

**Subject: Process to Identify a Recommended Candidate – City Manager**

**File Number: ACS2023-OCC-GEN-0006**

**Report to City Manager Hiring Panel on 12 May 2023**

**Submitted on May 3, 2023 by M. Rick O'Connor, City Clerk**

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**Ward: Citywide**

**Objet : Processus à suivre pour la sélection des candidatures à  
recommander – Directrice municipale ou directeur municipal**

**Dossier : ACS2023-OCC-GEN-0006**

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

**le 12 mai 2023**

**Soumis le 3 mai 2023 par M. Rick O'Connor, greffier municipal**

**Personne ressource : Kiel Anderson, gestionnaire, Politiques et activités  
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**Quartier : À l'échelle de la ville**

## **REPORT RECOMMENDATION(S)**

**That at its meeting of May 12 and 19, 2023, and June 2 and 9, 2023, the City Manager Hiring Panel identify a recommended candidate for the position of City Manager in accordance with the process set out in this report, including the following:**

- 1. Receive the confidential long list of candidates and confidential interview guide provided by Odgers Berndtson, and direct Odgers Berndtson to make the necessary arrangements for the hiring panel to interview candidates selected by the hiring panel for the first round of interviews;**

2. **Conduct the first round of interviews (virtual) with the selected candidates, and direct Odgers Berndtson to make the necessary arrangements for the hiring panel to interview candidates preferred by the hiring panel for the second round of interviews;**
3. **Conduct the second round of interviews (in person) with the preferred candidates, and direct Odgers Berndtson to conduct reference and background checks on any preferred candidate(s) who may be recommended by the hiring panel; and**
4. **Receive the results of any reference and background checks conducted by Odgers Berndtson, and identify the recommended candidate to be brought forward for City Council's consideration and approval.**

#### **RECOMMANDATION(S) DU RAPPORT**

**Que le Comité d'embauche d'une directrice municipale ou d'un directeur municipal sélectionne, lors de ses réunions des 12 et 19 mai 2023 et des 2 et 9 juin 2023, les candidatures à recommander pour le poste de directrice municipale ou de directeur municipal conformément au processus établi dans le présent rapport, à savoir :**

1. **Recevoir la liste préliminaire confidentielle de candidatures et le guide d'entrevue confidentiel fourni par Odgers Berndtson, et demander à Odgers Berndtson de prendre les dispositions nécessaires pour que le Comité d'embauche fasse passer une entrevue aux candidats sélectionnés par le Comité d'embauche pour la première série d'entretiens;**
2. **Mener la première série d'entretiens (virtuels) avec les candidats sélectionnés et demander à Odgers Berndtson de prendre les dispositions nécessaires pour que le Comité d'embauche fasse passer une entrevue aux candidats à privilégier par le Comité d'embauche pour la deuxième série d'entretiens;**
3. **Mener la deuxième série d'entretiens (en personne) avec les candidats privilégiés et demander à Odgers Berndtson de vérifier les références et les antécédents des candidatures à privilégier que le Comité d'embauche peut recommander;**
4. **Recevoir les résultats des vérifications des références et des antécédents menées par Odgers Berndtson, et sélectionner les candidatures à recommander au Conseil municipal.**

## 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. On April 21, 2023, an updated Mayoral delegation was issued to reflect the ongoing recruitment and appointment process. The updated delegation is attached to this report as Document 1.

The process set out in the Mayoral delegation 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 for the City Manager hiring process include as follows:

“The City Manager Hiring Panel is to consist of the Mayor and Members of the Finance and Corporate Services Committee as selected by the Mayor (Councillor Catherine Kitts, Councillor Shawn Menard and Councillor Tim Tierney). The Mayor will also seek input from all other Members of Council on their expectations of the desired qualifications for the City Manager.

The hiring panel will have the responsibility to:

- Approve the Terms of Reference for the hiring panel;
- 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;
- Report back to Council with a recommended candidate for Council's approval; and
- Recommend the terms of an employment contract with the approved candidate for execution by the Mayor.

