

Nominating Committee

Agenda

Tuesday, August 13, 2019

1:00 p.m.

**Council Chambers
City Hall
320 Esplanade
Sydney, N.S.**

Committee Members:

**Mayor Cecil P. Clarke, Chair
Councillor Clarence Prince
Councillor Steve Gillespie
Councillor Eldon MacDonald
Councillor Ray Paruch
Councillor Amanda McDougall**

Cape Breton Regional Municipality

Nominating Committee

Tuesday, August 13, 2019

1:00 p.m.

AGENDA ITEMS

Roll Call

1. Approval of Minutes: (Previously Distributed)

➤ March 12, 2019

2. APPROVAL OF AGENDA: (Motion Required)

3. Report on Call for Expressions of Interest – Citizen Vacancies on Audit Committee and Board of Police Commissioners: Deborah Campbell Ryan, Municipal Clerk (See page 3)

Background information:

- a) Copy of Newspaper Advertisement (See page 5)
- b) Terms of Reference for each Committee:
 - i) Audit Committee (See page 6)
 - ii) Board of Police Commissioners (See page 7)
- c) Current Listing of Citizen Appointments (See page 12)

Note: Matrix of applicants for each Committee will be distributed separately to the Nominating Committee members.

Adjournment

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Mayor Cecil P. Clarke & the Nominating Committee
From: Deborah Campbell Ryan, Municipal Clerk
Date: August 6, 2019
Subject: Report on Call for Expressions of Interest
– Citizen Vacancies on Audit Committee and Board of Police Commissioners

As directed by Council, the Clerk's Department issued a call for expressions of interest for the citizen vacancies on the Audit Committee and Board of Police Commissioners, both of which require one citizen each. The notice appeared in the Cape Breton Post on Saturday, July 20, 2019. Notice was also placed on the CBRM website, Facebook, Twitter, LinkedIn and Charity Village. The deadline for submissions was August 2, 2019.

In response, we received a total of **seven** (7) applications, with one candidate applying for both Committees, the breakdown of which is as follows:

- i) Audit Committee: **two** (2) submissions
- ii) Board of Police Commissioners: **six** (6) submissions

A matrix outlining the background information for each applicant is attached separately.

Recommendations:

- a) Audit Committee: **two** (2) submissions received, but only one citizen is required for a two-year term commencing September 2019.

It is recommended that the Nominating Committee review the submissions in terms of suitability based on the attached Terms of Reference for the Audit Committee and forward their recommendation to Council.

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Recommendations (cont'd)

- b) Board of Police Commissioners: **six (6)** submissions received, but only one citizen from Central Division is required for the balance of a two-year term (to September 2020).

It is recommended that the Nominating Committee review the submissions in terms of suitability based on the attached Terms of Reference for the Board of Police Commissioners and forward their recommendation to Council.

Yours truly,

Original signed by:

Deborah Campbell Ryan
Municipal Clerk

Attachments

CBRM Badge

Cape Breton Regional Municipality
“A Community of Communities”

Citizen Representation on Committees
Call for Expressions of Interest

The Council of the Cape Breton Regional Municipality requires, from time to time, the services of citizens who would be willing to serve as volunteer members on various Committees of Council, or exterior Committees to which CBRM appoints Citizens.

Currently there are vacancies on the following Committees:

- **CBRM Audit Committee** (*two year term commencing September 2019*)
- **Board of Police Commissioners** (*Central Division representative – balance of term to September 2020*)

* **Please Note:** The Terms of Reference/Roles for these Committees can be found on the CBRM website: <http://cbrm.ns.ca/clerks-department.html>

Residents of the Cape Breton Regional Municipality who are interested in serving on these Committees should forward a letter of application, together with a Resume, noting qualifications and experience in their related field, by **4:30 p.m.** on **Friday, August 2, 2019** to:

Deborah Campbell Ryan
Municipal Clerk
Cape Breton Regional Municipality
320 Esplanade, Suite 405
Sydney, NS B1P 7B9

Or via Fax: 902-564-0481 or email: ClerksOffice@cbrm.ns.ca

Signed: Deborah Campbell Ryan
Municipal Clerk
July 20, 2019

Cape Breton Post
Sydney Section (Size B3 or C3 – to accommodate text)
Saturday, July 20, 2019

REQUIREMENTS AND CRITERIA FOR CITIZEN APPOINTEES TO THE AUDIT COMMITTEE

- Satisfactory police check (paid for by the Municipality)
- Be independent as defined in the Audit Committee Policy
- Be a resident of the Cape Breton Regional Municipality
- Be financially literate (the ability to read and understand basic financial statements)
- Have an aptitude for complex organizational effectiveness and governance
- Have a general understanding of the Municipality's major economic, operating, and financial risks
- Have a broad awareness of the interrelationship of the Municipality's operations and its financial reporting
- Have an understanding of the difference between the oversight function of the Committee and the decision-making function of management
- Be willing to challenge management when necessary
- Preferably a member of a professional accounting association.

