



Legislative Assembly of Alberta

The 30th Legislature
Third Session

Select Special
Ombudsman and Public Interest Commissioner
Search Committee

Wednesday, June 8, 2022
9 a.m.

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Third Session**

Select Special Ombudsman and Public Interest Commissioner Search Committee

Nixon, Jeremy P., Calgary-Klein (UC), Chair
Rosin, Miranda D., Banff-Kananaskis (UC), Deputy Chair
Armstrong-Homeniuk, Jackie, Fort Saskatchewan-Vegreville (UC),
Acting Deputy Chair

Aheer, Leela Sharon, Chestermere-Strathmore (UC)
Amery, Mickey K., QC, Calgary-Cross (UC)*
Bilous, Deron, Edmonton-Beverly-Clareview (NDP)
Goehring, Nicole, Edmonton-Castle Downs (NDP)
Lovely, Jacqueline, Camrose (UC)**
Sabir, Irfan, Calgary-Bhullar-McCall (NDP)
Shepherd, David, Edmonton-City Centre (NDP)***
Singh, Peter, Calgary-East (UC)
Smith, Mark W., Drayton Valley-Devon (UC)****
Williams, Dan D.A., Peace River (UC)

* substitution for Peter Singh

** substitution for Dan Williams

*** substitution for Irfan Sabir

**** substitution for Miranda Rosin

Public Service Commission Participants

Trish Mills	Director, Executive Search
Maricel Somera-Wong	Consultant, Executive Search

Support Staff

Shannon Dean, QC	Clerk
Teri Cherkewich	Law Clerk
Trafton Koenig	Senior Parliamentary Counsel
Jody Rempel	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Janet Laurie	Supervisor of Corporate Communications
Lyndsay Tischer	Director of Human Resources
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>

9 a.m.

Wednesday, June 8, 2022

[Mr. Jeremy Nixon in the chair]

The Chair: Excellent. Good morning. I'd like to call this meeting of the Select Special Ombudsman and Public Interest Commissioner Search Committee to order and welcome everyone in attendance.

My name is Jeremy Nixon, MLA for Calgary-Klein and chair of this committee. I'd like to now ask members joining the committee at the table to introduce themselves for the record, beginning to my right.

Ms Armstrong-Homeniuk: Jackie Armstrong-Homeniuk, MLA for Fort Saskatchewan-Vegreville.

Ms Lovely: Jackie Lovely, Camrose MLA.

Mr. Bilous: Deron Bilous, Edmonton-Beverly-Clareview. Good morning.

Mr. Shepherd: Good morning. David Shepherd, Edmonton-City Centre.

Ms Goehring: Good morning. Nicole Goehring, Edmonton-Castle Downs.

Ms Somera-Wong: Good morning. Maricel Somera-Wong, executive search consultant, Public Service Commission office.

Ms Mills: Good morning. Trish Mills, the director of executive search in the Public Service Commission.

Ms Laurie: Good morning. Janet Laurie, communications with the Legislative Assembly Office.

Ms Tischer: Good morning. Lyndsay Tischer, director of human resources with the Legislative Assembly Office.

Ms Rempel: Good morning. Jody Rempel, committee clerk with the Legislative Assembly Office.

The Chair: Excellent. For the record I'd like to note the following substitutions. Mr. Smith is substituting for Ms Rosin, Mr. Shepherd is substituting for Mr. Sabir, Mr. Amery is substituting for Mr. Singh, Ms Lovely is substituting for Mr. Williams, and Ms Armstrong-Homeniuk will be our deputy chair today.

A few housekeeping items to address before we turn to the business at hand. Please note that microphones are operated by *Hansard*, so members do not need to turn them on and off. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV, and committee members are reminded, whenever possible, to please have your camera on when you're speaking. Please set your cellphones and other devices to silent for the duration of the meeting.

Now this brings us to remote participation. To begin, I would like to note that this is the first meeting of this committee, and because we have members joining us remotely, we need to address this issue of teleconferencing and videoconferencing before we continue. Section 6 of the Legislative Assembly Act authorizes members of the committees of the Legislative Assembly to participate by teleconference or other methods of communication if unanimous consent is granted.

