

Mayor and Members of Council

January 12, 2021

Re: Clarifying for Hamilton Council why no conflict of interest exists for Janice Atwood-Petkovski

At its meeting of December 16, 2020, Council adopted the following direction, which was recommended by Governance Committee:

(iv) That staff be directed to write a letter to Principles Integrity to seek insight into how Janice Atwood-Petkovski manages her work to avoid Conflicts of Interest given her past relationship with the City of Hamilton as an employee.

Janice served as Hamilton's City Solicitor for 4 years, retiring from that position on February 28, 2017, having spent the first 26 years of her career at the Ministry of Municipal Affairs & Housing and three large GTA municipalities.

In many fields, including law and politics, it is expected that individuals will recognize a 'cooling off period' before engaging with (lobbying, adjudicating) former colleagues following their departure from an organization. This practice recognizes that an individual might benefit advantageously from their relationships, or alternatively be unduly influenced by these pre-existing relationships and be unable to approach a matter in an unbiased manner. Sometimes this is erroneously characterized as a conflict of interest. Typically, a reasonable 'cooling off period' is one year.

Principles *Integrity* was formed by the two partners, Janice Atwood-Petkovski and Jeff Abrams, in June 2017. One year later in July 2018, when Hamilton's previous integrity commissioner unexpectedly resigned, Principles *Integrity* was asked to serve as acting integrity commissioner for the remainder of that appointment period.

In order to avoid even the possibility of a perception of bias, the partners intentionally ensured that Janice did not participate in any investigations involving members of Council, in recognition of her former position in which she reported to Council.

Following an extensive RFP, Principles Integrity was the successful bidder and was appointed integrity commissioner to the City in February 2020. At that point, recognizing that 3 full years had passed since Janice's retirement from staff at the City, she no longer refrained from participating in investigation of complaints regarding members of Council.

Given that it is approaching 4 years since Janice's retirement from Hamilton (a period equal to the length of her employment with Hamilton), there can be no reasonable suggestion of bias.

Principles *Integrity*,
Integrity Commissioner for the City of Hamilton