able to provide reasons for their decision on each applicant, if required by law.
- 7 (17) The Nominating Committee must then move into a public session to move directly to resolution nominating an applicant for the appointment.

Extend Deadline (Optional)

- 7 (18) If the Nominating Committee chooses to extend the deadline for applications pursuant to Section 7(14)(c) of this Policy, the application must be advertised again and further applications received must be reviewed according to the above-noted requirements of this Policy.

Step 5: Nominations

- 7 (19) The Nominating Committee, in a public session, must nominate one (1) applicant for the appointment.
- 7 (20) After the Nominating Committee has made the nomination by resolution, Council must then confirm the nomination by resolution.

Step 6: Following Appointment

- 7 (21) Following a resolution of Council confirming the appointment, the Office of the Chief Administrative Officer must:
 - (a) provide the Appointee with a letter that includes:
 - i. a copy of the resolution of Council appointing the Appointee;
 - ii. the date of the appointment;
 - iii. a copy of this Policy;
 - iv. a copy of the Municipality's Expense Policy;
 - v. a copy of the *Municipal Conflict of Interest Act*, RSNS 1989, c 299, as amended;

- vi. confirmation that the Appointee shall hold the appointment at the pleasure of Council; and
 - (b) a request that the Appointee confirm acceptance of the appointment.
- 7 (22) Upon confirmation of acceptance of the appointment by the Appointee, the Office of the Chief Administrative Officer must:
 - (a) make a record of the appointment, including the resolution of Council where the appointment was made; and
 - (b) notify the chairperson/lead of the Committee or External Board or Agency of the appointment and provide the Appointee's contact information.

ARTICLE 8: Conflict of Interest

- 8 (1) When reviewing applications for an appointment, the Nominating Committee and Council must consider whether, in their sole discretion, a real or perceived conflict of interest makes an applicant ineligible for a particular appointment.
- 8 (2) In the event the Nominating Committee and/or Council determines that appointing an applicant to a particular appointment would create a real or perceived conflict of interest, then that applicant shall not be eligible for the appointment.
- 8 (3) Councillors are subject to the *Municipal Conflict of Interest Act*, RSNS 1989, c 299, as amended, and must observe all requirements of that legislation when reviewing applications and making appointments.
- 8 (4) No Councillor or Staff member shall provide a reference in support of an applicant for appointment to a Committee or an External Board or Agency.

ARTICLE 9: Status of Appointees

- 9 (1) Appointees serve at the pleasure of Council. For greater certainty, Council may, in its sole discretion, remove an Appointee from office at any time without cause.
- 9 (2) Appointees are subject to the *Municipal Conflict of Interest Act*, RSNS 1989, c 299, as amended.

ARTICLE 10: General Standard of Conduct

- 10 (1) Appointees shall serve and be seen to serve:
 - (a) in a conscientious and diligent manner;
 - (b) in a manner that accommodates access to services by the Municipality's diverse communities, and
 - (c) in a manner that is respectful of difference and diversity.
- 10 (2) No Appointee shall use the influence of the office to which s/he is appointed for any purpose other than the exercise of official duties.
- 10 (3) Appointees are expected to perform their duties in a transparent manner that promotes public confidence.
- 10 (4) Appointees 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, Province of Nova Scotia and the Municipality.

ARTICLE 11: Term and Length of Service

- 11 (1) The term of each appointment shall be the term established by each individual Committee or External Board or Agency.
- 11 (2) Despite the term of an appointment, Council retains the right to remove and/or replace an Appointee from his/her appointment at any time pursuant to Section 9(1) of this Policy.
- 11 (3) No member of the public may be appointed to the same Committee or External Board or Agency for more than two (2) consecutive terms, subject to any restrictions of the Committee or the External Board or Agency.
- 11 (4) Appointees continue to serve on a Committee or an External Board or Agency past the end of their term, at the pleasure of Council, until successors are appointed, subject to any restrictions of the Committee or the External Board or Agency.
- 11 (5) Subject to Section 11(6) of this Policy, an incumbent Appointee is ineligible to re-apply for appointment beyond the maximum length of service set out in Section 11(3) of this Policy.

- 11 (6) An incumbent Appointee is eligible to apply beyond the maximum length of service set out in Section 11(3) of this Policy only if an insufficient number of applications has been received from eligible and qualified applicants for the appointment.

ARTICLE 12: Leave of Absence

- 12 (1) Appointees who run for elected office, whether municipal, provincial, or federal, must take a leave of absence from the Committee or External Board or Agency during the election period. In particular, this leave must begin on the day the Appointee is nominated as a candidate standing for election. This leave ends upon the release of final election results, or any appeal thereof (if applicable).
- 12 (2) For greater certainty, the term of an Appointee who takes leave pursuant to Section 12(1) of this Policy continues to run during the period of such leave.
- 12 (3) If the Appointee running for elected office is elected, then the Appointee ceases to be a member of the Committee or External Board or Agency. This vacancy must be filled for the remainder of that former Appointee's term.
- 12 (4) If an Appointee running for elected office is not elected, then the Appointee may continue to serve the remainder of their term on the Committee or External Board or Agency, at the pleasure of Council.

ARTICLE 13: Honorarium

- 13 (1) An Appointee may be entitled to payment of an honorarium by the Municipality, in accordance with the Municipality's Honorariums for Citizen and Advisory Committees Policy, as amended from time to time.

ARTICLE 14: Confidentiality

- 14 (1) Only the Nominating Committee, Councillors and required Staff shall be provided with copies of applications for appointments.
- 14 (2) All those provided with copies of the applications pursuant to Section 14(1) of this Policy shall return all applications and related private and confidential material in their

possession (including any list of applicants) to the Office of the Chief Administrative Officer once Council approves the appointments.

- 14 (3) The Nominating Committee, Council, and Staff must not copy, disclose or otherwise disseminate information contained in any confidential list of applicants, or any application, confidential report or information received at in-camera sessions nor may they repeat any confidential information heard at those meetings.

ARTICLE 15: Ceasing to Meet General Requirements

- 15 (1) An Appointee who accepts an office or employment, or has a conflict of interest that is incompatible with continued service on the Committee or External Board or Agency shall immediately notify, in writing, the Office of the Chief Administrative Officer. The Office of the Chief Administrative Officer shall then notify Council and the relevant Committee or External Board or Agency.

ARTICLE 16: Policy Not Retroactive

- 16 (1) Nothing in this Policy shall affect or invalidate in any way an appointment to a Committee or External Board or Agency made prior to Council's adoption of this Policy.


ARTICLE 17: Policy Review

- 17 (1) This Policy must be reviewed by Council every four (4) years.

Date of Original Notice of Motion to Council:	Thursday, February 18, 2021
Date of Council Resolution approving Original Policy:	Thursday, March 4, 2021
Amendment #1: <ul style="list-style-type: none"> - removing “<i>but cannot be appointed to more than one Committee or External Board or Agency at any one time (pursuant to section 6(4) of this Policy).</i>” from section 7(10); and - adding “<i>to</i>” to section 7(18). 	
Notice of Motion:	Thursday, March 18, 2021
Approval:	Thursday, April 1, 2021

Approval:

This is to certify that the above Policy was last amended by Council of the Municipality of the County of Inverness on April 1, 2021.



Keith MacDonald, Chief Administrative Officer