As members are aware, the committee rooms are equipped to facilitate meeting participation by teleconference and videoconference. For members to participate at this meeting using one of these methods, the committee must pass a motion unanimously to

allow for teleconferencing and videoconferencing today. Alternatively, the committee may prefer to consider a motion to approve attendance by teleconference or videoconference for the duration of the committee's mandate. The second option does not preclude the committee from determining in advance that attendance in person must be required at some point in the future.

That being said, do any members have any issues? MLA Armstrong-Homeniuk.

Ms Armstrong-Homeniuk: I'd like to move a motion, Chair.

The Chair: Sure.

Ms Armstrong-Homeniuk: Okay. Because, of course, Alberta's weather is not predictable and, you know, a lot of times, even including myself, it may be difficult to get in and since no substitutions are allowed in future meetings, it's good to have an alternative for committee members to join online and also for virtual attendance, for obvious reasons. The province is big and vast. My motion is that

for the duration of the mandate of the Select Special Ombudsman and Public Interest Commissioner Search Committee permit committee members to participate by teleconference or videoconference, subject to the committee in its discretion requiring members to attend in person at a particular meeting on the passage of a motion to that effect at a previous meeting.

The Chair: Excellent. Thank you. Thank you for that, Member.

Hearing the motion, is there any discussion on that motion?

All right. This motion to permit remote participation must be unanimous, so I'll ask one question. Is there anybody opposed to the motion? Hearing none, that is carried.

Now that we can have online participation, we will now invite our online participants to be able to introduce themselves for the record. We will start with MLA Aheer. Oh, you're muted.

Mrs. Aheer: Sorry about that. Hello, everyone. Leela Aheer here for Chestermere-Strathmore. So honoured to be here.

The Chair: Thank you.

Mr. Smith: Good morning, everyone. Mark Smith, MLA, Drayton Valley-Devon.

The Chair: And I believe I saw MLA Amery. Did we lose him? All right. We will, hopefully, get him back, and we'll introduce him later.

Now we'll move on to the agenda. Would a member move to adopt the agenda?

Ms Lovely: So moved.

The Chair: Excellent. MLA Lovely has moved that the June 8, 2022, meeting agenda of the Select Special Ombudsman and Public Interest Commissioner Search Committee be adopted as circulated. Any discussion there?

Excellent. Hearing none, all in favour online and in person, please say aye. Any opposed online or in person, please say no. That is carried.

We now have MLA Amery. Would you like to introduce yourself for the record, sir? Okay. We will try again maybe once we see some movement there.

All right. We will now move on to item 3, the search committee orientation, mandate, Government Motion 27. The mandate of this committee is found in Government Motion 27, which was agreed

to by the Assembly on May 12, 2022. Are there any questions regarding the committee's mandate?

Okay. We're going to head to section (b), committee support. All right. Public Service Commission, executive search. Although we have already introduced ourselves, I would like to take a moment to provide the committee members with additional information on the support available to this committee during the search process. From the Public Service Commission, I would like to welcome Trish Mills, director of executive search services, and Maricel Somera-Wong, executive search consultant. The team of professionals at executive search has generously agreed to support us throughout the mandate. They have assisted with work on many other search committees, and I know that some of the members of this committee, myself included, have had the opportunity to work with them on previous searches, and I know that their support is invaluable, so thank you for being here today.

The Legislative Assembly Office. As always, we have support from the Legislative Assembly Office, including Shannon Dean, Clerk of the Legislative Assembly; Teri Cherkewich, Law Clerk; Lyndsay Tischer, director of human resources; Janet Laurie, supervisor, communications services, and her colleagues; the staff at the committees branch as well as those important people who work hard behind the scenes, including venue services, information technology and broadcast services, Legislative Assembly security services, and *Hansard*. Thank you to all of you.

