

**Subject: Terms of Reference, External Search Firm, Overall Timeline and City
Manager Job Description and Salary Range**

File Number: ACS2023-OCC-CCS-0013

Report to City Manager Hiring Panel on 3 February 2023

Submitted on January 31, 2023 by M. Rick O'Connor, City Clerk

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Ward: Citywide

**Objet : Mandat, agence de recrutement externe, échancier général,
description de poste et échelle salariale, poste de directrice
municipale ou de directeur municipal**

Dossier : ACS2023-OCC-CCS-0013

**Rapport présenté au comité d'embauche d'une directrice municipale ou d'un
directeur municipal**

le 3 février 2023

Soumis le 31 janvier 2023 par M. Rick O'Connor, greffier municipal

**Personne ressource : Kiel Anderson, gestionnaire, Politiques et activités
opérationnelles**

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Quartier : À l'échelle de la ville

REPORT RECOMMENDATION(S)

That the City Manager Hiring Panel:

- 1. Approve the City Manager Hiring Panel Terms of Reference, attached as Document 2;**
- 2. Confirm the appointment of Odgers Berndtson to assist the Hiring Panel in undertaking an executive search for a new City Manager, as described in this report;**

3. **Establish the overall general timeline for the City Manager recruitment and appointment process, as described in this report; and**
4. **Receive the City Manager job description and salary range, as described in this report and attached as Document 3, for information.**

RECOMMANDATION(S) DU RAPPORT

Que le comité d'embauche d'une directrice municipale ou d'un directeur municipal :

1. **Approuve son mandat ci-joint (document 2);**
2. **Confirme la nomination d'Odgers Berndtson pour l'épauler dans ses recherches d'une nouvelle directrice municipale ou d'un nouveau directeur municipal, comme il est décrit dans le présent rapport;**
3. **Établisse l'échéancier général de recrutement et de nomination pour ce poste, comme il est décrit dans le présent rapport;**
4. **Reçoive la description de poste et l'échelle salariale pour ce poste, comme il est décrit dans le présent rapport, dans leur forme ci-jointe (document 3), pour information.**

BACKGROUND

On November 28, 2022, former City Manager Steve Kanellakos advised Council that he had submitted his resignation, effective immediately.

With respect to the hiring of a new City Manager, legislative changes resulting from Bill 3, the *Strong Mayors, Building Homes Act, 2022*, came into force on November 23, 2022. Among other things, these changes provide that the Mayor is assigned powers with respect to appointing a chief administrative officer/City Manager, as set out in Section 284.5 of the *Municipal Act, 2001*. The accompanying Ontario Regulation 530/22 includes additional related provisions. Under Section 284.13 of the *Municipal Act, 2001* and Section 6 of Ontario Regulation 530/22, the Mayor may delegate powers and duties with respect to the appointment of the chief administrative officer/City Manager to Council.

On November 30, 2022, City Council approved a motion that provided for the appointment of an interim City Manager, effective immediately. The motion noted that Mayor Sutcliffe had "advised City Council that he had delegated to Council his authority

under Section 284.5 of the *Municipal Act, 2001*, to appoint an acting chief administrative officer of the municipality...” for the purposes of the interim appointment.

On December 22, 2022, the City Clerk issued an email on behalf of Mayor Sutcliffe that advised Members of Council that the Mayor had delegated to Council certain statutory powers with respect to the recruitment and hiring of a new City Manager (and General Manager of Planning, Real Estate and Economic Development), in accordance with the statutory delegation provisions.

