Agenda – Executive Policy Committee – March 16, 2016

2016 BUDGET REVIEW

Item No. 7 Office of Integrity (Ethics) Commissioner

COUNCIL DECISION:

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

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.

DECISION MAKING HISTORY:

COUNCIL DECISION:

On February 24, 2016, Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the report from the Winnipeg Public Service on the proposed engagement process be received as information.

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, 2016, 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.

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.

DECISION MAKING HISTORY:

COUNCIL DECISION (continued):

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

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.

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.