

# Procedure

## Agencies, Boards, Committees and Commissions

This procedure falls under Council Policy C575E Agencies, Boards, Committees and Commissions.

<b>Program Impacted</b>	Civic Services <i>Edmontonians contribute to civic society and are engaged in promoting the quality of the community.</i>
<b>Approved By</b>	City Council
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### 1. Definitions

In this policy, the following words have the following meanings.

- (a) "Administration" means City employees reporting to the City Manager or City Auditor.
- (b) "Agency" includes all City and External Agencies to which Council makes one or more appointments.
- (c) "City Agency" means a council committee established by Council under the authority of the *Municipal Government Act*, or as required by other statutes, except for a Standing Committee;
- (d) "City Manager" means the chief administrative officer of the City, or delegate.
- (e) "Council" means the governing body of the City.
- (f) "Councillor" means a member of Council, including the Mayor.
- (g) "External Agency" means an Agency that is not established by or controlled by Council including, but not limited to, entities with corporate existence separate from the municipality;
- (h) "Standing Committee" means a Standing Committee of Council established under Bylaw 18156 - Council Committees Bylaw.

### 2. Principles

The following principles will be considered in meeting the purposes of this Policy:

- (a) The opportunity to participate in agencies is an important aspect of public engagement.
- (b) Volunteer participation in Agencies will be guided by the principles stated in the City's Volunteerism Policy C504, which includes respecting the contribution of volunteers and ensuring that standardized and fair structures are in place that provide opportunities for meaningful participation.
- (c) To be effective and accountable, City Agencies and their members must have a clear understanding of their mandate and objectives, and the role played by City Agencies and members in City governance.
- (d) The mandate, objectives, role and membership of City Agencies must be periodically reviewed by City Council to ensure that the Agency remains effective throughout its life cycle.
- (e) City Agencies will have clear reporting requirements and, when appropriate, dissolution dates, to ensure that Agency work is timely and focused.
- (f) Members of City Agencies and the Administration who support those Agencies must be appropriately skilled and afforded training as required to ensure that proper governance, work and reporting procedures are followed.
- (g) City Agencies must have an appropriate level of physical, administrative, and financial resources to meet the responsibilities assigned to them by Council.
- (h) Members of City Agencies will be recruited through processes that honour Council's commitment to increasing diversity on City Agencies.

### **3. Creation of City Agencies**

- (a) City Agencies will be created to provide advice, make decisions, or adjudicate upon particular City matters when:
  - (i) an enactment requires or permits Council to establish a City Agency to make decisions or perform particular functions over and above the ordinary Administration and Council reporting process; or,
  - (ii) Council wishes to receive recommendations from a group of individuals representing the public, stakeholders or experts on a matter Council wishes to address.
- (b) When City Agencies are created, Council will direct the:
  - (i) mandate and objectives;
  - (ii) membership criteria and recruiting instructions;
  - (iii) reporting requirements and frequency;
  - (iv) frequency of Council's review of mandate and progress;
  - (v) dissolution or review date; and,
  - (vi) the appointment of a Councillor advisor to council advisory committees.
- (c) City Agencies will not be created for City operational purposes that fall within the purview of the City Manager and Administration.

- (d) City Agencies will be classified on the basis of their purpose and relationship with Council as outlined in Schedule 1.
- (e) Advisory and Ad Hoc Agencies will complete their work within a single Council term; however, by motion City Council may deem a committee to be permanent in nature.

#### **4. Powers of City Agencies**

- (a) City Agencies may:
  - (i) establish their own work plan and prioritize or re-prioritize items within the work plan;
  - (ii) request assistance and resources from the City Manager such as meeting space; governance, reporting, budgeting and legal advice on committee responsibilities under the *Municipal Government Act*; administrative support; and other assets or resources required to fulfill their mandates;
  - (iii) establish their annual meeting schedules.

#### **5. Duties of City Agencies**

- (a) City Agencies will:
  - (i) meet regularly in accordance with their annual meeting schedule;
  - (ii) report to Council as directed;
  - (iii) comply with all bylaws, policies, enactments, orders or other rules governing their activities;
  - (iv) set position descriptions and performance expectations for member participation;
  - (v) identify training needs and, if needed, request assistance for training from the City Manager;
  - (vi) maintain records and comply with privacy and other legislation in accordance with City policies; and,
  - (vii) annually elect a chair, and if desired or required by bylaw, one or more vice-chairs, unless the bylaw directs otherwise.

