Minute No. 142
Report – Executive Policy Committee – January 20, 2010

Item No. 1 **Amendments to City Organization By-law No. 7100/97 – City Auditor – City Clerk**
eFile GL-5.6

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee, as amended, and adopted the following:

1. That the City Organization By-law No. 7100/97 be amended to reflect the following amendments:

   A. In section 19.1, by striking out "and the Chief Administrative Officer";

   B. In section 24, by striking out "policy formulation and research" and substituting "procedural advice"; and

   C. In section 24.2 by striking out "and the Chief Administrative Officer" and substituting "and the Executive Policy Committee shall supervise the City Clerk".

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,
That the recommendation of the Executive Policy Committee be adopted.

In amendment,
Moved by Councillor Pagtakhan,
Seconded by Councillor Lazarenko,

THAT Recommendation 1.C. of Item No. 1 of the Report of the Executive Policy Committee dated January 20, 2010 be amended by deleting the words "on a day to day basis", so that it reads:

"C. In section 24.2 by striking out "and the Chief Administrative Officer" and substituting "and the Executive Policy Committee shall supervise the City Clerk."

Carried

Councillors Thomas and Wyatt asked to be recorded as having voted against the amendment, in accordance with Rule 47(7) of the Procedure By-law 50/2007.

The motion for adoption of the item, as amended, was put and declared carried.

Councillors Thomas and Wyatt asked to be recorded as having voted against the item as amended, in accordance with Rule 47(7) of the Procedure By-law 50/2007.

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DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2010, the Executive Policy Committee recommended that Council amend the City Organization By-law No. 7100/97 to reflect the following amendments:

- in section 19.1, by striking out "and the Chief Administrative Officer";
- in section 24, by striking out "policy formulation and research" and substituting "procedural advice"; and
- in section 24.2 by striking out "and the Chief Administrative Officer" and substituting "and the Executive Policy Committee shall supervise the City Clerk on a day-to-day basis"

and submitted the matter to Council.

On December 9, 2009, the Executive Policy Committee laid the matter over to its meeting on January 20, 2010 to allow the Mayor's Office to investigate the establishment of a performance review mechanism for Statutory Officers, specifically the City Auditor and City Clerk, as well as conduct an environmental scan of other jurisdictions, taking into consideration Winnipeg's historical reporting relationships and the City's position as a leader in this regard.

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DECISION MAKING HISTORY (continued):

COUNCIL:

On November 25, 2009, Council referred the following resolution to the Executive Policy Committee:

Moved by Councillor Smith,
Seconded by Councillor Gerbasi,

WHEREAS on September 24, 2008, Council adopted Item 1 of the Report of the Executive Policy Committee dated September 24, 2008 regarding Organizational Restructuring;

AND WHEREAS on September 24, 2008, Council also adopted By-law 143/2008 regarding amendments to the City Organization By-law 7100/97;

AND WHEREAS the above 2 items changed the reporting relationship of the City Auditor from reporting directly to Council through the Executive Policy and Audit Committees to reporting administratively to the Chief Administrative Officer (CAO);

AND WHEREAS the City Auditor is charged under The City of Winnipeg Charter with undertaking examinations of the operations of the City and reporting on such examinations to Council;

AND WHEREAS having the City Auditor report to the CAO, rather than to elected officials, potentially hinders the democratic process by making it less transparent;

AND WHEREAS ensuring the City Auditor keeps Council informed aids them in protecting the public purse;

THEREFORE BE IT RESOLVED THAT the City Organization By-law be amended to have the City Auditor report directly to Council, through the Audit Committee and the Executive Policy Committee.