Next I'd like to talk about substitutes and attendance. Some of us are aware – and I know we've got lots of substitutes today – of the search process, so I'd like to review and consider some of the practices that have been adopted by previous search committees. First of all, I would like to address the issue of substitutions. The standing orders allow us an official substitute to be designated to participate in committee meetings; however, in order to ensure fairness for all candidates during the recruitment process, the members of previous search committees, both during this Legislature and those that have preceded us, have agreed amongst themselves not to appoint substitutes once the selection process has begun. I believe this has worked well for previous search committees, but I will leave it to the discretion of this committee as to whether or not we will plan a similar approach with this committee. Does anyone have any thoughts on this?

All right. Perfect. General agreement. Maybe everybody say aye, online and in person. Perfect. All right. We will move forward that way. And, of course, I will work with both caucuses to make sure that we have dates and times that work for everyone to make that happen.

Later in this process we will have to address the issue of interview attendance and participation. Again, this is something that has been addressed by previous search committees, and there has been agreement among committee members that only members who have been present for all the candidate interviews in their entirety should participate in the final candidate selection. Does anybody have any thoughts on this? Comments?

Perfect. Hearing none. Again, I'll just ask for general agreement and maybe everybody can say aye if they generally agree with that concept. Please say aye now, online and in person. Excellent. Thank you for that.

Finally, I'd like to note that in order to maintain consistency, it is customary for all candidates to be interviewed in the same manner. Candidates may be interviewed in person or by videoconference. Should the committee choose to conduct in-person interviews, the practice is for these meetings to be held off-site in order to maintain the privacy of the applicants. That's just for information; no decision needs to be made.

9:10

Okay. We're moving on to confidentiality of documents and proceedings. I hope everyone understands the importance of respecting the privacy of all of the applicants throughout the search process and afterwards. Out of regard for the privacy of potential candidates the majority of our meeting will be conducted in camera. Most briefing materials are provided to the committee members only and are not available to caucus staff. Any materials that could potentially identify a candidate or the status of an application will be made available to committee members only through a secure PDF document. Does anybody have any questions about this process? Excellent. Hearing none.

A draft timeline was posted for the information of committee members. As you may know, the contract of the current Ombudsman and Public Interest Commissioner, Marianne Ryan, expires on June 30, 2022. Fortunately, there is provision in legislation for an acting appointment. Mr. Peter Sherstan will be appointed as Acting Ombudsman and Acting Public Interest Commissioner effective July 1. Nonetheless, it is important for this committee to complete its recruitment and make a recommendation to the Assembly before the anticipated fall session has concluded. In order to ensure that the process for appointing a new Ombudsman and Public Interest Commissioner can be completed, this deadline and other matters were considered in the preparation of the draft timeline. There are a number of things that may require flexibility in the schedule, but it's still a useful tool for planning as we move forward. Does anybody have any questions about the . . .

Mr. Bilous: I just wanted to make a request. Not that this is about me, but if we could just discuss the timelines and holidays because, again, we want the same MLAs present for all the interviews. I don't know if there's a way to just flag the current timeline in August. Some of the interviews are scheduled, I think, for the third and fourth week of August. I would like to ask committee members if it's possible to bump or delay that by a week in order to do it at the beginning of September.

Ms Rempel: Thank you, Mr. Chair. Just, actually, to clarify that item on the draft there – and this is of course based on the work of previous committees – this committee will choose its process going forward. However, usually the initial interviews are, at the request of the committee, conducted by executive search, so those August interviews are being conducted behind the scenes. They are not involving committee members. It would be towards the fall, towards the end of the process, where committee members would be participating directly.

Mr. Bilous: Yeah. Thank you, and I think that should work. Just to flag that the committee meeting is listed in our draft itinerary for late August. So I just wanted to clarify that that's not the third week of August, type of thing.

The Chair: Yeah. I appreciate that. I'd like to make it as late in August as possible considering, I know, I myself plan on taking a little bit of time, so I can appreciate that. I think we can connect maybe offline just to make sure what we come up with is good for everybody.

Excellent. Any other questions on that?

