THE REGIONAL MUNICIPALITY OF NIAGARA
CHIEF ADMINISTRATIVE OFFICER RECRUITMENT COMMITTEE
AGENDA

CAORC 1-2021

Tuesday, January 12, 2021

3:30 p.m.

Meeting will be held by electronic participation only

Due to efforts to contain the spread of COVID-19 and to protect all individuals, there is no public access to Niagara Region Headquarters. If you are interested in viewing this meeting or would like to speak to an item listed on the agenda please contact the Office of the Regional Clerk at clerk@niagararegion.ca at least 24 hours in advance of the meeting.

Pages

1. CALL TO ORDER

2. DISCLOSURES OF PECUNIARY INTEREST

3. PRESENTATIONS

4. DELEGATIONS

   None.

5. ITEMS FOR CONSIDERATION

   None.

6. CONSENT ITEMS FOR INFORMATION

   6.1. CAORC-C 1-2021 — 3 - 18

   CAO Recruitment Committee Orientation Documents

7. OTHER BUSINESS

   7.1. Next Steps

   Franco Meffe, Director, Human Resources

8. NEXT MEETING

The next meeting will be held on Tuesday, January 26, 2021 at 3:30 p.m.

9. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

Policy Category	*Name of Policy*
Human Resources	*Chief Administrative Officer – Recruitment, Selection, Offer of Employment, and Performance Management*

Policy Owner	Corporate Administration, Human Resources, Director Human Resources
Approval Body	Regional Council
Approval Date	February 20, 2020
Effective Date	February 25, 2020
Review by Date	February 2022

1. Policy

Regional Council is committed to engaging in good governance through approved policy and procedures for both the recruitment (attraction, selection and offer of employment) and performance management (performance appraisal, objective setting and development plan) for the position of Chief Administrative Officer (CAO).

2. Purpose

The CAO is the senior appointed official of the Regional Municipality and provides leadership in all operational areas, policy, government affairs, business/service delivery, and implementation of Council's strategic priorities. Ensuring the CAO is qualified for the role; that the terms and conditions of their employment are appropriate; that their annual performance is properly aligned to key priorities; and that the incumbent is functioning at an appropriate level, is a key accountability of Council.

3. Scope

This policy applies to the role of the CAO, Council, and key designated external vendors and staff roles accountable for execution of the policy.

There are to be no acts of favouritism or discrimination in the CAO recruitment process. Members of Council, staff, external vendors, and anyone else approved to be part of the recruitment process shall not attempt to influence the hiring of any applicant in a manner that is inconsistent with this policy. This includes that no one shall engage in any behaviour that provides an unfair advantage to a candidate during the CAO recruitment process to assist any candidates by providing inside information, such as but not necessarily limited to, interview questions and suggested answers, presentation materials, information about other candidates, or any information gathered in meetings, conversations, email or any other form of communication or discussion.

