Minutes – Executive Policy Committee – February 17, 2016

REPORTS

Item No. 2 Office of Integrity (Ethics) Commissioner – Proposed Engagement Process

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and recommended to Council:

1. That the report from the Winnipeg Public Service be received as information.

DECISION MAKING HISTORY:

The Chairperson called Deputy Mayor Pagtakhan to the Chair in order to move the following motion:

Moved by His Worship Mayor Bowman,

That the report from the Winnipeg Public Service be received as information and forwarded to Council.

Carried

His Worship Mayor Bowman resumed the Chair.

COUNCIL DECISION:

On January 27, 2016, Council granted a 30-day extension of time in order for the Winnipeg Public Service to report back with a proposed process for the engagement of an Integrity Commissioner, on a two-year renewable term, in accordance with all applicable City policies including, without limitation, the City's Materials Management policy.

On December 9, 2015, Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Office of Integrity Commissioner be created, and the Winnipeg Public Service be directed to report back at the January, 2016 Council meeting with a proposed process for the engagement of an Integrity Commissioner, on a two-year renewable term, in accordance with all applicable City policies including, without limitation, the City's Materials Management policy.

2. That the mandate of the Integrity Commissioner, as detailed in this report (attached as Appendix C), be adopted and applicable to Members of Council only.

3. That a new draft Code of Conduct of the Council of the City of Winnipeg be developed by the Integrity Commissioner for consideration by Council, and that such draft Code of Conduct for Council include, without limitation, sanctions and enforceability mechanisms.

4. That should a Lobbyist Registry be established, the oversight of the registry be included in the Integrity Commissioner's mandate.

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

5. That an annual budget in the amount of $100,000 per year for ongoing operations of the Integrity Commissioner be referred to the 2016 Operating Budget process.

6. That the Winnipeg Public Service request the Province of Manitoba to amend The City of Winnipeg Charter Act to create an applicable section specifically on the mandate and role of an Integrity Commissioner, identify appropriate penalties should any relevant by-law, policy or Act be breached, and grant investigative powers to the Integrity Commissioner.

On June 17, 2015, Council adopted the following motion:

Moved by His Worship Mayor Bowman,
Seconded by Councillor Gerbasi,

WHEREAS on December 11, 2013 Council concurred in the recommendation of the Executive Policy Committee with respect to the creation of an Office of Ethics Commissioner (the "2013 Motion");

AND WHEREAS the 2013 Motion also requested the Province of Manitoba to amend the City of Winnipeg Charter Act (the "Charter") to provide the Ethics Commissioner with investigative powers to compel witnesses and evidence, which amendments have not as yet been made;

AND WHEREAS the 2013 Motion also provided that the Ethics Commissioner have jurisdiction over investigating complaints and recommending to Council sanctions with respect to members of the Public Service, and it is desirable to obtain further analysis of this issue from a labour relations perspective;

THEREFORE BE IT RESOLVED THAT the Public Service be requested to report back within 120 days to Executive Policy Committee with recommendations for a process and implementation plan to create an Office of Ethics Commissioner with the maximum authority under the existing Charter, which report shall include;

(i) a review of best practices in other jurisdictions;
(ii) human resource and labour relations implications;
(iii) budgetary implications;
(iv) legal implications; and
(v) all other relevant considerations.

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

BE IT ALSO RESOLVED THAT the Governance Committee of Council work with the City Solicitor to review the existing Councillor Code of Conduct (the "Code") to develop recommendations for Council consideration with respect to updating and amending the Code to ensure: (i) guidelines for ethical conduct are in line with best practices in other jurisdictions; and (ii) consequences for breaching the Code are clearly defined and articulated.

ADMINISTRATIVE REPORT

Title: **Office of Integrity (Ethics) Commissioner – Proposed Engagement Process**

Critical Path: **Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
M. Lemoine	R. Kachur	n/a	M. Jack COO

RECOMMENDATIONS

That this report be received as information.

REASON FOR THE REPORT

On December 9, 2015 Council adopted the report of Executive Policy Committee dated December 2, 2015, dealing with the Office of Integrity (Ethics) Commissioner. Recommendation 1 of that report called for the Winnipeg Public Service to report back on a proposed process for engagement of the Integrity Commissioner.

On January 6, 2015, Executive Policy Committee provided a 30 day extension of time to respond to this request.

EXECUTIVE SUMMARY

The cross-jurisdictional review found that many municipalities who have implemented an Integrity Commissioner have done so in a similar manner; as an outside, independent contractor, appointed as the Integrity Commissioner and reporting to Council, with payment as a combination of a stipend and a fee-for-service basis.

This report identifies a process for recruiting and engaging an Integrity Commissioner, with final appointment done by Council and with the process being in accordance with all applicable City policies, including the City's Materials Management Policy. This process would be followed by the Winnipeg Public Service after the budget for such an office was approved.

IMPLICATIONS OF THE RECOMMENDATIONS

By implementing an Integrity Commissioner, the City is providing a transparent, accessible and open process for Members of Council, members of Administration and members of the public, to report or receive information on a perceived conflict by a Member of Council and be ensured that an independent officer will have powers to investigate issues and report their findings to Council. This report identifies a process for engaging a person for this position.