All right. Decision items. Draft Ombudsman and Public Interest Commissioner position profile. Moving on to the decision items before the committee today, members should have a copy of the position profile document. Before opening the floor for discussion, I would like to quickly remind everyone that it is not the mandate of this committee to determine the roles and responsibilities of the

Ombudsman and Public Interest Commissioner because there is legislation in place that does this. What we are doing is confirming that the profile accurately reflects the legislation and outlines what we may be looking for in a candidate. With this in mind, I would like to ask Ms Tischer to please give us an overview of this document and the various considerations taken into account when drafting it.

Ms Tischer.

Ms Tischer: Thank you. All right. The position profile that is before you is an updated version of the Ombudsman and Public Interest Commissioner position profile. It is designed to be in plain language so that candidates can really grasp what the roles and responsibilities are of this role, and they can look at their suitability, which then streamlines things, hopefully, for the executive search team.

When you're looking for positions at the executive level, it's less important to list the tasks of the role than the impact and the responsibilities and what you're looking for in terms of the desired attributes and experience for the candidate. What we've done to date is looked for consistency across this profile, and the most recent – we've had some great experience lately with another two officers that we've recruited to.

This is a standard form position profile. What we've done in terms of updates is – well, the last profile that was in use was for the recruitment in 2017, so it required some updating but not a complete overhaul. That was our starting point. We then met with Marianne Ryan, and she filled in some blanks in terms of some of those updated areas, mostly just different vocabulary. Then we also referred to the acts, made sure that both of the acts were captured, the main acts being the Ombudsman Act and the Public Interest Commissioner whistle-blower act.

We also looked to our colleagues in other jurisdictions across Canada that have parallel positions, which is not all of them. We made sure that there was some consistency. Certainly, we are seeing that there is some movement between jurisdictions for different officer positions and made sure that it was appealing in terms of those audiences as well, because the candidate may not be a local candidate.

What you have before you is the draft for 2022, taking into consideration all of those steps. Of course, it outlines the position summary. Now, this is a different position in that it is actually two officers, and in a practical sense they share some resources but are independent offices not only of the government but of each other. We've captured that throughout, which is a different balancing act through this profile than other profiles that we've done.

The Chair: Excellent. Thank you, Ms Tischer.

Are there any questions or comments?

Mr. Bilous: Forgive me for not knowing this. Ms Tischer, you mentioned that you consulted Marianne Ryan. I'm not familiar.

Mr. Shepherd: She's the outgoing Ombudsman.

Mr. Bilous: Okay. Excellent. Wonderful.

The Chair: Any other questions or comments for Ms Tischer?

Ms Armstrong-Homeniuk: Can I move a motion, Chair?

The Chair: MLA Armstrong-Homeniuk.

Ms Armstrong-Homeniuk: I move that the Select Special Ombudsman and Public Interest Commissioner Search Committee approve the position profile for the Ombudsman and Public Interest Commissioner as distributed.

The Chair: Excellent. Hearing the motion, is there any discussion or comments on the motion?

All right. Hearing and seeing none, I will call the question. All in favour online and in person of the motion called by Ms Armstrong-Homeniuk, please say aye. Any opposed online and in person, please say no. Hearing none,
that is carried.

Excellent. It looks like MLA Amery is back. Mr. Amery, would you like to introduce yourself for the record?

Mr. Amery: Yes. Good morning, colleagues. Mickey Amery, MLA, Calgary-Cross.

The Chair: Excellent. Thank you, Mr. Amery.

All right. We'll move on to the next step. A draft communication plan and advertising copy have been distributed for consideration. I will ask Ms Laurie to address this document, and then I will open up the floor for discussion.

Ms Laurie.

Ms Laurie: Thank you, Mr. Chair. I think everybody has a copy of the draft advertising strategy and the copy for the position. I won't go into great detail, but, essentially, to summarize, once the position is finalized, as the committee has just done, we will move forward to post it on the Legislative Assembly website, and then all of our advertising, social media, media relations will draw back to that posting on our website. We would target several specific professional associations for this position. Those are listed within the plans, so I won't go through those, but I'm happy to answer any questions or specific details about that advertising strategy.