3.1. Roles and Responsibilities

3.1.1. CAO New Hire Recruitment, Selection and Offer of Employment

- Regional Chair: Serves as Chair of the Recruitment Committee and oversees performance management process; ensures the requirements of C-HR-026 Policy is fulfilled. Includes establishing Council approved Recruitment Committee membership, working with any external Executive Search Firm (ESF), enforcement of roles and responsibilities, provide regular detailed updates in writing to Council concerning the recruitment and selection process including particulars of preferred candidate(s), along with integrity and confidentiality requirements. Oversees hiring process through Recruitment Committee and ESF selection, to Council approval of candidate offer of employment.
- Recruitment Committee Member: Acts on behalf of members of Council in the recruitment and selection process. Engages in all procedural elements as outlined in respective C-HR-026-001 Procedure. Includes mandatory attendance at all meetings and interviews, engaging in the development of selection criteria and position profile development as required, collaborating with the Chair and ESF on providing regular detailed updates in writing to Council concerning the recruitment and selection process including particulars of preferred candidate(s). Requires alignment to all integrity and confidentiality requirements.
- Director, Human Resources: Facilitates the recruitment process on behalf of the Regional Chair and Recruitment Committee, and the performance management process. Serves as primary contact point for any ESF; provides guidance and advice to the Chair and Recruitment Committee members ensuring best practices and legal interests of the corporation are upheld, supports the Chair and Recruitment Committee in the preparation of regular detailed written update(s) to Council, leads the procurement of an ESF, facilitates Legal consultation and candidate offer of employment and/or offer letter creation, and any amendment to the employment contract; is required to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.
- Executive Search Firm (ESF): An external firm or specialized consultant who works with the Chair and Recruitment Committee to confirm the CAO profile, position competencies, and search, selection and offer strategy. ESF accountabilities will align with the defined scope of work, which may include but not necessarily limited to – attraction, screening of prospective candidates, development of short list of candidates to be interviewed by the Committee, including they may support the interview, reference checking and offer of employment process as required. Required to attend meeting(s) of Council to provide detailed updates to members of Council concerning the recruitment and selection process, be prepared to present to Council on its processes to short list candidates, provide candid feedback on the recruitment process, provide observation(s) on any short listed candidates, along with responding to any inquiries made by members of Council.

- Acting/Interim CAO: A member of the Region's Corporate Leadership Team or an external person appointed by Council to fulfil the duties of the CAO on an acting or temporary basis. The appointment of the Acting CAO does not preclude their candidacy in the selection process for a permanent CAO. If they are not a candidate for the permanent role, they may participate as a member of the Recruitment Committee if approved by the Chair and Recruitment Committee. However, if they are a candidate for the position as permanent CAO, they are not permitted to participate or influence the recruitment process and must excuse themselves from all business associated with same.
- Regional Clerk: Ensures required governance related supports and advice to ensure effective completion of the process; provides agenda and meeting management functions; is required to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.
- Regional Council: Responsible for the hiring of the CAO and all associated approvals noted within this Policy and its Procedures. Attendance at any meeting of Council where matters pertaining to the CAO recruitment, selection, and offer of employment are being discussed.

3.1.2. Performance Management

- Regional Chair: Ensures the mandate of the C-HR-026-001 Procedure is fulfilled annually. Includes development and execution of annual performance management schedule, providing feedback to CAO; enforcement of roles and responsibilities, annual rating selection, report creation to Council, annual objective and development plan setting with the CAO as well as integrity and confidentiality requirements.
- Chief Administrative Officer: Completing annual assessment; engaging in all aspects of the process as laid out in this C-HR-026 policy and the procedure document. Engaging in the performance appraisal process, and development of annual objectives and development plan.
- Director, Human Resources: Initiates and facilitates the performance appraisal process and creation of annual objective and development plan on behalf of the Regional Chair in accordance with the Region's Non-Union Performance Management Program. Sources and serves as primary point of contact for additional resources or supports such as Legal or Consultants. Provides guidance and advice to the Chair as required, is required to attend all meetings with Council, and any other meetings upon request of the Chair.
- Regional Clerk: Ensures required governance related supports and advice to ensure effective completion of the process; provides agenda and meeting management functions; is required to attend all meetings with Council, and any other meetings upon request of the Chair.
- Regional Council: Responsible for the evaluation of the performance of the CAO and all associated approvals noted within this Policy and Procedures. Attendance at any

meeting of Council where matters pertaining to CAO performance management are being discussed.