HISTORY/DISCUSSION

On December 9, 2015 Council adopted the report of Executive Policy Committee dated December 2, 2015, dealing with the Office of Integrity (Ethics) Commissioner. Recommendation 1 of that report called for the Winnipeg Public Service to report back on a proposed process for engagement of the Integrity Commissioner as follows:

1. That the Office of Integrity Commissioner be created, and the Winnipeg Public Service be directed to report back at the January, 2016 Council meeting with a proposed process for the engagement of an Integrity Commissioner, on a two-year renewable term, in accordance with all applicable City policies including, without limitation, the City's Materials Management policy.

On January 6, 2015, Executive Policy Committee provided a 30 day extension of time to respond to this request.

The cross-jurisdictional review done in regards to Integrity Commissioners found that many municipalities who have implemented an Integrity Commissioner have done so in a similar manner; as an outside, independent contractor, appointed as the Integrity Commissioner and reporting to Council, with payment as a combination of a stipend and a fee-for-service basis. As shown in Appendix A, individuals were appointed and provide service to several Ontario municipalities on an as-needed / fee-for-service basis.

The proposed process for engaging an Integrity Commissioner would be to advertise the position being available online and in local and perhaps national newspapers, once the position is confirmed in the 2016 budget. The Winnipeg Public Service will convene a panel to review the applicants, with the panel suggested to include representatives from City Council. The panel will short list and forward to Council a proposed selection. As adopted by Council, the Integrity Commissioner will be appointed on a two year term, with the contract created by Legal Services. Legal Services, Materials Management and Corporate Support Services (in terms of human resource issues) will all be consulted on the process. The process will be in accordance with all applicable City policies including, the City's Materials Management Policy.

FINANCIAL IMPACT

Financial Impact Statement

Date: January 25, 2016

Project Name:

Office of Integrity (Ethics) Commissioner

First Year of Program **2016**

	2016	2017	2018	2019	2020
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: There is no Financial Impact associated with this report.

original signed by

Ramona Hodges
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

In preparing this Report there was consultation with:

The Office of the Chief Administrative Officer

Materials Managment

Legal Services

OURWINNIPEG POLICY ALIGNMENT

Not applicable.

SUBMITTED BY

Department: City Clerk's
Prepared by: Destiny Watt, Senior Committee Clerk
Date: January 25, 2016

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List of Municipalities with Integrity Commissioners

Municipality	Integrity Commissioner	Contact Information
Arnprior	William Hunter (2013)	wrhunter@vhl-law.ca
Barrie	Suzanne Craig	integritycommission@barrie.ca
Brampton	Robert Swayze (2014)	robert.swayze@sympatico.ca
Brant	Greg Levine (2013)	greg.levine@bmts.com
Brantford	Robert Swayze (2011)	robert.swayze@sympatico.ca
Brighton	Nigel Bellchamber	http://www.brighton.ca/
Caledon	John Fleming (2011)	http://www.caledon.ca/en/email/emailattachment.aspx?id=1475&ref=http://www.town.caledon.on.ca/en/townhall/Integrity_Commissioner.asp
Carleton Place	Robert Swayze (2012)	robert.swayze@sympatico.ca
Collingwood	Robert Swayze	robert.swayze@sympatico.ca
Edwardsburgh/Cardinal	John Simpson	613-342-4491
Fort Erie	Suzanne Craig	SCraig@town.forterie.on.ca
Georgian Bay	Harold Elston (2012)	http://gbtownship.ca/content/reports-integrity-commissioner
Guelph	Robert Swayze (2011)	robert.swayze@sympatico.ca
Hamilton	Earl Basse (2010)	ebasse@rogers.com
Kitchener	Greg Levine (2009)	greg.levine@bmts.com
Lambton Shores	Greg Levine	greg.levine@bmts.com
Markham	Donald Cameron (2013)	adr@adrchambers.com
Mississauga	Robert Swayze (2012)	robert.swayze@sympatico.ca
Niagara Region	George Rust-D'Eye	grustdeye@icloud.com
Oakville	Robert Swayze (2008)	robert.swayze@sympatico.ca
Orillia	Suzanne Craig (2012)	http://www.orillia.ca//en/email/mailto.aspx
Ottawa	Robert Marleau (2012)	integrity@ottawa.ca
Parry Sound	Suzanne Craig (2011)	ic@townofparrysound.com
Pickering	Suzanne Craig	integritypickering@gmail.com

"This list is subject to change and may not be fully 100% accurate. Completed by AMCTO as of September 8th 2014"

List of Municipalities with Integrity Commissioners

Port Hope	Robert Swayze (2011)	robert.swayze@sympatico.ca
Prince Township	Ben Pascuzzi	info@pascuzziberlingierilaw.ca
Ramara	George Rust-D'Eye	grustdeye@icloud.com
Richmond Hill	Amberley Gavel Ltd. (2013)	1-866-535-8079
South Dundas	Robert Swayze	robert.swayze@sympatico.ca
South Stormont	Robert Swayze	robert.swayze@sympatico.ca
St. Catharines	Suzanne Craig	http://www.stcatharines.ca/en/index.asp
Toronto	Valerie L. Jepson	Valerie.jepson@oico.on.ca
Vaughan	Suzanne Craig (2009)	integrity.commissioner@vaughan.ca
Waterloo	Greg Levine	greg.levine@bmts.com
Wawa	Ben Pascuzzi	info@pascuzziberlingierilaw.ca
West Lincoln	Greg Levine (2010)	greg.levine@bmts.com
Wilmot	Robert Williams (2013)	http://wilmot.ca/council-accountability.php
Windsor	Bruce P. Elman (2011)	integrity@city.windsor.on.ca

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