

Appointments and Reappointments by the Lieutenant Governor in Council BC Farm Industry Review Board/Marketing Boards and Commissions August 26, 2013

Overview

The merit-based appointments and reappointments processes for the BC Farm Industry Review Board (BCFIRB) and the eight agricultural commodity boards and commissions fall within the framework of the *Administrative Tribunals Act (ATA)* and the May 14, 2007 Board Resourcing and Development Office (BRDO) guidelines for appointments to tribunals. In accordance with a February 4, 2004 memorandum of understanding between the Minister of Agriculture and the BCFIRB chair, BCFIRB is the lead agency (as defined in the BRDO guidelines) and the Ministry of Agriculture is the supporting agency. There is a close working relationship between BCFIRB and BRDO during appointment and reappointment processes. Both processes are conducted in accordance with BCFIRB's SAFETI principles (strategic, accountable, fair, effective, transparent, and inclusive).

Appointments

1. The merit based processes were developed by BCFIRB in consultation with the ministry, BRDO and an HR consultant. It includes recruiting and selection criteria and candidate evaluation and ranking. BCFIRB also developed position descriptions for all regulated marketing system appointments in consultation with the ministry and the commodity boards. Although both the appointments and reappointments processes for the commodity boards is managed in accordance with the BRDO guidelines, legally the *ATA* applies only to BCFIRB appointments as the commodity boards do not fall under that act (e.g., initial term limits for commodity board appointments can vary from those specified in the *ATA*).
2. Appointment opportunities are advertised on the BRDO and BCFIRB websites. BCFIRB also sends a notification email about postings to agri-food sector, tribunal community and other stakeholders.
3. Applications are received and shortlisted based on the evaluation criteria in the notice of posting and the applicable position descriptions. Candidates warranting further consideration are then interviewed and evaluated, followed by reference checks as required.
4. Interview panels – normally consisting of three persons – vary in composition depending on the appointment(s) concerned and the availability of panel members. They can include: the BCFIRB chair, members or executive director; a BRDO representative; a ministry representative; a commodity board chair; or another government representative.
5. Interview panel assessments are consolidated, candidates ranked and formally recommended by the BCFIRB chair to BRDO, copy to the Minister and deputy minister for review and finalizing of the recommendations to be made to Cabinet. The Minister may undertake further consultation, including with the BCFIRB chair, before making recommendations.
6. The selection panel for a BCFIRB chair appointment may include the deputy minister, a BRDO representative and a Ministry of Justice representative or the outgoing chair.
7. The chair selection panel then makes its formal recommendations to BRDO and the Minister. The Minister's final recommendations to Cabinet are established in consultation between the Minister, deputy minister, BRDO and others as required.

Reappointments

1. BRDO has guidelines (not rules) which limit appointments to a total of six years. If someone is appointed to a different board, that new appointment is entirely separate and the clock resets. This limitation is taken into account in overall appointments planning for BCFIRB and the commodity boards.
2. Section 15 of the BRDO guidelines outlines the criteria and performance assessment for determining whether persons should be reappointed. Reappointment is not guaranteed. A person also must be willing to be reappointed. He or she may be recommended for reappointment without competition (no other applicants for consideration), with competition or not recommended for reappointment. Persons can also be appointed from one board to another in the regulated marketing system.
3. Considerations for reappointment include:
 - a. the performance and anticipated future performance of the appointee and his/her board;
 - b. the operational needs of the board concerned (this could work two ways – whether the reappointment of the individual is needed or another skill set is required);
 - c. overall transition planning (within membership of a specific board, in terms of the other boards – i.e., status of appointments of all commodity board chairs, etc.);
 - d. the quality and quantity of other available candidates; and
 - e. for BCFIRB, whether budget resources are available to support.
4. The BCFIRB chair submits a formal performance assessment to BRDO (for all appointments except his/her own), along with a recommendation and supporting rationale.
5. The performance evaluation is determined by:
 - a. internal board/chair/member evaluation processes conducted through a 3rd party:
 - i. BCFIRB has required all commodity boards to establish – BCFIRB has a 360 process of its own;
 - ii. most boards use an evaluation process created by the Council of Marketing Boards of BC in consultation with BCFIRB;
 - iii. recorded evaluations of the commodity board chair, and in the case of the Chicken Board its appointed members, are provided to the BCFIRB chair.
 - b. ongoing assessment (including a formal one conducted annually) of chair and member individual attendance, performance, decision making, etc.;
 - c. ongoing assessment of individual and board performance through board reporting, annual operational reviews (by BCFIRB of commodity boards), board decision making, dispute resolution, outcomes of issues management and appeals heard by BCFIRB (or BCFIRB issues heard by the courts), etc.; and
 - d. ongoing input from stakeholders (in a variety of forms, both formal and informal).
6. BCFIRB and BRDO work closely on developing a reappointment recommendations package (including any new candidates) which is formally submitted through BRDO to the Minister. At which point, further consultation and recommendations to Cabinet are made as per the appointments process. The criteria in #3 and #5 can also be used to support the Minister, deputy minister and BRDO in making recommendations regarding the reappointment of a BCFIRB chair.