4. References and Related Documents.

List related legislation, directives, By-laws and associated procedures

4.1. Legislation, By-Laws and/or Directives

- Municipal Act, 2001
- Employment Standards Act, 2000
- CAO By-law 2020-09

4.2. Procedures

- C-HR-026-001 – Chief Administrative Officer Recruitment, Selection, Offer of Employment
- C-HR-026-002 – Chief Administrative Officer Performance Management

5. Related Policies

- Non-Union Compensation C-HR-001
- Employment and Staffing C-HR-010

6. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date
Regional Council	**February 20, 2020**	**February 25, 2020**

Revision History

Revision No.	Date	Summary of Change(s)	Changed by

Procedure Category	*Name of Procedure*
Human Resources	*Chief Administrative Officer – Recruitment, Selection, and Offer of Employment*

Procedure Owner	Corporate Administration, Human Resources, Director Human Resources
Parent Policy	C-HR-026 – Chief Administrative Officer Recruitment, Selection, Offer of Employment, and Performance Management
Approval Body	Regional Council
Approval Date	February 20, 2020
Effective Date	February 25, 2020
Review by Date	February 2020

The following procedure outlines the Chief Administrative Officer (CAO) Recruitment, Selection, and Offer of Employment.

When a permanent vacancy for CAO occurs, the Regional Chair (Chair) notifies the Director, Human Resources (HR) to initiate the recruitment process to fill the permanent CAO vacancy in accordance with the C-HR-026 Policy and C-HR-026-001 Procedure.

The Director HR, in consultation with the Chair, will initiate the CAO selection process in accordance with the CAO Recruitment Committee Terms of Reference as follows:

Chief Administrative Officer Recruitment Committee Terms of Reference

Mandate / Scope

The mandate of the Chief Administrative Officer (CAO) Recruitment Committee is to facilitate the recruitment process for the CAO and recommend to Regional Council a preferred candidate for the role of CAO.

Goals / Purpose

1. Formation of a CAO Recruitment Committee

a. The Committee will be comprised of the Regional Chair, who will serve as Committee Chair, and four (4) members of Regional Council to be appointed by Regional Council. Members must be able to commit to full and active participation over the course of the CAO recruitment, including mandatory attendance at all meetings, interviews, etc. as noted herein.

b. CAO Recruitment Committee will be governed by the Region's Procedural By-law.

2. Engagement of an External Executive Search Firm (ESF)

a. CAO Recruitment Committee, in consultation with Director Human Resources, to determine scope of work and select ESF, as per the Niagara Region Procurement By-law.

b. ESF to develop the key CAO character traits and competencies required, in consultation with the CAO Recruitment Committee, to drive results forward in Niagara.

c. ESF to undertake CAO candidate search, with active engagement of the CAO Recruitment Committee.

d. ESF, in consultation with the Recruitment Committee, to provide detailed updates to Council concerning the recruitment and selection process, be prepared to present to Council on its processes to short list candidates, provide candid feedback on the recruitment process, observation(s) on any short listed candidates, along with responding to any inquiries made by members of Council.

3. CAO Recruitment Process

a. CAO Recruitment Committee members actively participate in a transparent, competitive, and comprehensive recruitment process, while holding in strict confidence all confidential information concerning matters dealt with by the Committee.

b. CAO Recruitment Committee, with ESF, to provide detailed updates to members of Council concerning the recruitment and selection process.

c. Upon completion of the recruitment process, the CAO Recruitment Committee to present up to three (3) preferred candidate(s) to Regional Council for approval of a preferred candidate and approval on presented associated terms and conditions of employment.

d. Upon Regional Council's approval of the preferred candidate, Council authorizes the Director, HR, to extend the approved terms of employment to the preferred candidate, in a form satisfactory to the Director Legal and Court Services, in consultation with any external legal counsel as required, ensuring all legal requirements are met.

4. Recruitment Committee Membership

The membership structure of the CAO Recruitment Committee will be comprised of not more than five (5) members of Regional Council, including the Regional Chair, who will serve as Committee Chair. All members of the Recruitment Committee, including the Regional Chair, shall have the right to vote.

5. Privacy Considerations

The CAO Recruitment Committee will comply with all open meeting provisions. Information provided to the CAO Recruitment Committee, specifically pertaining to applicants for the position of the CAO, will be held in strict confidence and managed in accordance with the principles of protection of personal information as defined by the *Municipal Freedom of Information and Protection of Personal Privacy Act* (MFIPPA).