The Mayoral delegation, which is attached to this report as Document 1, was made effective on December 21, 2022, and sets out the hiring process to be used for the new City Manager (and General Manager). This process includes the establishment of a hiring panel that is to report back to Council with a recommended candidate for Council’s approval. Specific details set out in the delegation include as follows:

“The hiring panel is to consist of Members of the Finance and Corporate Services Committee as selected by the Mayor, and the Mayor will also seek input from all other Members of Council on their expectations of the desired qualifications for the City Manager and General Manager;

The hiring panel will have the responsibility to:

- Approve the Terms of Reference for the hiring panel, a draft sample of which is attached to this delegation as Appendix A;
- Direct the Office of the City Clerk to provide the required administrative support to the recruitment process, including the identification and retention of an executive search firm to assist in the recruitment process;
- Evaluate the candidates for the City Manager and General Manager of Planning, Real Estate and Economic Development, respectively;
- Report back to Council with a recommended candidate for Council’s approval for each of the new City Manager and the General Manager of Planning, Real Estate and Economic Development; and
- Finalize and execute contracts of employment for the new City Manager and General Manager of Planning, Real Estate and Economic Development, respectively.

The City of Ottawa’s Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures will apply to the recruitment and hiring process for the City Manager, with necessary modifications to reflect the process set out above.”

On December 30, 2022, the City Clerk issued an email to members of the Finance and Corporate Services Committee seeking expressions of interest to serve on the hiring panels for the City Manager/General Manager of Planning, Real Estate and Economic Development. Members were asked to respond by January 6, 2023.

As described in the Discussion section of this report, the City Clerk also issued an email on behalf of the Mayor to Members of Council on December 30, 2022, to seek comments regarding Members' expectations of the desired qualifications for the positions. Members were asked to submit comments by January 10, 2023.

On January 27, 2023, the City Clerk issued an memorandum to Members of Council advising that the Mayor's Office had provided the membership for both hiring panels. The memorandum also set out next steps in the hiring process.

Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures

As noted above, the City Manager recruitment and appointment process is being conducted in accordance with the [Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures](#), with necessary modifications to reflect the process set out in the Mayoral delegation. The policy and procedures were approved by Council on April 8, 2020, through Council's consideration of the staff report titled, "[Recruitment, Appointment and Contract Administration for Statutory Officers who report directly to City Council.](#)"

As described in the above-noted staff report, the policy and procedures provide for a consistent approach as well as improved accountability and transparency, by setting out specific requirements and administrative measures with respect to the recruitment, hiring and contract administration for statutory officers who report directly to Council, including the City Manager. The policy and procedures also incorporate best practices and other recommendations identified by the Ontario Ombudsman, whose mandate includes investigating decisions made by municipalities and making recommendations based on the findings.

The Statutory Officer Recruitment, Appointment and Contract Administration Policy provides that the City of Ottawa "is committed to fair, transparent and equitable practices for recruiting, appointing and administering the contracts of statutory officer positions that report directly to City Council." The policy further states that, "All employment-related matters, including hiring and contract administration, shall be undertaken in an objective and impartial manner and in accordance with the Code of

Conduct for Members of Council, the Employee Code of Conduct, the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), as well as principles of the *Accessibility for Ontarians with Disabilities Act* (AODA), the City's Accessibility Policy and the City's Equity and Diversity Policy."

The policy also addresses matters such as impartiality, stating:

"There shall be no acts of favouritism, bias, undue influence or discrimination in the statutory officer recruitment process. Individuals participating in the recruitment and appointment process shall not attempt to influence the hiring of any applicant in a manner that is inconsistent with this policy. Participants shall not engage in any behaviour that provides an unfair advantage to a candidate during the statutory officer recruitment process. This includes assisting any candidate by providing inside information including, but not limited to interview questions and suggested answers, presentation materials, information about other candidates, and/or any information gathered in meetings, conversations, email or any other form of communication or discussion."

Furthermore, the policy and procedures require that all participants in the process adhere to strict confidentiality provisions. This includes a requirement for all participants to sign a mandatory confidentiality agreement at the outset of the process, as described in the Discussion section of this report.

DISCUSSION

City Manager Hiring Panel Terms of Reference

As noted above, the Mayoral delegation of December 21, 2022, provides that the hiring panel has the responsibility to "Approve the Terms of Reference for the hiring panel, a draft sample of which is attached to this delegation as Appendix A." Staff since provided minor administrative updates to the draft sample to reflect the relevant hiring panel name and date of the Mayoral delegation.

