

<b>Council/Corporate Procedure</b>		<b>Policy Alignment:</b>
<b>Office of the City Manager</b>		<b><i>Municipal Act 2001, as amended</i></b>
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***Integrity Commissioner/Lobbyist Registrar Appointment and Contract Administration Procedures***

**APPLICATION**

This procedure applies to the process for the Integrity Commissioner and Lobbyist Registrar recruitment, appointment and contract administration. This procedure applies to Members of Council, the Selection Panel, and City staff responsible for the recruitment/selection and contract administration process 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 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.

Part V.1 Accountability and Transparency, section 223.2 to 223.12 of the *Municipal Act, 2001*, as amended, (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.

Subsections 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.

Subsection 223.11 of the *Municipal Act, 2001* 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”) provides as follows:

2. Council’s appointment of an Integrity Commissioner pursuant to the Act and this By-

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law, shall be for a fixed term, such term to be established by Council at the time of such appointment.

7. The appointment of an Integrity Commissioner may be terminated by Council for cause, before the expiration of her or his term of office.

Policy 5.4 of the City’s Procurement Policy By-law, By-law 20-205, as amended requires that the Request for Proposals (“RFP”) process be used for Goods and/or Services with an estimated procurement value of \$10,000 or greater and where comprehensive technical specifications cannot be fully defined or specified, or when alternate methods are being sought to perform a certain function or service, at the time of the request.

**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
- Procurement Policy By-law, By-law 20-205, as amended

**PROCEDURE**

1. City Council shall consider a motion that provides 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;
  - Direct the City Clerk to follow the process as outlined within this Procedure.
2. Following the selection of a preferred candidate for Integrity Commissioner/Lobbyist Registrar through an RFP and pursuant to this Procedure, the City Clerk shall place a By-law for Appointment of the preferred candidate on the Council agenda for consideration and enactment. The By-law will specify the terms and conditions of such appointment and will delegate authority to finalize and execute the contract with terms satisfactory to the City Solicitor, and authority for contract administration to the City Clerk.
3. The following criteria and principles shall be applied by the City Clerk in the exercise of their delegated authority relating to the recruitment and selection through an RFP process:
  - The Integrity Commissioner/Lobbyist Registrar’s independence and

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impartiality;

- Confidentiality with respect to the Integrity Commissioner’s activities; and
- The credibility of the Integrity Commissioner/Lobbyist Registrar’s investigation process.

In considering the recruitment and selection of an Integrity Commissioner/Lobbyist Registrar, 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).
4. The City Clerk shall ensure that all individuals and City staff with access to confidential 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.
  5. Interviews of any candidate who meet the benchmark established by the RFP shall be conducted by a Selection Panel composed of the City Manager, the City Clerk, the City Solicitor, the Auditor General and the Executive Director of Human Resources. Based on the interviews and scoring, including cost proposals, the preferred candidate will be selected, and a recommendation made to Council for appointment.
  6. The initial term of the Integrity Commissioner/Lobbyist Registrar shall be set at four years with an optional renewal for an additional four-year term.

Contract Administration Process

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The City Clerk shall have delegated authority to negotiate, finalize and execute the contract for the Integrity Commissioner/ Lobbyist Registrar and any subsequent renewals, subject to Council-approved term lengths and any Council-approved changes to terms and conditions, including the remuneration schedule, and with terms satisfactory to the City Solicitor. 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/Lobbyist Registrar to ensure consistency with the specifications of the agreement. Any discussion of complaints regarding the performance of the Integrity Commissioner/Lobbyist Registrar 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 Management.