The CAO Recruitment Committee shall hold in strict confidence all confidential information concerning matters dealt with by the Committee, members of the Recruitment Committee, and any approved staff who support the recruitment process, will be required to execute a confidentiality agreement at the outset of the recruitment and selection process.

6. Attendance

A recruitment best practice is that all candidates are interviewed by a consistent interview panel, in support of a fair, transparent, and comprehensive recruitment process. It is mandatory that members of the CAO Recruitment Committee actively participate in all stages of the CAO recruitment process, with specific attention paid to attending all CAO candidate interviews, at any/all steps of the process, specifically as follows:

(1) CAO Recruitment Committee member attendance at all candidate interview(s) is mandatory. A member of the Recruitment Committee who is absent for any candidate interview shall be deemed to have resigned from the committee and Regional Council will be notified.

(2) A member of the CAO Recruitment Committee who is absent for two (2) non-interview meetings shall be deemed to have resigned from the committee and Regional Council will be notified.

Upon notification of a vacancy on the Committee as a result of the above, Council may consider the appointment of a new member to the Committee or not replacing the member, depending on the stage the recruitment process has reached. The aforementioned does not preclude Council from re-appointing the Committee member in question.

7. Staff Support to Committee

The Director, HR, Director, Legal and Court Services, and the Regional Clerk, or their respective designates, will function in an advisory capacity to the CAO Recruitment Committee, and the selected ESF. Involvement of any staff not noted herein will require Recruitment Committee approval prior to being engaged to provide any support to the Committee or be in attendance at meetings. In any event, any staff engaged to support the Recruitment Committee shall hold in strict confidence all confidential information concerning matters dealt with by the Committee, including all such staff will be required to execute a confidentiality agreement prior to engaging in support of the Committee. The Director HR, and the Regional Clerk, or their respective designates, are required to attend all Recruitment Committee and Council meetings.

8. Financial Resources

The CAO Recruitment Committee will consult with the Director, HR, to secure the required financial resources to fulfill the direction of the committee to facilitate the CAO recruitment.

9. Frequency of Reporting

Regular, detailed written updates will be provided to Regional Council throughout the CAO recruitment and selection process up to and including particulars of preferred candidate(s) being presented to Regional Council. This will include participation of ESF representative, as defined in C-HR-026 Policy.

10. Termination of CAO Recruitment Committee

The CAO Recruitment Committee shall cease at the conclusion of a successful recruitment of a new CAO.

11. Meetings

Meetings shall be governed by Niagara Region's Procedural By-law as may be amended from time to time.

The following is intended to provide further clarity concerning the above Terms of Reference in support of the CAO recruitment process:

1. The Recruitment Committee will be orientated to By-laws, Policies, and Procedures relevant to the recruitment of a CAO. They will be educated on the roles, responsibilities and accountabilities of their role including confidentiality and ethics based expectations, along

with executing a confidentiality agreement at the outset of the recruitment and selection process.

2. The Recruitment Committee, with the support of the Director HR and ESF, will engage in a thorough and comprehensive analysis of the position requirements of Senior Leader Competencies, skills, experience, knowledge and qualifications of the role. Due to the importance of this position, consultation with the Corporate Leadership Team, other relevant staff, and community stakeholders may be initiated and incorporated into the recruitment and selection process.

3. The recruitment methodology inclusive of any testing and/or evaluations will be determined by the Recruitment Committee through consultation with the ESF and Director HR, and will be aligned to Regional Policy. The position will be advertised both internally and externally.

4. In consultation with the Recruitment Committee and Director HR, the ESF will undertake CAO recruitment activities within the approved scope of work, which may include but not be limited to: posting the vacant position through appropriate channels, targeted recruitment, review of all applicant resumes and follow up to clarify applicant experience for short listing purposes, screen prospective candidates and develop a formal short list of candidates to be recommended to the Recruitment Committee, leadership assessment, reference checking, and preparation of a written summary of a specific number of candidates as agreed to with the Recruitment Committee for consideration for short listing.

