

Report to Strategic Priorities and Policy Committee

To: Chair and Members
Strategic Priorities and Policy Committee
From: Michael Schulthess, City Clerk
Subject: Updates to Appointment of Members to Committee, Civic Boards and Commissions Process
Meeting on: October 31, 2023

Recommendation

That, on the recommendation of the City Clerk, the following actions be taken:

- a) the attached proposed by-law (Appendix 'A') **BE INTRODUCED** at the Municipal Council meeting on November 7, 2023 to amend CPOL.-71-303 being "Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy" to repeal and replace Schedule "A", and;
- b) the attached proposed by-law (Appendix 'B') **BE INTRODUCED** at the Municipal Council meeting on November 7, 2023 to amend CPOL.-398-43 being "Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions" to repeal and replace Schedule "A".

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Corporate Services Committee – July 17, 2023 –Staff Report – Council Policy Manual Review 2023
- Strategic Priorities and Policy Committee – October 10, 2023 – GWG Deferred List

1.2 Background

Municipal Council, at its meeting held on October 17, 2023 resolved:

That the following actions be taken with respect to the 2023 Governance Working Group Deferred Matters List:

- a) the Civic Administration BE DIRECTED to bring forward to the Strategic Priorities and Policy Committee revisions to the Selection Process Policy for Appointing Members to Committee, Civic Boards and Commissions and the Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy to enact the following:
- i) the requirement to fully complete the selections for appointments of Council Members to standing committees during the selection voting process; and,
- ii) the requirement for members to fully complete the submission form(s) for consideration of appointments to standing committees.

2.0 Discussion and Considerations

2.1 Recommended Amendments

"Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy" is recommended to be amended as follows:

Section 4.2 "Appointment of Council Members at the Commencement of a New Council Term" and 4.3 "Appointment of Council Members to Council Standing Committees after Appointments at the Commencement of a Council Term" are amended by replacing the

reference to “document” with “submission form” on which each Council Member shall indicate their committee, board and commission preferences, in addition to the requirement that all members of council are expected to indicate a preference for each committee, board and commission listed on the submission form provided by the City Clerk.

“Selection Process Policy for Appointing Members to Committee, Civic Boards and Commissions” is recommended to be amended as follows:

Section 6.4.1 is amended by replacing the word “may” with “shall” vote for one (1) candidate to be recommended for appointment. Section 6.5.1 is amended by replacing the word “may” with “shall” vote for as many candidates for a position as there are positions to be filled, but shall only vote once for each candidate.

Conclusion

Civic Administration recommends that the attached proposed amendments to Council Policy CPOL.-71-303 (Appendix “A”) be amended to implement changes to the selection and appointment process for Members of Council to various civic boards, committees and commissions and Council Policy CPOL.-398-43 (Appendix “B”) be amended to implement changes to the vote process for appointing members to committee, civic boards and commissions.

Prepared by: Jeannie Raycroft, Manager, Elections, Strategic Integration and Policy

Recommended by: Michael Schulthess, City Clerk

Appendix 'A'

Bill No.
2023

By-law No. CPOL.-71()-___

A by-law to amend By-law No. CPOL.-71-303 being "Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy" to repeal and replace Schedule "A".

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-71-303 being "Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy" to implement changes to the process the appointment and selection of Council Members to various civic boards and commissions;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. CPOL.-71-303 being "Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy" is hereby amended by deleting Schedule "A" in its entirety and by replacing it with the attached new Schedule "A".
2. This by-law shall come into force and effect on the date it is passed subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on November 7, 2023 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 7, 2023
Second Reading – November 7, 2023
Third Reading – November 7, 2023

Schedule “A”



London
CANADA

Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy

Policy Name: Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy

Legislative History: Adopted August 22, 2017 (By-law No. CPOL.-71-303); Amended July 24, 2018 (By-law No. CPOL.-71(a)-409); Amended August 10, 2021 (By-law No. CPOL.-71(b)-244)

Last Review Date:

Service Area Lead: City Clerk

1. Policy Statement

1.1 This policy clarifies how Council Members are to be appointed to Standing Committees of Council and various Civic Boards and Commissions.

2. Definitions

2.1 **Council Year** – shall mean a one-year period commencing December 1 through November 31.

2.2 **Council Term** – shall mean a four-year period commencing November 15 through November 14.

3. Applicability

3.1 This policy shall apply to all City of London Council Members.

4. The Policy

4.1 General

Council Members shall be appointed to Standing Committees of Council each Council Year, with the exception of the Strategic Priorities and Policy Committee which shall serve for the Council Term.

Council Members shall make every effort to serve on different Standing Committees throughout the Council Term, with the exception that the Council Procedure By-law provides for the Mayor to be, ex officio, a member of all Standing Committees of the Council, except for the Strategic Priorities and Policy Committee where the Mayor shall serve as Chair; and

Council Members shall be appointed to the Audit Committee, civic boards and commissions each Council Term, to serve for the Council Term, unless the term of office is otherwise specified by legislation.