#### **6. Duties of Members**

- (a) Members of City Agencies will:
  - (i) familiarize themselves with their own bylaw and other documents governing their activities;
  - (ii) participate in training sessions;
  - (iii) review relevant materials for effective participation in meetings; attend meetings;
  - (iv) contribute constructively and professionally to meet the City Agency's objectives;
  - (v) avoid conflicts of interest and adhere to applicable conflict of interest and code of ethics provisions; and,
  - (vi) advise the Chair of violations of ethical rules or potential conflicts of interest.

## 7. Duties of Chairs

- (a) The Chair will fulfill all membership duties and:
- (i) chair meetings in accordance with the applicable procedures;
  - (ii) participate in the recruitment and evaluation processes, including succession planning;
  - (iii) provide for the orientation of new members;
  - (iv) communicate with Administration to identify resource requirements, reporting and budget issues, membership issues, or any matters that will have to be addressed by Council;
  - (v) assist Administration in preparing budget submissions and other reports to Council;
  - (vi) attend Council to present reports and act as spokesperson for the City Agency at events in accordance with the mandate, duties and strategic direction given to the Agency by Council;
  - (vii) ensure diversity of opinions and perspectives are respected and considered in decision making;
  - (viii) in conjunction with the City Manager and in relation to the appointment and re-appointment of members, prepare membership reports for the Standing Committee's review containing information relevant to the decision such as:
    - (1) brief background of current members;
    - (2) time commitment;
    - (3) existing skill set and deficiencies;
    - (4) desired qualifications, credentials or skills;
    - (5) succession issues;
    - (6) evaluation of members eligible for reappointment including completion of the form as set out in Schedule 2;
    - (7) recommendation with respect to members eligible for reappointment; and,
    - (8) attendance record of current members.
- (b) When the written membership report is to be discussed by the Standing Committee, the chair will attend the meeting in order to speak to the report.
- (c) When only reappointments are to be considered, the chair will have the option of submitting the written membership report without attending the meeting of the Standing Committee. The Standing Committee, however, retains the right to request the chair to present the report in person.
- (d) The evaluation of members will be based upon the performance criteria established by the Agency, and the evaluation must be discussed with the member being evaluated.

## **8. Responsibilities of City Manager**

- (a) The City Manager will support City Agencies as directed by Council and, in particular, will:
  - (i) provide governance, privacy, and procedural training for Administration supporting the City Agency;
  - (ii) provide or coordinate necessary member training, including:
    - (1) meeting management;
    - (2) records management;
    - (3) privacy;
    - (4) governance;
    - (5) budgeting;
    - (6) Council reporting;
    - (7) communications;
    - (8) ethics and conflict of interest;
    - (9) legal matters; and
    - (10) Gender Based Analysis Plus (GBA+).
- (b) The City Manager will
  - (i) prepare reports to Council for the Agency on budget, recruitment, appointment, and other matters;
  - (ii) develop and implement recruitment procedures as directed by Council; and,
  - (iii) develop procedures to look into City Agency conduct, ethics or conflict of interest violations.
- (c) If Administration and a City Agency differ on significant issues affecting the City Agency's work plan or mandate, a report will be prepared for Council or the Standing Committee overseeing the City Agency's matters, as applicable, outlining the issue or issues with a request for direction.

## **9. General Appointment Guidelines**

- (a) Appointments will be made in accordance to the appointment principles outlined in Schedule 1.
- (b) Appointments and reappointments to City Agencies will be at the pleasure of Council, regardless of the length of term of the appointment.
- (c) Appointments will be made by resolution of Council for a term of one year, for up to a maximum of six consecutive years, unless otherwise directed by Council.
- (d) Members may only participate in one City Agency at a time, unless Council determines otherwise.
- (e) A member, upon leaving an Agency, may not be appointed to the same Agency until at least two years have passed.
- (f) The following age limits apply:
  - (i) members of City Agencies that are advisory in nature must be at least 13 years of age;

- (ii) members of City Agencies that have decision-making authority must be at least 18 years of age;
  - (iii) members of External Agencies will be of an age as required by the agency; and,
  - (iv) individuals under the age of 18 may only participate with the express written consent of their legal guardian.
- (g) A member ceases to be a member prior to the end of the member's term or when the member:
- (i) submits written notice of resignation to the Chair;
  - (ii) dies; or
  - (iii) is removed by Council.
- (h) Council may, by bylaw, delegate recruitment and selection of Agency members to stakeholder or other outside groups associated with an interest in the activities of that Agency.