Excerpt from NS Police Act Regulations

Municipal Boards of Police Commissioners

Board member selection process

76 The selection process used by a council in appointing a board member to a vacancy on the board, except a board member appointed by the Minister under clause 44(3)(c) of the Act, must include all of the following:

- (a) the board vacancy must be advertised and applications must be solicited for the vacancy;
- (b) each application must be reviewed by a panel established by the council.

Board member qualifications

77 (1) To be a candidate for appointment as a board member under Section 76, a person must demonstrate all of the following qualifications to the satisfaction of the council:

- (a) residence in the municipality served by the board;
 - (b) knowledge of community issues;
 - (c) a good character;
 - (d) the skills and abilities to make the commitment of time and effort required to carry out board responsibilities.
- (2)** To be a candidate for appointment as a board member under Section 76, a person must consent to criminal and background checks.
- (3)** A person must not be appointed as a board member if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the council, would reasonably be expected to have a negative impact on their acting as a board member or on the board generally.

Role of board chair

78 The role of a chair of a board includes the following responsibilities:

- (a) to preside over the board and to manage, organize, set agendas for and attend meetings, ensuring that all policies developed by the board are appropriately implemented;

- (b) to develop an operations and policy manual that will assist in the orientation of new appointees and direct acting board members regarding their roles and responsibilities;
- (c) to ensure that board members are informed of matters within the board's jurisdiction;
- (d) to act as the sole spokesperson for the board;
- (e) in conjunction with board members and in consultation with the Chief Administration Officer of the municipality, to evaluate the performance of the chief officer on a yearly basis.

Code of conduct for board members

79 (1) A board member must do all of the following:

- (a) uphold the letter and spirit of the code of conduct set out in this Section and discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board;
- (b) unless they have a reasonable excuse, attend every board meeting;
- (c) not interfere with the police department's operational decisions and responsibilities or with the day-to-day operation of the police department, including the recruitment and promotion of officers;
- (d) keep confidential any information disclosed or discussed at a board meeting;
- (e) not claim to speak on behalf of the board unless authorized by the chair of the board to do so;
- (f) discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law;
- (g) discharge their duties in a manner that respects the dignity of individuals and is in accordance with the *Human Rights Act* and the [*Canadian*] *Charter of Rights and Freedoms (Canada)*;
- (h) not use their position inappropriately to advance their interests or the interests of any person or organization with whom or with which they are associated;

- (i) immediately resign from the board if applying for employment with a police department, including employment on contract or on fee for service;
 - (j) refrain from engaging in professional or personal conduct that could discredit or compromise the integrity of the board or the police department;
 - (k) if their conduct or performance is the subject of investigation or inquiry, temporarily withdraw from all board activities and duties as a member of the board until the completion of the investigation or inquiry.
- (2) If the chair or the majority of the board determines that a board member has breached the code of conduct for board members, the board must record that determination in its minutes.
- (3) On determining that a board member has breached the code of conduct for board members, the board may take one or more of the following actions:
- (a) issue a reprimand to the board member;
 - (b) order a period of suspension for the board member;
 - (c) recommend to the Minister or the council that the board member be dismissed under subsection 44(7) of the Act.

Municipal Police Boards

Authority of Boards of Police Commissioners under the Nova Scotia Police Act

Authority of the Police Board Chair

On behalf of the board, the board chair or the chair's delegate may give advice or direction, in writing, to the chief officer on any matter within the jurisdiction of the board under this Act, but not to other members of the police department and, for greater certainty, no other member of the board shall give advice or direction to a member of the police department.

Sec. 52

Training for Police Boards

The members of a board shall undergo any training that may be provided for members of the board or required by the Minister or by the regulations.

Sec. 54

Setting the Police Department's Annual Budget

The board shall annually cause the chief officer to prepare a budget for the police department.

Sec. 53 (1)

The board shall ensure that the budget prepared pursuant to subsection (1) is consistent with those matters referred to in subsection 55(3).

Sec. 53 (2)

The budget prepared pursuant to this Section shall be submitted to council by the board for approval.

Sec. 53 (3)

Functions

Function of the Police Board

The function of a board is to provide

- a. civilian governance on behalf of the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality; and
- b. the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department,

but the board shall **not exercise jurisdiction** relating to

- c. complaints, discipline or personnel conduct except in respect of the chief officer of the municipal police department;
- d. a specific prosecution or investigation; or
- e. the actual day-to-day direction of the police department.