The Strategic Priorities and Policy Committee shall nominate the appointment of Council Members to Standing Committees of Council, Audit Committee and various civic boards and commissions to the Municipal Council.

4.2 Appointment of Council Members at the Commencement of a New Council Term

The City Clerk, or designate, shall convene a meeting of the Strategic Priorities and Policy Committee, as soon as possible after the Inaugural Council meeting, with respect to the appointment of Council Members to the Standing Committees of Council, Audit Committee and various civic boards and commissions. In advance of the above-noted Strategic Priorities and Policy Committee meeting, the City Clerk, or designate, shall

provide incoming Council Members with a communication describing the mandate of each of the Standing Committees, Audit Committee, boards and commissions to which Council Members are to be appointed and with a submission form on which each Council Member shall indicate their committee, board and commission preferences. All members of council are expected to indicate a preference for each committee, board and commission listed on the submission form provided by the City Clerk.

The latter document shall be returned to the City Clerk, or designate, by a specified date, in order to form part of the agenda for the Strategic Priorities and Policy Committee meeting. Appointments to the Standing Committees, Audit Committee and various civic boards and commissions shall be in keeping with the process approved by the Municipal Council.

4.3 Appointment of Council Members to Council Standing Committees after Appointments at the Commencement of a Council Term

The City Clerk, or designate, shall convene a meeting of the Strategic Priorities and Policy Committee in sufficient time for a nomination to be brought forward to the Municipal Council for consideration prior to the commencement of a new Council Year, with respect to the appointment of Council Members to Standing Committees of Council for the upcoming Council Year. The City Clerk, or designate, shall provide the Council Members with a submission form on which each Council Member shall indicate their Standing Committee preference. The latter document shall be returned to the City Clerk, or designate, by a specified date, in order to form part of the agenda for the Strategic Priorities and Policy Committee meeting. All members of council are expected to indicate a preference for each committee listed on the submission form provided by the City Clerk.

Appointments to the Standing Committee shall be in keeping with the process approved by the Municipal Council.

In the event a Council Member is no longer able to hold office on the Municipal Council and another individual is elected in their place during a Council Year, the new Council Member shall assume the membership on the Standing Committee previously held by the Council Member which they are replacing.

4.4 Appointment of Council Members to the Audit Committee and Civic Boards and Commissions after Appointments at the Commencement of a Council Term

In the event a Council Member vacancy on the Audit Committee or a civic board or commission becomes available during a Council Term, after appointments have been made at the commencement of the Council Term, the City Clerk, or designate, shall canvass the Council Members to determine which Council Members would be interested in filling the vacancy. The names of the Council Members who have expressed an interest in filling the vacancy shall be placed on an agenda of the Strategic Priorities and Policy Committee, at the earliest opportunity, and the selection of the Council Member to fill the vacancy shall be made based upon the same process approved by the Municipal Council for the filling of vacancies at the beginning of a Council Term.

Appendix 'B'

Bill No.
2023

By-law No. CPOL.-398()- ____

A by-law to amend By-law No. CPOL.-398-43 being "Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions" to repeal and replace Schedule "A".

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-398-43 being "Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions" to reflect changes to the vote process for selection and appointment;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. CPOL.-398-43 being "Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions" is hereby amended by deleting Schedule "A" in its entirety and by replacing it with the attached new Schedule "A".

2. This by-law shall come into force and effect on the date it is passed . subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on November 7, 2023 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 7, 2023
Second Reading – November 7, 2023
Third Reading – November 7, 2023

Schedule “A”



London
CANADA

Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions

Policy Name: Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions

Legislative History: Enacted January 28, 2020 (By-law CPOL.-398-43)

Last Review Date:

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 The City of London is committed to ensuring the appointment of qualified candidates to boards, commissions and committees in a manner that is open, transparent, and equitable. This policy outlines the selection process by which candidates to fill a position on a board, commission or committee are selected for recommendation.

2. Definitions

For the purposes of this policy:

- 2.1 **Absolute Majority** – shall mean fifty percent plus one (50% +1) of the available votes.
- 2.2 **Clerk** – shall mean the City Clerk of the City of London, or designate.
- 2.3 **Committee** – shall mean the Standing Committee responsible for recommending appointments for consideration by the Municipal Council or, in applicable circumstances, the Municipal Council.
- 2.4 **Qualified Candidate** – shall mean an individual who has expressed an interest in filling a vacant position on a board, commission or committee and meets the relevant membership requirements.
- 2.5 **Qualified Voter** – shall mean a member of the Committee or, in applicable circumstances, Municipal Council, qualified to make the appointment recommendation(s) to the Municipal Council.

3. Applicability

- 3.1 The policy shall apply to Committee members.

4. General

- 4.1 The names of candidates who have expressed an interest in filling a vacancy or a position to which the Municipal Council appoints members shall be placed on an agenda for consideration and a selection process to recommend a candidate to fill the position(s) shall be conducted in accordance with this policy.

