

Council/Corporate Procedure		Policy Alignment:
Office of the City Manager		<i>Municipal Act 2001, as amended</i>
Page 1 of 4		Council Approved: Last Reviewed: March 2023

Integrity Commissioner Appointment and Contract Administration Procedures

APPLICATION

These procedures apply to processes for the Integrity Commissioner and Lobbyist Registrar, recruitment, appointment and contract administration. These procedures apply to Members of Council, the Hiring Panel/Interview Panel and designates.

LEGISLATIVE REQUIREMENTS

Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2017, which received Royal Assent on May 30, 2017, expanded the responsibilities of the Integrity Commissioners and required that all municipal governments provide access to an Integrity Commissioner and either appoint its own Integrity Commissioner or make provisions that the services of an Integrity Commissioner be provided by another municipality by March 1, 2019.

The *Municipal Act, 2001*, as amended, Part V.1 Accountability and Transparency, section 223.2 to 223.12 (Appendix 'A') outlines the requirements for City Council "to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality". Council has expressed their intent to retain their own Integrity Commissioner and Lobbyist Registrar and to not provide that service through another municipality.

Sections 223.9 of the Act authorizes a municipality to establish and maintain a Lobbyist Registry which is a publicly accessible accountability and transparency tool that records and regulates the activities of those persons who lobby public office holders.

Section 223.11 authorizes a municipality to appoint a Lobbyist Registrar who is responsible for performing, in an independent manner, the functions assigned to it by the municipality with respect to its Lobbyist Registry.

The City of Hamilton By-Law 16-288 To Establish and Govern the Office of Integrity Commissioner and Provide for the Resolution of Allegations of Contravention of the Code of Conduct by Members of Council (the By-Law)

Council/Corporate Procedure		Policy Alignment:
Office of the City Manager		<i>Municipal Act 2001, as amended</i>
Page 2 of 4		Council Approved: Last Reviewed: March 2023

SCOPE

RELATED DOCUMENTS

Council Code of Conduct, By-Law 16-290
 Lobbyist Registry, By-Law 14-244
 Establish and Govern the Office of Integrity Commissioner, By-Law 16-188

PROCEDURE

Council shall, by public resolution, approve the appointment of the Integrity Commissioner. The resolution shall specify any relevant amendments and delegated authority with respect to administration of the contract.

Integrity Commissioner

Recruitment and Appointment Process

City Council shall consider a motion that provides for as follows:

- If applicable, the incumbent may be thanked for their work;
- If applicable, providing the incumbent with any required notice as set out under the agreement and regulations;
- Delegating authority to the City Clerk to undertake a recruitment and selection process for the new Integrity Commissioner in accordance with the criteria and principles approved by Council (as per Subsection 2 below); and
- Directing the City Clerk to report back to Council with a report to appointment on the recommended candidate and that the City Clerk and City Solicitor finalize the agreement to the satisfaction of the City Solicitor and following Council approval of the appointment.

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.

Council/Corporate Procedure		Policy Alignment:
Office of the City Manager		<i>Municipal Act 2001, as amended</i>
Page 3 of 4		Council Approved: Last Reviewed: March 2023

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;
- The ability to receive complaints and conduct investigations; and
- No specific connection or interest with the City (specifically a financial or business relationship).

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.

The City Clerk shall conduct advertising for the position and receive and screen applications based on the Request for Proposal criteria before selecting candidates for interviews.

Interviews shall be conducted by a Selection Panel composed of the City Manager, City Clerk, the City Solicitor and Executive Director of Human Resources. Based on the interviews and scoring the preferred candidate will be selected and recommend to Council for appointment.

The initial term of the Integrity Commissioner shall be set at four years with an optional renewal for an additional four-year term.

Contract Administration Process

The City Clerk and City Solicitor shall have delegated authority to negotiate, finalize and

Council/Corporate Procedure		Policy Alignment:
Office of the City Manager		<i>Municipal Act 2001, as amended</i>
Page 4 of 4		Council Approved: Last Reviewed: March 2023

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 invoicing from the Integrity Commissioner to ensure consistency with the specifications of the agreement. Any discussion of complaints regarding the performance of the Integrity Commissioner shall be conducted in closed session.

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.

Definitions

“City” means the Corporation of the City of Hamilton.

“City Manager” means the City Manager and Chief Administrative Officer of the City of Hamilton.

“Council” means the Mayor of the City of Hamilton and all Ward Councillors.

“Senior Management” means the members of the Senior Leadership Team.

“Staff” or “City Staff” means all City of Hamilton employees, including Senior Management.