#### **10. Councillor Appointments - Additional Guidelines**

- (a) Following each General Municipal Election, and upon the swearing-in of Council, the appointment of Councillors to Agencies will be deemed to be vacant and the new Council will determine appointments.
- (b) Councillors should not be appointed to an Agency if there is a potential for conflict of interest between the Agency's and Council's policies or strategic direction.
- (c) Councillors are appointed to serve as representatives of and spokespersons for, Council and to represent Council's interests in all cases, except when serving on a board of directors. Councillors appointed to a corporate or External Agency board must be cognizant of their fiduciary responsibility to that organization.
- (d) Upon leaving office, Councillors may not be appointed to a council committee until at least two years have passed.
- (e) If a Councillor and a member of City Administration are members of the same City Agency, the member of City Administration will not be a voting member.
- (f) The role of a Councillor advisor is to provide a consistent connection to Council advisory committees from Council so that the committees know who to contact when they have questions around reporting to Council and interpreting Council directions. Serving as an advisor does not delegate authority to an advisor to direct the work of a committee. As with other appointments, a Councillor advisor will be the go-to person when other Councillors have questions about an advisory committee.

#### **11. Advisory Committees Membership - Additional Guidelines**

- (a) Advisory Committees may approve short term leave of absence requests from members.

## **12. Quasi Judicial Appointments - Additional Guidelines**

- (a) Recommendations for the appointment or re-appointment of quasi-judicial board chairs, where the chair is appointed directly by Council, will be made according to the following procedure:
  - (i) before the end of the chair's term, the chair will be asked whether they will seek reappointment, and an expression of interest for appointment as chair will be sought from the members of the agency;
  - (ii) where the chair has expressed an interest in reappointment, the members of the agency will be surveyed with regard to the chair's performance, on the basis of the chair position description; and
  - (iii) the Standing Committee will be provided with the results of (i) and (ii), and may consult with Administration.

## **13. Externally-Nominated Appointments - Additional Guidelines**

- (a) Nominating organizations will not be required to submit a written report regarding qualifications. However, they will provide sufficient information about appointees to afford Council with an understanding of the individual it is being asked to appoint.

## **14. External Agency Appointments**

- (a) Individuals appointed to External Agencies are responsible to the organization to which they are appointed.
- (b) Individuals appointed to External Agencies will abide by the confidentiality, procedural and reporting rules of the External Agency.
- (c) If Council wishes to advise an External Agency of the City's position, it will direct a Councillor appointee to convey Council's position to the agency, or direct the City Manager to prepare written correspondence to that effect.
- (d) Individuals appointed to External Agencies may only report to Council in accordance with the External Agency's rules.

## **15. Member Recruitment and Selection Process**

- (a) Unless Council expressly determines that an outside search consultant is required, Administration will perform all duties in relation to recruitment, preparation of selection materials, and appointment reports.
- (b) Recruitment processes with inclusive approaches to diversity will be used to attract applicants that will be broadly reflective of the residents and communities of Edmonton.
- (c) Members appointed to Advisory Committees must be residents of the City of Edmonton.
- (d) City employees are eligible for appointment to Advisory Committees [with due consideration given to potential conflicts of interest].

- (e) Short listing and appointment decisions or recommendations will be made by the Standing Committee with delegated authority to manage the selection of members.
- (f) The selection of new members will be based on the Standing Committee's consideration of application elements such as:
  - (i) position descriptions;
  - (ii) applicant information provided;
  - (iii) testing requirements;
  - (iv) background check requirements;
  - (v) rating and evaluation of candidates;
  - (vi) candidate interviews;
  - (vii) residency.
- (g) For decision-making City and External Agencies, the chair will, and for advisory committees, the chair may, review applications and attend the Standing Committee meeting at which shortlisting will be completed, in order to respond to any questions the Standing Committee may have.
- (h) Personal information or records collected during the recruitment and selection process will be used, stored, disclosed and destroyed in accordance with the *Freedom of Information and Protection of Privacy Act* and the applicable City records retention schedules.

#### **16. Quasi Judicial Member - Additional Selection Process**

- (a) Position descriptions for quasi-judicial boards will be approved by the Standing Committee.
- (b) Administration will sort applications received according to elements of the board member or chair profile; the board chair may be consulted in the sorting process.

#### **17. Outside Search Consultant - Additional Selection Process**

- (a) Recruitment criteria for vacancies requiring the use of an outside search consultant will be approved by Council or the applicable Standing Committee.
- (b) The chair of the Agency, if approved by Council or a Standing Committee, may also attend the applicant interviews in order to be available to respond to questions.

#### **18. Recognition**

- (a) Upon appointment, new members appointed to Agencies will be sent a congratulatory letter.
- (b) Upon retirement, the member will receive a thank you letter for the service provided.
- (c) All other appropriate recognition will be handled at the Agency level and the City Manager will include funds for recognition in the budget for City Agencies.