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

On February 3, 2023, the City Manager Hiring Panel held its first meeting. The hiring panel considered the report titled, "[Terms of Reference, External Search Firm, Overall Timeline and City Manager Job Description and Salary Range](#)," and approved the hiring panel's Terms of Reference, confirmed the appointment of Odgers Berndtson to assist the hiring panel in undertaking an executive search for a new City Manager, and received the City Manager job description and salary range. The hiring panel also established the overall general timeline for the recruitment and appointment process.

On March 8, 2023, Odgers Berndtson posted its advertisement for the City Manager position. The position was advertised with municipal organizations, the Odgers Berndtson Canada and international networks, and various publications/platforms including Municipal World, LinkedIn and the Aboriginal Job Board. The job posting closed on April 14, 2023.

### **Hiring panel meeting dates**

While the hiring panel established the general timeline for the hiring process, the Mayor (Chair) and City Clerk have flexibility to schedule meetings as may be required. As such, the Mayor's Office and Office of the City Clerk, in consultation with the external search firm, have refined the overall general timeline approved by the hiring panel to include the following dates and activities, as further described in the Discussion section of this report:

Date	Activities
<b>Friday, May 12, 2023</b>	<ul style="list-style-type: none"> <li>• Receive the confidential long list of candidates and confidential interview guide provided by the executive search firm; and</li> <li>• Identify selected candidates for the first round of interviews.</li> </ul>
<b>Friday, May 19, 2023</b>	<ul style="list-style-type: none"> <li>• Interview selected candidates; and</li> <li>• Identify preferred candidates for the second round of interviews.</li> </ul>
<b>Friday, June 2, 2023</b>	<ul style="list-style-type: none"> <li>• Interview preferred candidates; and</li> <li>• Direct the executive search firm to conduct reference and background checks.</li> </ul>
<b>Friday, June 9, 2023</b>	<ul style="list-style-type: none"> <li>• Receive the results of the reference and background checks; and</li> <li>• Identify the recommended candidate for City Council's consideration and approval.</li> </ul>

Staff anticipate that the hiring panel will report to Council with a recommended candidate for the City Manager position in June of 2023.

## **DISCUSSION**

The Discussion section of this report provides information regarding the City Manager Hiring Panel's meeting to identify a recommended candidate for City Council's consideration. As described below, the hiring panel will conduct its meeting *in camera*, over several days, in accordance with statutory provisions and standard employment practices. Members of the hiring panel will be required to follow certain practices and procedures while carrying out their duties and activities relating to the hiring process, as set out below.

## **Meeting considerations**

### ***Hiring panel to meet in camera***

As forthcoming matters to be considered by the City Manager Hiring Panel relate to confidential personal information and job interviews, the hiring panel will consider these matters *in camera*, pursuant to Subsection 239(2) of the *Municipal Act, 2001* and standard employment practices. The Office of the Clerk advises that the hiring panel's activities of May 12 and 19, 2023, and June 2 and 9, 2023, as described in this section of the report, will largely occur in one continuous *in camera* meeting that will be recessed as required over the course of those dates. As the meeting is directly related to the hiring process and involves confidential matters with respect to candidates, attendance at the closed meeting sessions will be limited to members of the hiring panel and staff from the Office of the City Clerk who are supporting this process.

After it has identified a recommended candidate on June 9, 2023, the hiring panel will "rise and report" in open session with a brief verbal summary of what occurred *in camera*, in accordance with Subsection 13(8) of the *Procedure By-law*. This "rise and report" will occur at or immediately preceding the next regular Council meeting following the conclusion of the hiring panel's deliberations.

Although the hiring panel will consider the matters described in this report *in camera*, staff note that statutory "open meeting" principles and provisions continue to apply to the hiring panel as an ad hoc Committee of Council. As such, hiring panel members should avoid making decisions or otherwise materially advancing the business or decision-making of the hiring panel outside of a formal meeting.