5. The Recruitment Committee and the ESF will interview and assess selected candidates with the intent to identify preferred candidates.

6. Based on the results of interview(s), any testing, evaluation, or assessment, reference checking, etc., the Recruitment Committee will make a recommendation on preferred candidate(s) in a report to Regional Council for consideration.

7. The Director, HR will be responsible for the preparation of the Council approved terms of the offer of employment to the preferred candidate, including the responsibility to engage the Director Legal and Court Services, and any external Legal Counsel when preparing the offer of employment, and negotiation with the preferred candidate, if any. The Offer of Employment documentation will align to corporate practice and meet all legal requirements, including ensuring compensation is aligned to the Non-Union Compensation Policy and Salary Administration Procedures.

8. Any report to Council as noted above will include a detailed summary of the recruitment and selection process undertaken by the Recruitment Committee.

Definitions

Regional Chair: Serves as Chair of the Recruitment Committee; ensures the requirements of C-HR-026 Policy is fulfilled. Includes establishing Council approved committee membership, working with Director HR and the ESF, enforcement of roles and responsibilities, provides regular detailed updates in writing to Council during the recruitment and selection process including particulars of preferred candidate(s), along with integrity and confidentiality requirements. Oversees hiring process through Recruitment Committee and ESF selection, to Council approval of preferred candidate offer of employment.

Recruitment Committee Member: Acts on behalf of members of Council in the recruitment and selection process. Engages in all procedural elements as outlined in C-HR-026-001 Procedure. Includes mandatory attendance at all meetings and interviews, engaging in the development of selection criteria and position profile development as required, collaborating with the Chair and ESF on providing regular detailed updates in writing to Council concerning the recruitment and selection process including particulars of preferred candidate(s). Requires alignment to all integrity and confidentiality requirements.

Director, Human Resources: Facilitates the recruitment process on behalf of the Regional Chair and Recruitment Committee. Serves as primary contact point for any ESF; provides guidance and advice to the Chair and Recruitment Committee members ensuring best practices and legal interests of the corporation are upheld, supports the Chair and Recruitment Committee in the preparation of regular detailed written update(s) to Council, leads the procurement of an ESF, facilitates Legal consultation and candidate offer of employment and/or offer letter creation, and any amendment to the employment contract; is required to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.

Executive Search Firm (ESF): An external firm or specialized consultant who works with the Chair and Recruitment Committee to confirm the CAO profile, position competencies, and search, selection and offer strategy. ESF accountabilities will align with the defined scope of work, which may include but not necessarily limited to – attraction, screening of prospective candidates, development of short list of candidates to be interviewed by the Committee, including they may support the interview, reference checking and offer of employment process as required. Required to attend meeting(s) of Council to provide detailed updates to members of Council concerning the recruitment and selection process, be prepared to present to Council on its processes to short list candidates, provide candid feedback on the recruitment process, provide observation(s) on any short listed candidates, along with responding to any inquiries made by members of Council.

Regional Clerk: Ensures required governance related supports and advice to ensure effective completion of the process and provides agenda and meeting management functions; is required

to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.

Regional Council: Responsible for the hiring of the CAO and all associated approvals noted within this Policy and its Procedures. Attendance at any meeting of Council where matters pertaining to the CAO recruitment, selection, and offer of employment are being discussed.

Competencies: In addition to high character traits, are the attitudes and behaviours required at a high level of performance for an individual to be successful in a role.