Sec. 55 (1)

With the approval of the Minister, the council, by by-law, may prescribe

- a. the additional or more specific roles and responsibilities of a board; and
- b. the rules and regulations governing proceedings of a board, and the board has sole jurisdiction over the matters so delegated to it.

Sec. 55 (2)

Specific Functions of the Police Board

Without limiting the generality of subsection (1), a board shall

- a. determine, in consultation with the chief officer, priorities, objectives and goals respecting police services in the community;
- b. ensure the chief officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;
- c. ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;
- d. ensure that police services are delivered in a manner consistent with community values, needs and expectations;
- e. act as a conduit between the community and the police service providers;
- f. recommend policies, administrative and organizational direction for the effective management of the police department;
- g. review with the chief officer information provided by the chief officer respecting complaints and internal discipline;
- h. ensure a strategic plan and business plan is in place; and
- i. ensure the department is managed by the chief officer according to best practices and operates effectively and efficiently.

Sec. 55 (3)

Responsibilities

Staff Composition of a Municipal Police Department

A municipal police department shall consist of a chief officer and such other members, special constables, by-law enforcement officers and civilian employees as the council, after consultation with the board, may from time to time determine.

Sec. 37 (1)

Staffing Matters

Members, special constables, by-law enforcement officers and civilian employees of a municipal police department, other than the chief officer, shall be appointed, promoted, suspended, dismissed or reinstated by the board on the recommendation of the chief officer or by the chief officer in accordance with a by-law made by the municipality for that purpose.

Sec. 37 (4)

Policy Regarding Police Extra Duty and Off Duty Employment

Every board shall establish a written policy respecting **extra-duty employment** by members of its police department and the policy shall

- a. define extra-duty employment;
- b. provide that requests for a member of the police department to be employed on extra duty be made to the chief officer;
- c. require that a member of the police department engaged in extra-duty employment be in uniform except where the chief officer determines that plain clothes are required;

- and
- d. require that at all times while on extra duty the member of the police department is under the orders of the police department and no one else.

Sec. 56 (1)

Every board shall establish a written policy respecting **off-duty employment** by members of its police department and the policy shall

- a. define off-duty employment;
- b. set policy guidelines regarding permitted and prohibited off- duty employment;
- c. prohibit a member of the police department from engaging in the business of serving civil process documents or in the private investigator or private guard business; and
- d. prohibit a member of the police department from being in uniform while engaged in off- duty employment.

Sec. 56 (2)

The chief officer shall determine whether employment is extra-duty employment or off-duty employment and whether a particular kind of off-duty employment is permitted or prohibited within the off-duty police policy.

Sec. 56 (3)

Upon Receiving a Complaint Related to the Chief of Police

A complaint respecting the conduct or performance of duty of a member of a municipal police department who is the chief officer shall be referred to the board.

Sec. 73 (1)

The board shall investigate the complaint and attempt to resolve the complaint.

Sec. 73 (2)

The board may designate a person to investigate the complaint and report to the board.

Sec. 73 (3)

A person conducting an investigation pursuant to this Section is a special constable and has all the powers and immunities of a peace officer during the investigation and any hearing related to the matter under investigation.

Sec. 73 (4)

Where the complaint is not satisfactorily resolved by the board and where the person making the complaint or the chief officer has requested a review of that decision by the Review Board, the complaint shall be referred to the Complaints Commissioner in accordance with the regulations.

Sec. 73 (5)

The board shall report all complaints concerning a chief officer to the Complaints Commissioner at the time and in the manner prescribed by the regulations.

Sec. 73 (6)



For more information call
902-424-4030

2018 to 2020 Internal and External Committee – Council Appointments

Internal Committees: *Council Appointments Approved by Council – November 5, 2018*

Nominating Committee

(Mayor + 5 = 6 Members)

Mayor Cecil P. Clarke
Councillor Clarence Prince
Councillor Steve Gillespie
Councillor Eldon MacDonald
Councillor Ray Paruch
Councillor Amanda McDougall

Police Commission

(3 Members + 4 Citizens)

Councillor Jim MacLeod, Chair
Councillor Steve Gillespie
Councillor George MacDonald
Citizen Lloyd Bailey
Citizen Dale Deering-Bert, Vice-Chair

Citizen Vacancy

Citizen Joseph Gillis *Appointed Sept. 28, 2019****

Fire & Emergency Services Committee

(Deputy Mayor + 4 = 5 Members)