### ***Hiring panel requirements***

As described in the report titled, "[Terms of Reference, External Search Firm, Overall Timeline and City Manager Job Description and Salary Range](#)," members of the City Manager Hiring Panel should be aware that although the hiring 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 meeting session(s) 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 resumés;
- Only members who hear the search firm's presentation *in camera* 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 addition, as noted in the Background section of this report, the [Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures](#) apply to the recruitment and appointment process. The policy and procedures include various provisions relating to matters such as fairness, confidentiality, objectivity, impartiality, transparency and equitable practices, including the following statements from the policy:

“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.

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.”

The policy and procedures require all participants in the recruitment and appointment process 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.

### **Activities to be undertaken by the hiring panel**

#### ***May 12, 2023 – Confidential long list of candidates and interview guide, and selecting candidates for the first round of interviews***

The City Manager Hiring Panel will begin its meeting in open session in the Champlain Room at City Hall, prior to moving *in camera* to consider the matters described below.

Odgers Berndtson prepared a confidential long list of candidates for the hiring panel after the job posting closed on April 14, 2023. It is recommended that the hiring panel receive the long list, select candidates to be interviewed, and direct the search firm to make the necessary arrangements for the hiring panel to interview the selected candidates in the first round of interviews on May 19, 2023.

Odgers Berndtson has also prepared a draft confidential interview guide for the hiring panel to use during the interview process. The guide incorporates best practices, relevant employment-related information and input received from Members of Council and individual hiring panel members during one-on-one consultations. It is recommended that the hiring panel receive the interview guide, and should be noted that the hiring panel may direct that any amendments be made to the guide prior to the interviews.

Hiring panel members will be provided with the above-noted hiring materials in person at the meeting of May 12, 2023.

#### ***May 19, 2023 – First round of interviews (virtual) with selected candidates***

The hiring panel will conduct the first round of interviews with the selected candidates. These interviews will be conducted virtually. The Office of the City Clerk will provide meeting details to hiring panel members.

After the first round of interviews is completed, it is recommended that the hiring panel identify its preferred candidates and direct Odgers Berndtson to make the necessary arrangements for the hiring panel to interview those candidates in the second round of interviews on June 2, 2023.



***June 2, 2023 – Second round of interviews (in person) with preferred candidates***

The hiring panel will conduct the second round of interviews with the preferred candidates. These interviews will be conducted in person at an off-site location. The Office of the City Clerk will provide meeting details to hiring panel members.

After the second round of interviews is completed, it is recommended that the hiring panel identify any preferred candidate(s) who may be recommended to Council by the hiring panel and direct Odgers Berndtson to conduct reference and background checks on those candidate(s) prior to June 9, 2023.

***June 9, 2023 – Results of reference and background checks, and identifying a recommended candidate***

The hiring panel will meet virtually to receive the results of any reference and background checks conducted by Odgers Berndtson. The hiring panel will then identify the recommended candidate to be brought forward for City Council's consideration and approval.

At this meeting, the hiring panel may also recommend the terms of an employment contract should Council approve the recommended candidate, for execution by the Mayor in accordance with the Mayoral delegation.

***June 2023 – Reporting to Council with the recommended candidate***

Staff anticipate that the hiring panel will report to Council with the recommended candidate for the City Manager position in June of 2023.

In addition to providing Council with its recommended candidate, the hiring panel will "rise and report" in open session at or immediately preceding the Council meeting with a brief verbal summary of its *in camera* meeting activities, in accordance with Subsection 13(8) of the *Procedure By-law*. As the hiring panel will not meet again following the selection process, the closed session and open session meeting minutes of the hiring panel will be approved at a future Council meeting.

**FINANCIAL IMPLICATIONS**

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

**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 April 21, 2023

**DISPOSITION**

The Office of the City Clerk will provide any required administrative support to the City Manager Hiring Panel and external search firm further to any decisions or direction provided by the hiring panel.