## SCHEDULE 1 - AGENCY CLASSIFICATIONS

### CITY AGENCIES - CREATED UNDER THE MUNICIPAL GOVERNMENT ACT

Classification	Description	General Appointment Principles
Advisory	<ul style="list-style-type: none"> <li>• Advisory Committees provide public or expert input and advice to Council on issues relevant to council's priorities as defined in the Agency's mandate</li> </ul> <p>Example: Edmonton Historical Board</p>	<ul style="list-style-type: none"> <li>• Members will be appointed on the basis of their interest in the subject matter and their ability to contribute to fulfilling the Agency's mandate</li> <li>• Will often include experts or individuals who can present a unique stakeholder perspective</li> <li>• As Advisory Agencies' role is to give advice from the public to Council, Councillors and Administration should not be appointed</li> </ul>
Ad Hoc Committees and Task Forces	<ul style="list-style-type: none"> <li>• Created to provide focussed expeditious policy recommendations to Council or as a pre-cursor to the establishment or a more formal Agency or to carry out a specific task</li> <li>• Works within set timelines</li> </ul> <p>Example: Independent Council Compensation Committee</p>	<ul style="list-style-type: none"> <li>• Members will normally include experts or individuals with identified expertise and involvement in the policy matter being addressed</li> <li>• Councillors may be appointed to act as a Council liaison for the Agency if public members are appointed to it for the purpose of bringing a public or expert perspective to the issue</li> <li>• Councillors may be appointed if the purpose of the Agency is to perform an in- depth review of a larger policy issue being addressed by Council and the only members are Councillors</li> <li>• Administration should not be appointed, as it will present its recommendations to Council through the ordinary Council reporting process</li> </ul>

<p>Business Improvement Areas</p>	<ul style="list-style-type: none"> <li>• Agencies which oversee business-driven promotion and revitalization of a defined geographic area</li> </ul> <p>Example: Downtown Business Association</p>	<ul style="list-style-type: none"> <li>• As these Agencies are created for the benefit of defined geographic areas of the City for objectives stated under the Act, and are corporations, Councillors and Administration will not be appointed</li> <li>• Agencies will make appointment recommendations to Council</li> </ul>
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Classification	Description	General Appointment Principles
<p>Decision-Making</p>	<ul style="list-style-type: none"> <li>• Make policy decisions on issues identified in their mandate through authority delegated to them by Council</li> <li>• These Agencies may be used where Council wishes to have particular decisions made at arms-length from the political process or the Administration</li> </ul> <p>Example: Edmonton Combative Sports Commission</p>	<ul style="list-style-type: none"> <li>• Members will be appointed on the basis of their skills and experience in a decision making capacity</li> <li>• As the purpose of this type of Agency is to remove decisions from the political or administrative process, Councillors and Administration should not be appointed</li> </ul>
<p>Quasi-Judicial Boards</p>	<ul style="list-style-type: none"> <li>• Performs formal adjudicative functions</li> <li>• Hear and decide appeals as an impartial tribunal under legislation</li> <li>• Decision making is governed by the rules of administrative law including the duty of fairness and impartiality</li> <li>• Decisions or processes may be appealed to a higher jurisdiction</li> </ul> <p>Example: Assessment Review Boards</p>	<ul style="list-style-type: none"> <li>• Councillors should not be appointed to these Agencies to ensure that Councillors do not have a conflict between their duty to follow Council's perspective on the matter, and the duty to make impartial decisions</li> <li>• Administration will not be appointed to these Agencies to ensure that their duty to support City initiatives and perspectives as City employees are not in conflict with the duty of impartiality and fairness</li> <li>• Members will be selected from the public on the basis of their ability to devote sufficient time to Agency work, previous experience and skills in the area of adjudicative decision making processes, willingness to accept training and</li> </ul>

		<p>meaningfully participate in the Agency's decision making processes</p> <ul style="list-style-type: none"><li>• Only individuals without preconceived opinions, or a perception of bias that would limit their ability to make decisions with an open mind should be appointed to these Agencies</li></ul>
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## STATUTORY AGENCIES – CREATED UNDER OTHER ENACTMENTS

Classification	Description	General Appointment Principles
Agencies Council establishes under enactments other than the Municipal Government Act	<ul style="list-style-type: none"> <li>Agencies established as directed by an enactment to perform specified functions for the City</li> </ul> <p>Example: Edmonton Public Library Board</p>	<ul style="list-style-type: none"> <li>Councillors or Administration may be appointed with public members as directed by the governing legislation</li> <li>Administration and Councillors should not participate as equal voting members as this conflicts with the reporting process between Administration and Council</li> </ul>