Deputy Mayor Ivan Doncaster
Councillor Eldon MacDonald
Councillor Amanda McDougall
Councillor Darren Bruckschwaiger
Councillor Kendra Coombes

Audit Committee

(Deputy Mayor + 4 Members + 2 Citizens = 7 Members)

Deputy Mayor Ivan Doncaster
Councillor Clarence Prince
Councillor Ray Paruch
Councillor Darren Bruckschwaiger
Councillor Kendra Coombes
Citizen Ian MacLean *Appointed May 29, 2018**
Citizen Vacancy

Fences Arbitration: *Appointed June 18, 2019<*

(1 Member + 1 Alternate)

Deputy Mayor Ivan Doncaster, Chair
Councillor Steve Gillespie, Alternate

Heritage Advisory Committee

(2 Members minimum + max. 7 Citizens)

Councillor Eldon MacDonald, Chair
Councillor Clarence Prince
Citizen Thomas Ashford *Appointed April 2, 2019**
Citizen Eric Keys MacDonald *Appointed April 2, 2019**
Citizen Spyro Trifos *Appointed April 2, 2019**

Diversity Committee: *Appointed May 29, 2018**

Citizen Hind Eloukkal, New Comer Community
Citizen Andrea Hawley, African Nova Scotia Community
Citizen Keith Anderson, Mental Health Community
Citizen Jennifer Jesty, First Nation Community
Citizen Ann McPhee, Women's Group
Citizen Eli Quirk, Gay, Lesbian & Transgendered Community
Citizen Shannon Long, Community Member at Large
Citizen Stephanie McCormick, Community Member at Large
Citizen Don Vickers, Community Member at Large
Citizen Raymond Young, Disability Community
Citizen Victor Tomiczek Jr., CBU
Vacancy – Cape Breton-Victoria Regional School Board

Viability Study Steering Committee

Councillor Darren Bruckschwaiger, Chair
Councillor Earlene MacMullin
Councillor Eldon MacDonald
Councillor Ray Paruch
Councillor George MacDonald
Citizen Carmen Dunn
Citizen James Kerr
Marie Walsh - CBRM
Jennifer Campbell - CBRM
John MacKinnon - CBRM, Vice Chair
Ron Dauphinee - Municipal Affairs
Kathy Cox-Brown - Municipal Affairs

Charter Ad Hoc

(quorum 5 – open to all members of Council)
Councillor Kendra Coombes, Chair
Councillor Earlene MacMullin
Councillor Eldon MacDonald
Councillor Ray Paruch
Councillor Amanda McDougall, Vice-Chair

REN Liaison & Oversight Committee

Councillor Earlene MacMullin, Chair
Councillor Darren Bruckschwaiger, Vice Chair
Jennifer Campbell, CBRM
John Phalen, CBRM
Ron Dauphinee, Municipal Affairs
Emily Pond, Municipal Affairs

Pension Committee

(2 Members)
Councillor Clarence Prince
Councillor Jim MacLeod

Continued...

2018 to 2020 Internal and External Committee – Council Appointments

External Committees: <i>Approved by Council – November 5, 2018 & April 2, 2019</i>	
<p>Nova Scotia Solid Waste Resource Management Regional Chairs Committee (1 Member) Councillor Amanda McDougall</p> <hr/> <p>Pitu’paq (1 Member) Councillor Esmond Marshall</p> <hr/> <p>Library Board (3 Members + 2 Citizens) Councilor Steve Gillespie Councillor Amanda McDougall Councillor Kendra Coombes Citizen Ronald MacDonald <i>Appointed April 2, 2019*</i> Citizen Douglas MacLennan <i>Appointed April 2, 2019*</i></p>	<p>Port of Sydney Development Corporation Board of Directors</p> <p>Business & Commerce Owen Fitzgerald+ <i>Appointed April 2, 2019</i> Jerry Gillis× <i>Appointed March 29, 2017</i> Al Pendergast <i>Appointed May 29, 2018</i></p> <p>Professional Engineering Designation M. Lucia MacIsaac× <i>Appointed March 29, 2017</i></p> <p>Marketing Expertise Glen Murrant~ <i>Appointed June 26, 2018</i></p> <p>Professional Accounting Designation John Anderson× <i>Appointed March 29, 2017</i></p> <p>Licensed to Practice Law in Nova Scotia John G. Khattar× <i>Appointed March 29, 2017</i></p>
<p>Legend ~ One (1) Year Term * Two (2) Year Term ** Balance of a two (2) Year Term *** Provincial Appointment - Three Year Term × Extension of one additional term by Council March 7, 2018 + Three Year Term < Not longer than a Four (4) Year Term</p>	

