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Statutory Officer Recruitment, Appointment and Contract Administration Procedures

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Application

These procedures apply to processes for statutory officer recruitment, appointment and contract administration. These procedures apply to Members of Council, the Hiring Panel/Interview Panel, the external search firm and City staff responsible for the recruitment, appointment and contract administration process described in the Statutory Officer Recruitment, Appointment and Contract Administration Policy.

Procedure Description

A. Auditor General

Recruitment and Appointment Process

1. City Council shall consider a motion that provides for as follows:
 - a) If applicable, the incumbent may be thanked for their work;
 - b) If applicable, providing the incumbent with any required notice as set out under the employment contract and/or the *Employment Standards Act, 2000* and regulations;
 - c) Approving the Mayor (Chair), the Chair and Vice-Chair of the Audit Committee, and the Deputy Mayors be the Hiring Panel to interview candidates for the position of City Auditor General, and that the Mayor also seek input from all other Members of Council on their expectations of the desired qualifications for same;

- d) Approving the Terms of Reference for the Hiring Panel, a draft sample of which is attached to these procedures as Appendix 1;
 - e) The engagement of an external search firm from the City's Standing Offer list may be considered to assist the Hiring Panel in undertaking an executive search for a new Auditor General, identifying an upset limit;
 - f) Directing the Office of the City Clerk to provide the required administrative support to the Hiring Panel; and
 - g) Directing the Hiring Panel to report back to Council with a recommended candidate for Council's approval as the new Auditor General.
2. The City Clerk shall ensure that all Hiring Panel Members and City staff with access to confidential hiring process information sign a mandatory confidentiality agreement in relation to the process. The confidentiality agreement shall be signed at the outset of the process, before receiving any confidential information.
 3. The Auditor General Hiring Panel is an ad-hoc committee of Council. Therefore, 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*;
 4. If applicable, on behalf of the Hiring Panel and in accordance with Council's direction, the City Clerk may issue a request for submissions on the recruitment process to qualified search firms on the City's Standing Offer list;
 5. The Auditor General Hiring Panel shall meet for the purposes including, but not limited to, as follows:
 - a) To consider the approval of the external search firm (if Council has approved the engagement of an external search firm) and establish timelines to meet Council's direction;
 - b) To review any list(s) of candidates prepared by the executive search firm and to select those to be interviewed for the position of City Auditor General;
 - c) To interview candidates, select a recommended candidate and make any other recommendations with respect to terms and conditions that the Hiring Panel deems appropriate.
 6. The Hiring Panel shall report to Council in accordance with Council's direction.
 7. Council shall consider the recommendation(s) of the Hiring Panel. Any appointment approved by Council shall be made by public resolution, specifying the terms and conditions of such appointment and delegating authority to finalize and execute the employment contract based on the specified parameters. The resolution shall also provide "reporting out" requirements with respect to the exercise of the delegated authority.

Contract Administration Process

Council shall, by public resolution, approve any amendments to the terms and conditions of the Auditor General's appointment, including but not limited to contract, job description and salary matters that go beyond terms and conditions previously approved by Council. The resolution shall specify any relevant amendments and delegated authority with respect to same. The resolution shall also provide "reporting out" requirements with respect to the exercise of delegated authority.

B. City Manager

Recruitment and Appointment Process

1. City Council shall consider a motion that provides for as follows:
 - a) If applicable, the incumbent may be thanked for their work;
 - b) If applicable, providing the incumbent with any required notice as set out under the employment contract and/or the *Employment Standards Act, 2000* and regulations;
 - c) Approving that the Mayor (Chair) and all Members of the Finance and Economic Development Committee be the Hiring Panel to interview candidates for the position of City Manager, and that the Mayor also seek input from all other Members of Council on their expectations of the desired qualifications for same;
 - d) Approving the Terms of Reference for the Hiring Panel, a draft sample of which is attached to these procedures as Appendix 1;
 - e) The engagement of an external search firm from the City's Standing Offer list may be considered to assist the Hiring Panel in undertaking an executive search for a new City Manager, identifying an upset limit;
 - f) Directing the Office of the City Clerk to provide the required administrative support to the Hiring Panel; and
 - g) Directing the Hiring Panel to report back to Council with a recommended candidate for Council's approval as the new City Manager.
2. The City Clerk shall ensure that all Hiring Panel Members and City staff with access to confidential hiring process information sign a mandatory confidentiality agreement in relation to the process. The confidentiality agreement shall be signed at the outset of the process, before receiving any confidential information.
3. The City Manager Hiring Panel is an ad-hoc committee of Council. Therefore, 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*;
4. If applicable, on behalf of the Hiring Panel and in accordance with Council's direction, the City Clerk may issue a request for submissions on the recruitment process to qualified search firms on the City's Standing Offer list;
5. The City Manager Hiring Panel shall meet for the purposes including, but not limited to, as follows:

- a) To consider the approval of the external search firm (if Council has approved the engagement of an external search firm) and establish timelines to meet Council's direction;
 - b) To review any list(s) of candidates prepared by the executive search firm and to select those to be interviewed for the position of City Manager; and
 - c) To interview candidates, select a recommended candidate and make any other recommendations with respect to terms and conditions that the Hiring Panel deems appropriate.
6. The Hiring Panel shall report to Council in accordance with Council's direction.
7. Council shall consider the recommendation(s) of the Hiring Panel. Any appointment approved by Council shall be made by public resolution, specifying the terms and conditions of such appointment and delegating authority to finalize and execute the employment contract based on the specified parameters. The resolution shall also provide "reporting out" requirements with respect to the exercise of the delegated authority.

Contract Administration Process

Council shall, by public resolution, approve any amendments to the terms and conditions of the City Manager's appointment, including but not limited to contract, job description and salary matters that go beyond terms and conditions previously approved by Council.

The resolution shall specify any relevant amendments and delegated authority with respect to same. This may include setting out the delegated authority being approved to seek, negotiate, finalize and/or execute a contract extension as well as any required changes to the contract with respect to term, remuneration, benefits and notice period. The resolution shall also provide "reporting out" requirements with respect to the exercise of delegated authority.

C. Integrity Commissioner

Recruitment and Appointment Process

1. City Council shall consider a motion that provides for as follows:
 - a) If applicable, the incumbent may be thanked for their work;
 - b) If applicable, providing the incumbent with any required notice as set out under the employment contract and/or the *Employment Standards Act, 2000* and regulations;
 - c) Delegating authority to the City Clerk to undertake a recruitment and appointment process for the new Integrity Commissioner in accordance with the criteria and principles approved by Council (as per Subsection 2 below), and further to any specified changes to the remuneration schedule; and

d) Directing the City Clerk to report back to Council on the exercise of the delegated authority immediately following contract execution by way of a memorandum setting out information regarding the new Integrity Commissioner and the recruitment and appointment process that was used.

2. The following criteria and principles shall be applied to the hiring process:

- The Integrity Commissioner's independence and impartiality;
- Confidentiality with respect to the Integrity Commissioner's activities; and
- The credibility of the Integrity Commissioner's investigation process.

In considering the appointment of an Integrity Commissioner, the successful candidate should possess:

- Previous municipal, governance, procedural and/or ethics experience (e.g. former Chief Administrative Officer, Clerk, municipal lawyer, similar experience in another level of government);
 - Knowledge of municipal government and the accountability and transparency provisions of the *Municipal Act, 2001*;
 - Understanding of Council operations and policies, including the City's Accountability Framework;
 - Ability to provide services on a part-time, flexible and as-needed basis, without competing employment demands;
 - Credibility with City Council, staff, public and media;
 - The ability to receive complaints and conduct investigations in both official languages; and
 - No specific connection or interest with the City (specifically a financial or business relationship).
3. The City Clerk shall ensure that all individuals and City staff with access to confidential hiring process information sign a mandatory confidentiality agreement in relation to the process. The confidentiality agreement shall be signed at the outset of the process, before receiving any confidential information.
 4. The City Clerk shall conduct advertising for the position and receive and screen applications based on the Council-approved criteria before selecting candidates for interviews.
 5. Interviews shall be conducted by an Interview Panel composed of the City Clerk, the Deputy Clerk and the Auditor General, and a preferred candidate shall be selected.
 6. The initial term of the Integrity Commissioner shall be set at one year with an optional renewal for a five-year term.
 7. The City Clerk shall report back to Council on the exercise of the delegated authority immediately following contract execution by way of a memorandum setting out information regarding the new Integrity Commissioner and the recruitment and appointment process that was used.