## EXTERNAL AGENCIES

Classification	Description	General Appointment Principles
Advisor or Liaison	Appointments where the role of the appointee is mostly of a liaison nature to promote communication with the agency, or to demonstrate support for its efforts	<ul style="list-style-type: none"> <li>Councillors may be appointed if the Agency requires information about Council's policy direction</li> <li>Administration may be appointed if the Agency requires input of a more administrative or operational nature</li> <li>Public members will not be appointed</li> </ul>
Corporate Body	Any body not established by the City that has corporate existence or "natural person" powers	<ul style="list-style-type: none"> <li>Members serving on corporate boards owe a legal duty of loyalty and confidentiality to that corporation</li> <li>The best interest of the corporation may not coincide or align with Council's priorities or Administration's advice to Council</li> <li>Appointments are made in accordance with the corporation's appointment policies</li> <li>If appointments of Councillors or Administration are sought by the corporate body, the City should ensure that the appointment is solely for the purpose of acting as a liaison - not a full voting member – to avoid conflicts of interest</li> </ul>

		<ul style="list-style-type: none"> <li>• Unless required by legislation, public members will not be appointed</li> </ul>
Funding	<p>Recommends to Council allocation of funding to particular programs or activities; or, allocates funds received from a funding source other than City Council, without further direction from Council</p>	<ul style="list-style-type: none"> <li>• If these Agencies make recommendations to Council, Councillors should not be appointed</li> <li>• If these Agencies do not make recommendations to Council, Councillors may be appointed in a liaison position to express Council's policy preferences for expenditures</li> <li>• Administration may be appointed</li> <li>• Unless required by legislation, public members will not be appointed</li> </ul>
Intergovernmental	<p>Involves more than one municipality or level of government</p>	<ul style="list-style-type: none"> <li>• Councillors will generally be appointed to these bodies and will serve to express Council's perspective on the policy matters at issue</li> <li>• Administration will generally not participate except in an advisory capacity to the Councillors appointed to the Agency unless the purpose of the agency is operational in nature as opposed to a policy making committee</li> <li>• Unless required by legislation, public members will not be appointed</li> </ul>
Management	<p>Established to manage or advise in the operation of a facility or property</p>	<ul style="list-style-type: none"> <li>• Administration whose job functions pertain to the mandate may be appointed</li> <li>• Councillors should not be appointed to these Agencies because of their operational focus</li> <li>• Unless required by legislation, public members will not be appointed</li> </ul>

## SCHEDULE 2 - RE-APPOINTMENT FORM

### Summary of Evaluation for Members Eligible for Re-appointment

As far as possible, there should be agreement between the evaluator and member.

Agency	Year				
<b>Evaluation Criteria:</b> <b>"A" = acceptable performance</b> <b>"I" = improvement needed</b> <b>"U" = unacceptable performance</b>	<b>Member Eligible for Re-appointment</b>				
	<i>[Name]</i>	<i>[Name]</i>	<i>[Name]</i>	<i>[Name]</i>	<i>[Name]</i>
<ul style="list-style-type: none"> <li>attends regular and special board meetings and other events requiring board member attendance</li> </ul>					
<ul style="list-style-type: none"> <li>is on time and prepared for each meeting, through the review of background materials and researching issues as required</li> </ul>					
<ul style="list-style-type: none"> <li>follows through on tasks in an effective and timely manner, and willingly participates on sub-committees/task forces</li> </ul>					
<ul style="list-style-type: none"> <li>has experience and perspective that is of benefit to the Board, and possesses the qualifications needed to participate</li> </ul>					
<ul style="list-style-type: none"> <li>understands the Board's mandate, roles and responsibilities, and the legal and ethical responsibilities as a board member</li> </ul>					
<ul style="list-style-type: none"> <li>exhibits an open mind, makes decisions in an unbiased and fair manner, and avoids participation in issues in which may be perceived as conflict of interest</li> </ul>					
<ul style="list-style-type: none"> <li>actively participates in meetings by listening, discussing, and presenting complete information in a respectful, articulate and constructive manner</li> </ul>					
<ul style="list-style-type: none"> <li>is interested and willing to participate in development opportunities including workshops, information sessions, conferences, and taking on new roles</li> </ul>					
<ul style="list-style-type: none"> <li>respects confidentiality requirements and supports decisions of the Board</li> </ul>					
<ul style="list-style-type: none"> <li>demonstrates team player skills: self-control, professionalism, dependability, motivation, flexibility, and enthusiasm</li> </ul>					
<ul style="list-style-type: none"> <li><i>[insert other agency-specific criteria, if any]</i></li> </ul>					
Member recommended for re-appointment? (Y/N)					