Secondly, we also have put forward draft content for the actual advertisement, and I believe the committee has had an opportunity to review that as well.

I'm happy to answer any questions.

9:20

The Chair: Excellent. Any questions? Mr. Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. Just taking a look at the advertising plan, it looks similar to what I've seen previously, I guess, with previous search committees that I've had the opportunity to participate in, but I am just curious. Looking at the media advertising, particularly with the *Globe and Mail*, that's an \$11,000 multimedia campaign involving both print and online. I note that the online campaign only is about \$2,500, so a substantial portion of that is for print. Just given the evolution of print versus online digital media, I was just curious: do you still have a sense that there is still real value coming from the print side of things, that that is generating responses, I guess, in terms of the more recent search committees?

Ms Laurie: Thank you very much for the question, through the chair to you. We're in that position now where we are sort of balancing between social media and whether or not there is value in doing print advertising, and I think we're still at a point where there very much is still value in having the print advertisements. We're not ready to completely sort of eschew that piece of it, so that's why we try to come at it with a diverse plan that sort of covers as many angles as we can in the hopes of reaching successful candidates for the position.

Mr. Shepherd: Thank you.

The Chair: Ms Goehring.

Ms Goehring: Thank you very much, Mr. Chair. I know that I'd submitted a motion for this, but rather than actually discussing the

motion portion, I would just like to introduce a conversation about including the importance of the independence of the office and the nonpartisan nature of the role. I know that it was talked about in the position profile, but I would like to just discuss the possibility of including that in the actual advertisement itself. I believe that it's been written up as version 2 for distribution for us to review prior to deciding, but I think it's important that that's highlighted in advertising as well as it's part of the position.

The Chair: Excellent. Ms Laurie, do you have something for us?

Ms Laurie: Yes. Thank you. We did submit a version 2, and I think it's really valid feedback. Essentially, we've added in a preamble that uses the language, you know, that these nonpartisan independent officers of the Legislature perform the following roles. That would be the preamble that would lead into the advertising copy.

The Chair: Any further discussion or comments on Ms Goehring's suggestion? Mr. Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I think, as has been observed, this is a useful addition. I think it's good to have that clarification certainly for both candidates applying and indeed even just for public education, to have that reminder. To my understanding this would not add any additional cost to the ad, to add that additional line, so I see no reason not to make that addition.

The Chair: Excellent. Thank you.

Anybody else want to comment on the suggestion? Ms Armstrong-Homeniuk.

Ms Armstrong-Homeniuk: Okay. I'd like to bring forward the motion, I believe, posted right there. It says that

the Select Special Ombudsman and Public Interest Commissioner Search Committee approve the communications plan and version 2 of the advertising copy as distributed.

The Chair: Excellent. Hearing the motion, is there any discussion on the motion as presented by Ms Armstrong-Homeniuk?

All right. Hearing and seeing none, I'll call the question. All in favour of the motion as presented by Ms Armstrong-Homeniuk online and in person, please say aye. Any opposed online and in person, please say no.

That is carried.

Excellent.

Are there any further questions for Ms Laurie before we move on to the next item? Excellent.

We will now move on to other business. Are there any discussion items for us under other business?

Okay. Hearing and seeing none, we'll move on to the next meeting. As set out in the timeline, the initial stages of our recruitment campaign will occur over the summer. Our next meeting will be scheduled mid- to late August, as we will organize together and make sure we can all do that together, to ensure that applicants have time to be able to respond to our advertisements and to allow for the processing and organization of applications by our support team prior to our reviews.

That moves us on to adjournment. Would there be a member that would like to make a motion to adjourn? Ms Goehring has moved that the June 8, 2022, meeting of the Select Special Ombudsman and Public Interest Commissioner Search Committee be adjourned. All in favour, please say aye. Any opposed, please say no. That is carried. We are adjourned. Thank you, everyone.

[The committee adjourned at 9:25 a.m.]