Contract Administration Process

The City Clerk shall have delegated authority to negotiate, finalize and execute extensions to the Integrity Commissioner's contract and any subsequent renewals, subject to Council-approved term lengths and any Council-approved changes to terms and conditions, including the remuneration schedule. The City Clerk shall report to Council on the exercise of this delegated authority by way of memorandum immediately following the execution of any agreement.

Monitoring/Contraventions

The City Clerk shall review and monitor the statutory officer recruitment, appointment and contract administration processes for the Auditor General and City Manager to ensure consistency and compliance with these procedures. The City Solicitor shall review and monitor the recruitment, appointment and contract administration processes for the Integrity Commissioner to ensure consistency and compliance with these procedures.

Failure on the part of an employee to comply with these procedures may result in discipline up to and including dismissal.

Any complaints under these procedures relating to Members of Council shall be addressed by the Integrity Commissioner in accordance with the Integrity Commissioner's oversight of the Code of Conduct for Members of Council.

References

Statutory Officer Recruitment, Appointment and Contract Administration Policy
Procedure By-law
 Code of Conduct for Members of Council

Legislative and Administrative Authorities

Municipal Act, 2001
Employment Standards Act, 2000

Definitions

"External Search Firm" means an external firm or specialized consultant retained by the Hiring Panel/Council to assist in undertaking an executive search in accordance with the scope of work approved by the Hiring Panel/Council.

"Hiring Panel" means the individuals appointed by Council to interview candidates for the Auditor General/City Manager position.

"Interview Panel" means the City Clerk, Deputy Clerk and Auditor General in their capacity interviewing candidates for the Integrity Commissioner position and selecting a preferred candidate.

“Statutory officer” means those officers appointed under the *Municipal Act, 2001*, who report directly to City Council. Specifically, this includes the Auditor General, City Manager and Integrity Commissioner.

Enquiries

For more information on these procedures, contact:

City Clerk
 City of Ottawa
 Telephone: 3-1-1 (TTY: 613-580-2401)

Appendices

Appendix A – Draft Auditor General/City Manager Hiring Panel Terms of Reference

APPENDIX A

Draft Auditor General/City Manager Hiring Panel Terms of Reference

MANDATE

The Hiring Panel for the Auditor General or City Manager, as the case may be (“Hiring Panel”) is responsible for facilitating the recruitment process for these statutory officers and recommending to City Council a preferred candidate for the position, in accordance with the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures, and any direction from City Council.

MEMBERSHIP

Membership of the Hiring Panel shall consist of Members of City Council as approved by City Council.

GENERAL RESPONSIBILITIES

The Hiring Panel shall:

1. Facilitate the recruitment and appointment process in accordance with the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures, and any direction from City Council.

SPECIFIC RESPONSIBILITIES

1. Consider the approval of the external search firm (if Council has approved the engagement of an external search firm), and establish timelines to meet Council's direction;
2. Review any list(s) of candidates prepared by the executive search firm and to 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.

AUTHORITY, DECISION-MAKING AND REPORTING RELATIONSHIP

The Hiring Panel shall meet at the call of its Chair in accordance with the notice provision of the *Procedure By-law*. The Hiring Panel is an ad-hoc committee of Council. Therefore, 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*.

Members of the Hiring Panel may be permitted to access related confidential information. The following City staff, or their respective designate, may be involved by the Hiring Panel in the recruitment process and may be permitted to access related confidential information, subject to provisions of the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures:

- 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.

As set out in the Statutory Officer Recruitment, Appointment and Contract Administration Policy, 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 the Hiring Panel. Each Member of the Hiring Panel 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.

Recommendations of the Hiring Panel shall be forwarded to Council for consideration. The Hiring Panel shall report to Council in accordance with Council's direction.