



Islands Trust Council Quarterly Meeting

Date: Tuesday, December 5, 2023
Time: 1:00 pm - 12:00 pm
Location: Coast Victoria Hotel, Ballroom
146 Kingston Street
Victoria BC, V8V 1V4

		Pages
10.	NEW BUSINESS	4:30 PM - 5:30 PM
10.3	<u>Chief Administrative Officer Liaison Duties - Review and Discussion</u>	2 - 8

Subject: Review and Discussion of the Chief Administrative Officer Liaison duties described in Section 9 of Policy 2.4.1 - Executive Committee Terms of Reference.

RECOMMENDATION:

WHEREAS:

- A. Annual performance reviews of the Chief Administrative Officer (CAO) are crucial for the proper management of the Islands Trust.
- B. Among local governments in British Columbia, annual CAO performance reviews are conducted in accordance with standard practices that require the appraisal to follow rigorously structured procedures that:
 - are documented in detail and include prescribed timelines;
 - have been designed to provide the CAO with an accurate and comprehensive performance assessment to better enable the achievement of strategic priorities through improved organizational performance;
 - ensure fairness by relying on the guidance of a neutral third party at each stage of the evaluation process; and
 - are supervised by the municipal council or regional district board that, as the case may be, employs the CAO.
- C. Under section 17(3) of the *Islands Trust Act*, the Trust Council is deemed to be the CAO's employer.
- D. Section 9 of Policy 2.4.1 "Executive Committee Terms of Reference" identifies the procedures for the employment, appraisal, and termination of a CAO. These do not meet the minimum accepted standards and practices followed by other local governments in the province and, with respect to CAO performance reviews in particular, Section 9 does not:
 - recognize Trust Council as the decision-making authority in the review process;
 - describe the steps to be followed in conducting the review; or
 - prescribe timelines for the review.
- E. In practice, CAO performance reviews at the Islands Trust:
 - have not been consistently undertaken on an annual basis;
 - have involved minimal or no input from Trust Council and those trustees who are not members of the Executive Committee; and
 - have not involved the participation of the CAO's direct reports.
- F. Section 9 of Policy 2.4.1 has not been updated since 2014.

TRUST COUNCIL THEREFORE RESOLVES:

1. Section 9 of Policy 2.4.1 and Attachment 1 thereto are repealed;
2. A new policy entitled "Annual Performance Review and Employment — Chief Administrative Officer", the provisions of which are set out in the Appendix A to this resolution and based on the best practices described in the 2023 Canadian Association of Municipal Administrators "CAO

Performance Evaluation Toolkit – Guide for the Mayor & Council”, is adopted to take immediate effect (Policy);

3. A Special Committee of Trust Council (Special Committee) comprised of the chairs of Trust Council’s four standing committees is established to coordinate the implementation of the Policy in accordance with the duties assigned to such committee in the Policy;
4. The Special Committee initiate and coordinate the Chief Administrative Officer performance review for 2023 in accordance with the Policy; and
5. The engagement of the independent consultant prescribed by the Policy be funded:
 - (a) for the 2023 performance review, by drawing from the general revenue surplus fund; and
 - (b) for each subsequent year by its inclusion as a permanent budget item.

FINANCIAL: Annual budget for independent consultant

ATTACHMENT(S): Appendix A: Annual Performance Review and Employment — Chief Administrative Officer. Attachment 1: Terms of Reference Chief Administrative Officer Hiring Committee

Appendix A

DRAFT FOR DISCUSSION

Annual Performance Review and Employment — Chief Administrative Officer

1. In the event the position of Chief Administrative Officer (CAO) becomes vacant for any reason and in accordance with Attachment 1 to this Policy:
 - (a) The Special Committee of Trust Council (Special Committee) shall coordinate the formation and operation of a Chief Administrative Officer Hiring Committee (CAOHC) comprised of the members of the Executive and Special Committees.
 - (b) The CAOHC shall be responsible for recruiting a suitable candidate and recommending the selection to Trust Council.
 - (c) Upon Trust Council's appointment of a new CAO, the CAOHC shall be responsible for the CAO's orientation and evaluation during their initial six-month period of probationary employment.
2. Following the CAO's six-month period of probationary employment, the Special Committee in consultation with Trust Council shall in each calendar year coordinate a performance review of the CAO and, if necessary, be responsible for implementing any disciplinary actions directed by Trust Council.
3. The annual review shall assess the CAO's performance during the preceding year against the following criteria:
 - (a) The timeliness of the land planning services delivered by Islands Trust staff (Staff) to Local Trust Committees, which in all cases should meet the highest professional standards.
 - (b) The effectiveness and efficiency by which Trust Council's other strategic objectives and priorities have been implemented, which in all cases should be done in a fiscally prudent manner.
 - (c) The degree to which Islands Trust operations have been effective in supporting Local Trust Committees and Trust Council committees. Among other things, it is expected that Staff will be fully collaborative in their dealings with trustees.
 - (d) The soundness and sufficiency of the advice the CAO has provided to Trust Council in the CAO's capacity as its principal adviser.
 - (e) The extent to which specific performance objectives agreed upon between Trust Council and the CAO for the period under review have been met.
4. The purpose of the CAO performance review shall be to provide:
 - (a) A formal framework for Trust Council and the CAO to jointly examine and discuss their professional working relationship.
 - (b) The CAO with Trust Council's assessment of the extent to which the CAO has satisfactorily fulfilled the responsibilities of the position as set out in the relevant legislation and Islands Trust policies, and has met the leadership standards required of the role.
 - (c) Clear direction to the CAO in the form of specific performance objectives that identify Trust Council's performance expectations for the next calendar year.
 - (d) A basis for salary adjustments.