The draft Terms of Reference attached to this report for approval (Recommendation 1 of this report) provide that the City Manager Hiring Panel would have the general responsibility to, "Facilitate the recruitment and appointment process in accordance with the Mayoral delegation made under Bill 3, the *Strong Mayors, Building Homes Act, 2022*, which amended the *Municipal Act, 2001*." The Hiring Panel would also have the following specific responsibilities:

1. Establish timelines for the hiring process;

2. Review any list(s) of candidates prepared by the executive search firm and select those to be interviewed for the position;
3. Interview candidates, select a recommended candidate for Council's consideration, and make any other recommendations to Council with respect to matters such as terms and conditions that the Hiring Panel deems appropriate.

The draft Terms of Reference further provide that the Hiring Panel would meet at the call of the Mayor in accordance with the notice provision of the *Procedure By-law*. As the Hiring Panel is an ad hoc committee of Council, the Panel's meetings shall be held in accordance with Council's *Procedure By-law*, including public notice, agenda and minute provisions. It should be noted, however, that the majority of some meetings are likely to be, by necessity and in accordance with standards in employment and administrative law, conducted in closed session under the relevant provisions of the *Municipal Act, 2001*.

The draft Terms of Reference for the City Manager Hiring Panel are attached as Document 2.

Confirming the external search firm to assist the Hiring Panel in undertaking an executive search for a new City Manager

The Mayoral delegation of December 21, 2022, provides that the Hiring Panel has the responsibility to "Direct the Office of the City Clerk to provide the required administrative support to the recruitment process, including the identification and retention of an executive search firm to assist in the recruitment process."

Staff have engaged with Odgers Berndtson from the City's Standing Offer list regarding assistance in undertaking an executive search for a new City Manager. The firm's personnel have extensive experience working with the City of Ottawa, including the successful placement of the current Auditor General in 2020, a process that was conducted pursuant to the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures. Other placements over the last several years include the former General Manager, Planning, Infrastructure and Economic Development, the General Manager of Transit Services, as well as the Chief Financial Officer, among other City positions (Chiefs of Fire, Police and Paramedics).

The firm has advised that its approach to the City Manager recruitment process would include, but not be limited to, the following:

- Individual consultations with each Member of Council to receive additional input on desired qualifications and attributes.
- Regional, national and global outreach, including networking with 65 Odgers offices globally, as well as targeted outreach.
- An advertising strategy that includes municipal professional organizations and publications, as well as using the firm's network of relationships within community, professional, and private organizations that are representative of the major cultural and ethnic groups within Canada.
- Making it a priority to target bilingual candidates.
- Searching the firm's internal database to identify candidates who have self-identified as racialized, indigenous, disabled persons, or women, or who belong to other identifiable groups.
- Assessing leadership skills in a culture-free and non-biased manner (e.g., through evaluation matrixes, psychometric leadership assessments, etc.).
- Abiding by accessibility requirements (e.g., *Accessibility for Ontarians with Disabilities Act* policies) as it relates to compliant facilities and accommodations for clients and candidates.
- Conducting initial screening telephone interviews.
- Presenting a long list of candidates to the Hiring Panel and assisting with the selection of a short list.
- Facilitating interviews/presentations with short listed candidates and the Hiring Panel, including scheduling interviews/presentations and providing the Hiring Panel with relevant materials and an assessment framework.
- Providing reference reports to the Hiring Panel, along with leadership assessments from a certified leadership expert.
- Supporting negotiations with the selected candidate.
- Providing integration support throughout the first year of the successful candidate's appointment.

Should the City Manager Hiring Panel approve Recommendation 2 of this report, the Office of the City Clerk will work with Odgers Berndtson as it provides assistance to the Hiring Panel. The firm's fixed fee of \$101,790 plus HST for the engagement can be absorbed through existing resources.

Establishing an overall general timeline

In consultation with the Mayor's Office and the recommended external search firm, staff have developed the following draft overall general timeline for the City Manager recruitment and appointment process. While the Hiring Panel may establish the general timeline to achieve Council's direction, it should be noted that the Mayor (Chair) and City Clerk will have flexibility to schedule meetings as may be required.