Appendices

None

Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date
Regional Council	**February 20, 2020**	**February 25, 2020**

Revision History

Revision No.	Date	Summary of Change(s)	Changed by
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Bill No. 2020-09

Authorization Reference: CL 1-2020
Minute Item 6.2

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-09

A BY-LAW TO PROVIDE FOR THE ROLES AND RESPONSIBILITIES OF THE CHIEF ADMINISTRATIVE OFFICER

WHEREAS section 229 of the *Municipal Act, 2001,* S.O. 2001, C. 25, as amended, provides that a municipality may appoint a chief administrative officer who shall be responsible for exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality and performing such other duties as are assigned by the municipality; and

WHEREAS Council desires to determine the general roles and responsibilities of the Chief Administrative Officer.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the Chief Administrative Officer shall be directly responsible to Regional Council acting in its corporate capacity and nothing contained in Regional by-laws shall be deemed to empower the Chief Administrative Officer to perform, do or direct any act which shall in any manner encroach upon the legislative powers of Council.

2. That the Chief Administrative Officer is the head of the administrative branch of the Region and shall be responsible to Regional Council for coordinating, supervising, and ensuring the effective administration of all programs and policies initiated and adopted by Council and of all projects and undertakings initiated by or under his or her own direction within the strategic policy framework adopted or endorsed by Regional Council, subject to any restrictions or requirements in any statute, including but not limited to the legislated reporting and accountability relationship of the Medical Officer of Health in the *Health Protection and Promotion Act.*

3. Council will establish the terms and conditions of the appointment of the Chief Administrative Officer including the term of the appointment and the salary and benefits to be paid or provided to the Chief Administrative Officer, which may be varied from time to time, with the understanding that any amendments to such terms and conditions of employment of the Chief Administrative Officer must receive the approval of Council.

Bill No. 2020-09

Authorization Reference: CL 1-2020
Minute Item 6.2

4. General Roles and Responsibilities

(a) The Chief Administrative Officer shall administer the business affairs of the Region and, to that end, lead and direct the members of the Corporate Leadership Team in carrying out the responsibilities of the Region, in accordance with the policies and plans approved and established by Council;

(b) The Chief Administrative Officer shall recommend to Council the appointment, suspension or dismissal of Commissioners;

(c) The Chief Administrative Officer (or a designate of the Chief Administrative Officer) shall attend all meetings of Council and its Committees as required, with the right to speak when recognized by the Regional Chair or presiding Officer;

(d) The Chief Administrative Officer shall establish, liaise and maintain relationships with the Federal and Provincial governments, the Region's local municipalities, other government agencies, and the residents of the Region in general;

(e) The Chief Administrative Officer shall act as a spokesperson and representative of the Region to ensure the best interests of The Regional Municipality of Niagara are met;

(f) The Chief Administrative Officer shall have the right to represent and speak on behalf of the Corporation, in documents and meetings, in a manner consistent with the policies of Council;

(g) The Chief Administrative Officer shall ensure that Council is provided with complete, impartial and accurate information for the purposes of decision-making and by-law approvals;

(h) The Chief Administrative Officer shall carry out such additional duties and exercising such additional responsibilities as may be required in the interests of the Region and as Regional Council may assign;

(i) The Chief Administrative Officer shall have the authority to designate a member of the Corporate Leadership Team to act on the Chief Administrative Officer's behalf during any absence of the Chief Administrative Officer due to illness, vacation or otherwise;

(j) The Chief Administrative Officer shall meet annually, and as requested, with Council to review and assess his or her performance during the past year and review and discuss salary and benefits provisions as well as determining priorities to be pursued during the following year; and

Bill No. 2020-09

Authorization Reference: CL 1-2020
Minute Item 6.2

(k) The Chief Administrative Officer will hold office at the pleasure of Council for the agreed upon term. Council may in its sole discretion, suspend or dismiss the CAO, subject to compliance with any statutory requirements or contractual agreements.

5. The provisions of this by-law apply with the necessary modifications to a person designated under section 4 (i) of this by-law or, where the office of Chief Administrative Officer is vacant, to an appointed official designated by or under the authority of a by-law or resolution of Council to act as Chief Administrative Officer.

6. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: February 20, 2020