5. The review process shall be comprised of the following elements and guided by the following timelines:

Sequence	What	Who	When	Notes
1	Performance review process initiated.	By Trust Council resolution.	By December 31	
2	Independent Consultant appointed.	By Trust Council resolution after receiving Special Committee recommendation.	By December 31	
3	Trustees are interviewed.	Independent Consultant & Trustees.	January	Kept confidential.
4	CAO interviewed & provides self-evaluation.	Independent Consultant & CAO.	January	Kept confidential.
5	CAO's direct reports are interviewed.	Independent Consultant & CAO's direct reports.	January	Kept confidential.
6	Initial report.	Independent Consultant.	February	To CAO & Special Committee.
7	Comprehensive report.	Independent Consultant.	February/March	Presented to Trust Council <i>in camera</i> .
8	Discuss findings with CAO.	Special Committee & Independent Consultant.	February/March	Special Committee to receive prior direction from Trust Council <i>in camera</i> .
9	Develop mutually agreed upon performance objectives for the coming year.	Special Committee, CAO & Independent Consultant.	February/March	Special Committee to receive prior direction from Trust Council <i>in camera</i> .

Sequence	What	Who	When	Notes
10	Completion of performance review and report on lessons learned.	Independent Consultant.	By March 31.	To Trust Council and CAO.
11	Salary review.	By Trust Council resolution.	By March 31.	

6. In consultation with Trust Council, the Special Committee shall be responsible for the scheduling of the dates and times for each stage of the CAO's performance review.
7. To facilitate each CAO annual performance review, the Director, Administrative Services shall at the Special Committee's direction instruct Staff to provide to the Special Committee such support as it may require.
8. After the CAO's completion of their initial six-month period of probationary employment and in the event either the Executive Committee or the Special Committee deem it necessary:
 - (a) The Special Committee shall coordinate the formation and operation of a Chief Administrative Officer Employment Evaluation Committee (CAOEEC) comprised of the members of the Executive and Special Committees.
 - (b) The chair of Trust Council will preside over meetings of the CAOEEC, which will follow the procedures for committee meetings as established by the current Meeting Procedures Bylaw.
 - (c) The CAOEEC shall be responsible for consulting with the Public Service Agency regarding the CAO's potential termination.
 - (d) The CAOEEC shall make a recommendation to Trust Council that includes a comprehensive review and assessment of the CAO's competencies.
 - (e) In the event Trust Council authorizes the CAO's termination, the CAOEEC shall ensure it is implemented in accordance with the requirements of the *Employment Standards Act*.

Attachment 1

DRAFT FOR DISCUSSION

Terms of Reference

Chief Administrative Officer Hiring Committee

1. Purpose

- 1.1. The purpose of these Terms of Reference is to guide a Chief Administrative Officer Hiring Committee (CAOHC) that has been established under Section 1 of the Annual Performance Review and Employment — Chief Administrative Officer Policy.

2. References

- 2.1. The following references are relevant to these Terms of Reference:

- 2.1.1. Annual Performance Review and Employment — Chief Administrative Officer Policy.
- 2.1.2. The job description for the Chief Administrative Officer (CAO) position current at the time the CAOHC is formed.
- 2.1.3. The Public Service Agency Policies and Procedures regarding hiring processes and probationary periods for Exempt Staff current at the time the CAOHC is formed.
- 2.1.4. *Public Service Act*.

3. Background

- 3.1. The hiring process for a CAO must follow the requirements of the *Public Service Act*, including the policies and procedures of the BC Public Service Agency and requirements of the BC Merit Commissioner.
- 3.2. All appointments to the BC Public Service must be based on merit, and are subject to audit by the BC Merit Commissioner to ensure this condition has been observed.
- 3.3. The criteria used to select a CAO must include the qualifications relating to the education, experience, knowledge, skills, abilities and competencies prescribed by Trust Council in the job description for the position current at the time of the CAOHC's formation.
- 3.4. The first six months of a new CAO's employment are a probationary period, the management of which must follow the policies and procedures of the BC Public Service Agency.

4. Process

- 4.1. Upon Trust Council's determination that it is necessary to begin the process for hiring a CAO, the Special Committee on Management (Special Committee) will as soon as is practicable form a Chief Administrative Officer Hiring Committee (CAOHC).
- 4.2. The chair of Trust Council will preside over meetings of the CAOHC, which will follow the procedures for committee meetings as established by the current Meeting Procedures Bylaw.
- 4.3. The CAOHC will be responsible for:
 - 4.3.1. Seeking advice from the Public Service Agency regarding the CAO hiring process to ensure it is based upon a fair and appropriate methodology that meets the requirements of the BC Merit Commissioner. This consultation will include seeking advice concerning the appropriate methods for: advertising the position; reviewing and rating candidate resumes; and screening candidates through the use of interview questions, written tests, work simulation exercises, the evaluation of work samples, and other human resource assessment methods approved by the Public Service Agency.
 - 4.3.2. Obtaining direction from Trust Council regarding the criteria that are to be given priority in the recruitment of a suitable candidate.
 - 4.3.3. Recruiting a suitable candidate.
 - 4.3.4. Recommending a suitable candidate to Trust Council for appointment, and providing Trust Council with a comprehensive review and assessment of the candidate's qualifications.
 - 4.3.5. Orienting the new CAO during their initial six-month period of probationary employment.
 - 4.3.6. In consultation with Trust Council and the BC Public Service Agency, evaluating the new CAO during their probationary period of employment.
 - 4.3.7. Prior to the conclusion of the probationary employment period, recommending to Trust Council whether or not the new CAO's appointment should be confirmed as permanent.