The proposed general overall timeline is as follows:

	Event/Task	Timeline
1	Hiring Panel meeting No. 1	February 3, 2023
2	Hiring Panel meeting No. 2 To consider: <ol style="list-style-type: none"> 1. Confidential long list of candidates prepared by the recruitment firm; and 2. Receiving the confidential interview guide provided by the recruitment firm. 	April 2023 Proposed meeting date is anticipated to occur during the week of April 17, 2023
3	Hiring Panel meeting No. 3 To interview candidates and select a recommended candidate following the interviews.	April 2023 Proposed meeting date is anticipated to occur during the week of April 24, 2023
4	Hiring Panel report back to City Council Council to consider appointment of City Manager.	May 2023

Members of the Hiring Panel should be aware that although the Panel is an ad hoc Committee of Council, Members are acting as a Hiring Panel and hiring panels must observe several practices and procedures that may be – and in some cases are – inconsistent with how Committees of Council conduct their routine business.

Specifically, Hiring Panel members must agree to attend all of the meetings related to the hiring. In general, and barring unavoidable circumstances, this means:

- Only Members of the Hiring Panel should be viewing the list of candidates and their confidential CVs or resumé's;
- Only Members who hear the search firm's presentation *in camera* at a future meeting may participate in the selection of candidates to be interviewed;
- Barring any individual issues of conflict of interest – which can be identified and for which there are specific processes – Members must be present for all of the interviews;
- Members cannot be late for the interviews and 'step in' when they arrive; and
- Members who were absent for the interview process cannot participate in the recommendation process.

In other words, should the Hiring Panel establish the overall general timeline as recommended above (Recommendation 3 of this report), members of the Hiring Panel who are not able to commit fully to adjusting their schedule in April to accommodate the interview process should not participate in *in camera* portions of future meetings in which candidates are discussed, or the remainder of the hiring process.

Job description and salary range – City Manager

In preparation for the recruitment and appointment process, Human Resources staff reviewed and updated the City Manager job description to reflect current requirements and standards for this position.

The job description for the City Manager position is attached to this report as Document 3, for the Hiring Panel's information (Recommendation 4 of this report). Staff note that the recommended external search firm would use the job description to inform its advertising and candidate briefing materials that will also include information relating to the City of Ottawa, its organizational structure, the job opportunity, responsibilities and accountabilities, and desired candidate attributes.

With respect to the salary range, the City Manager position is as follows:

Pay Grade	Minimum	Maximum
CMR	\$270,488.40	\$392,655.90

The Office of the City Clerk will also provide this information to the external search firm.

Next steps

1. Information from Members of Council regarding desired qualifications

The Mayoral delegation of December 21, 2022, states that the Mayor would “seek input from all other Members of Council on their expectations of the desired qualifications” for the City Manager, as well as the General Manager of Planning, Real Estate and Economic Development.

To address this commitment, the City Clerk issued an email on behalf of the Mayor to Members of Council on December 30, 2022, to seek comments regarding Members’ expectations of the desired qualifications for the positions. Members were asked to submit comments by January 10, 2023. Input received from Members is attached for information as Document 4.

As noted above, the recommended external search firm intends to consult with each Member of Council individually to receive additional input on desired qualifications and attributes.

2. Addressing matters relating to confidentiality

The Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures include strict requirements with respect to confidentiality and require all participants in the recruitment process to sign a mandatory confidentiality agreement, as follows [from the policy, emphasis added]:

“All City staff and Members of Council involved in the recruitment process are required to hold in strict confidence all confidential information concerning matters dealt with by Council, the Hiring Panel and/or the Interview Panel. City staff must abide by confidentiality provisions of MFIPPA [the *Municipal Freedom of Information and Protection of Privacy Act*], the Employee Code of Conduct and applicable contract provisions relating to confidential and/or personal information.

Members of Council are also subject to MFIPPA, as well as provisions of the Code of Conduct for Members of Council relating to confidentiality.