5. Appointments

- 5.1 Appointments for boards, commissions and all committees to which Council appoints members shall be recommended for consideration in accordance with the Council Procedure By-law and the relevant terms of reference, policy or by-law for that board, commission or committee.
- 5.2 Advisory Committee appointments occurring mid-term shall be recommended for consideration in accordance with the Council Policy “General Policy for Advisory Committees”.

- 5.3 Prior to making a recommendation for appointment to Municipal Council, Committee may utilize the selection process detailed in this policy to short-list applicants for further consideration via a formal interview process.

6. Selection Process

- 6.1 Qualified candidates will be placed on a Committee Agenda as a slate for consideration by the Committee.

6.1.1 In accordance with the Council Procedure By-law, in the year of a municipal election, the Striking Committee shall meet to make recommendations for initial Qualified Candidate appointments to boards, commissions and advisory committees and shall submit its recommendations to the new Municipal Council through the Strategic Priorities and Policy Committee.

- 6.2 The Committee may, by consensus, accept a slate for the recommendation of Qualified Candidate(s) to fill the position(s).

Every effort shall be made to achieve consensus amongst Committee Members on recommended appointments. The Clerk shall assist in the process by displaying a slate of potential appointees to each vacancy, and by amending that slate as consensus is achieved.

In the event consensus is achieved, the Chair shall immediately call for a motion to recommend the appointment for the candidates' for which consensus was reached.

- 6.3 Where the number of candidates recommended for appointment exceeds the number of positions available, all potential appointees' names for whom consensus has not been reached shall be listed in alphabetical order on a ballot and a selection process shall be conducted in accordance with the procedure outlined in this policy.

6.4 Voting - one (1) position to be filled

Where there is one (1) position to be filled and the number of candidates recommended for appointment exceeds one (1), the following procedure shall be followed, for as many voting rounds as necessary:

6.4.1 Each Qualified Voter on the Committee shall vote for one (1) candidate to be recommended for appointment. All votes will be tabulated electronically by the Clerk.

6.4.2 The candidate that receives an Absolute Majority of the available votes shall be recommended for appointment.

6.4.3 If after the first round of counting, one candidate does not receive an Absolute Majority of available votes, the candidate(s) who received the least amount of votes and those with zero votes are removed from the slate and the vote is held again until one candidate to be recommended for appointment receives an Absolute Majority of the available votes.

6.5 Voting – more than one (1) position to be filled

Where the number of positions to be filled is greater than one (1) and the number of candidates recommended for appointment exceeds the number of positions available, the following procedure shall be followed, for as many voting rounds as necessary:

6.5.1 Each Qualified Voter on the Committee shall vote for as many candidates for a position as there are positions to be filled, but may only vote once for each candidate. All votes will be tabulated electronically by the Clerk.

6.5.2 All candidates run against each other in a race for the required number of positions to be filled.

6.5.3 After the first round of counting, candidates with the least amount of votes and those with zero votes will be removed from the slate, and the vote is held again for all positions until the number of candidates left on the ballot

equals the number of positions to be filled.

6.5.4 After all voting rounds have completed, the candidates that remain shall be recommended for appointment, up to the required number of positions to be filled.

6.6 Resolution of tie – recommended candidate

In the event of a tie between two or more candidates who receive the same number of votes and cannot both or all be appointed to the position(s), the following procedure shall be followed with any modifications the Committee deems necessary:

6.6.1 A run-off vote between the tied candidates shall be conducted and tabulated electronically. The candidate(s) that receive(s) the most votes in the run-off shall be recommended for appointment.

6.6.2 In the event of a tie between the same two or more candidates in a run-off vote, the tie will be resolved by lot as follows and the candidate chosen by lot shall be declared eligible for recommendation:

a) The Clerk shall, in full view of the Committee, write the name of each tied candidate on a similar size paper, fold the papers with each candidate's name in two (2) equal parts and deposit these papers, in full view of all persons present, in an open-end box.

b) The Clerk shall ensure that the contents have been displaced sufficiently, and proceed to draw name(s) for the purpose of determining the candidate(s) who shall be recommended for appointment.

6.7 If it becomes apparent by reason of an equality of votes that no candidate can obtain sufficient votes to be recommended for appointment by the Committee, the Committee may repeat the selection process detailed in this policy with any necessary modifications in order to make a recommendation for appointment.

6.8 If it becomes impractical to tabulate the votes electronically, the selection process may be conducted and recorded manually in accordance with this Policy. The manual process shall follow the procedures outlined in sections 6.4 to 6.8 of this Policy, to the extent possible.

6.9 Once the number of candidates recommended for appointment equals the number of vacancies to be filled, the Chair shall immediately call for a motion to recommend the selected candidates for appointment.

6.10 The Clerk shall record the result and shall record how each Committee member voted in the selection process, and shall form a part of the public record.