All participants in the recruitment and appointment process will be required to sign a mandatory confidentiality agreement with respect to their involvement in the process. The confidentiality agreement must be signed at the outset of the process, before the participant receives any confidential information.”

The policy also provides for certain City staff to access confidential information, as follows [emphasis added]:

“The following City staff, and/or their respective designate(s), may be involved by the Hiring Panel in the recruitment process and may be permitted to access related confidential information, subject to the above-noted provisions:

- Director, Human Resources and/or delegate(s) as set out in writing;
- City Clerk and/or delegate(s) as set out in writing;
- City Solicitor and/or delegate(s) as set out in writing; and
- **Other staff as approved by the Hiring Panel and/or City Council.”**

The City Clerk is responsible under the procedures for ensuring that all Hiring Panel Members and City staff with access to confidential hiring process information sign the mandatory confidentiality agreement in relation to the process. As noted above, the confidentiality agreement must be signed at the outset of the process, before the participant receives any confidential information.

To address requirements relating to confidentiality, on January 27, 2023, the City Clerk issued a memorandum to Hiring Panel Members requesting that each Member identify staff in their offices, as those staff may have access to confidential materials related to the hiring process through their employment duties and office features such as shared email inboxes, folders, etc. The memorandum from the City Clerk requested that each Hiring Panel Member and their staff sign and return the mandatory confidentiality agreement with respect to the City Manager recruitment process.

Senior City staff listed in the policy as being permitted to access recruitment-related confidential information (being the Director, Human Resources, the City Clerk and the City Solicitor) were also asked to sign the confidentiality agreement, provide any written

delegations and identify any members of their staff who may similarly have access to confidential information during the recruitment process.

A motion will be prepared for the Hiring Panel meeting of February 3, 2023, which will provide the list of those staff identified by Members and senior staff to be approved by the Hiring Panel in accordance with the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures. The participation of any of the staff on the list will be subject to those staff signing the confidentiality agreement and adhering to other policy provisions.

FINANCIAL IMPLICATIONS

Costs associated with the recruitment process will be absorbed within existing resources.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report.

ACCESSIBILITY IMPACTS

The Statutory Officer Recruitment, Appointment and Contract Administration Policy provides that all employment-related matters, including hiring and contract administration, shall be undertaken in an objective and impartial manner and in accordance with principles of the *Accessibility for Ontarians with Disabilities Act* and the City's Accessibility Policy.

INDIGENOUS RELATIONS, GENDER, AND EQUITY IMPLICATIONS

The City of Ottawa is committed to reconciliation, equity, and cultural transformation. The City of Ottawa values a diversity of minds, perspectives, and lived experiences to shape and lead the City's workforce and respond to needs in our community. The City's Corporate Diversity and Inclusion Plan sets the direction, priorities, and actions to meet our corporate objectives of a workforce that represents our community and an inclusive workplace. Similarly, the Statutory Officer Recruitment, Appointment and Contract Administration Policy provides that all employment-related matters, including hiring and contract administration, shall be undertaken in an objective and impartial manner and in accordance with principles of the City's Equity and Diversity Policy.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

TERM OF COUNCIL PRIORITIES

This report has no direct impacts on the City's strategic priorities or directions.

SUPPORTING DOCUMENTATION

Document 1 – Mayoral delegation of December 21, 2022

Document 2 – City Manager Hiring Panel draft Terms of Reference

Document 3 – Job description: City Manager

Document 4 – Members' input: Expectations and desired qualifications

DISPOSITION

If the Hiring Panel approves the recommendations set out in this report, the Office of the City Clerk will take the necessary steps to facilitate the search process with the external search firm as necessary. Future meetings of the Hiring Panel will be scheduled in accordance with the overall general timeline. As noted in this report, while the Hiring Panel may establish the general timeline for the process to meet Council's direction, the Mayor (Chair) and City Clerk have flexibility to schedule meetings as may be required. Furthermore, the Office of the City Clerk will provide information regarding the City Manager job description and salary range to the external search firm and conduct other administrative duties as described in this report.