# THE COUNCILLORS' WARD ALLOWANCE (CWA) FUND POLICY

Adopted by Council September 28, 2011
(amended June 25, 2014, December 10, 2014, October 28, 2015, October 26, 2016, June 21, 2017)

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# The Councillors' Ward Allowance (CWA) Fund Policy

## Section One: Purpose of Allowance

The Councillors' Ward Allowance (CWA) Fund Policy provides rules, guidelines, responsibilities and procedures with regard to the expenditure of funds from the CWA by Councillors as well as the expenditure of Chairperson funds by Councillors, which are received by virtue of acting as a Chairperson of a committee / member of Executive Policy Committee. All references to CWA funds in this policy also capture and apply to Chairperson funds.

amended June 25, 2014

## Section Two: Principles

This policy is intended to reflect the following fundamental principles:

**Autonomy of Council**

- City Council, as the decision-making body of the City, is separate and distinct from the City Administration.
- The Autonomy of Council is provided for in *The City of Winnipeg Charter.*

**Integrity of Council**

- The integrity of City Council as a whole and the offices of the Councillors must be protected.
- The interest of City Council as a whole takes precedence over the personal interest of individual Members of Council.

**Accountability**

- Councillors must ensure prudent utilization of the public monies utilized to perform duties while in office.
- Councillors are stewards of City resources and are ultimately accountable to the public and their constituents for the type and level of expenses they incur.
- Councillor's expenses must be reasonable and reflect what the public expects of an elected official.
- Councillor's business expenses and personal expenses must be kept separate.
- Councillors must ensure that personal expenses are not incurred using City purchasing cards or any other means. Any personal expenses accidently incurred must be repaid immediately after the Councillor becomes aware of such a charge.

amended October 26, 2016

**Transparency**

- The public has a right to know how public funds allocated to Councillors are spent. The public's right to Councillors' expense information must be balanced against the need to protect privacy and personal information, and allow time for proper accounting and reconciliation of expenses

**Flexibility and Limits**

- Councillors require flexibility to perform their roles, operate their offices and pursue their interests.
- Councillors engage their communities differently.
- Expenditures must not conflict with rules set out in Election legislation, and other legislation.
- All accounting, audit and Income Tax principles and rules must be followed.

## Section Three: Roles and Responsibilities

**Councillors**

- Authorize expenditures from their CWA.
- Meet all financial, legal and legislative requirements including Income tax obligations
- Stay within budget guidelines and expenditure categories outlined in this Policy.
- Keep safe and maintain all equipment and furniture provided by the City.
- Keep safe and maintain all equipment and furniture purchased with City funds.
- Ensure that all purchases are appropriate and that invoices are authorized after orders have been received or services rendered.
- Complying with purchasing, accounting and financial policies approved for Councillors.
- Must repay any personal charges immediately after the Councillor becomes aware of any such charge.
- Contact the Deputy City Clerk to seek advice on all aspects of this Policy.

**City Clerk's Department**

- Provide accounting and financial support to Councillors by directing payment of expenditures, preparing financial management reports and providing advice on handling difficult or unusual transactions.
- Provide purchasing support to Councillors with vendor lists, obtaining quotations, issuing purchasing documents and developing formal agreements.
- Provide staffing support to Councillors by preparing payroll documentation.
- Advise Councillors of the status of their budgets and expenditures.
- Advise Councillors if any item appears to breach the Councillors' Ward Allowance (CWA) Policy or is inappropriate.
- Refer unusual transactions in dispute to the Governance Committee of Council for review and disposition
- Make sure that supporting documentation is in place and that expenditures conform with the CWA and other policies
- The Deputy City Clerk must suspend processing of expenses and / or a City purchasing card if a Councillor fails to comply with any portion of this policy, including:
  1) Knowingly charging personal expenses to the City or a City Purchasing Card.
  2) Failure to repay an accidental personal expense within 15 days of becoming aware of such a charge.

3) Failure to file purchasing card statements, including receipts, descriptions and other required documentation within 2 months of the date of the statement.

The Governance Committee of Council will review the suspension and make a decision on further action.

- The Deputy City Clerk will track personal charges incurred by Councillors and will refer multiple instances of personal charges incurred within a calendar year to the Governance Committee.
- Monitor changes in City policies and procedures and review relevance of these changes for the CWA Policy and related procedures.
- Provide training and orientation for Councillors and their staff at the beginning of each term and when required or as requested during the term from time to time.
- Assist Corporate Finance to disclose the CWA expenditures on the City's website on a monthly basis, including vendors for all external transactions.
- Develop procedures and provide training to staff to appropriately deal with CWA expenses that qualify for charitable receipting.

amended October 26, 2016

**Audit Department**

- Provide an annual audit of the CWA to Council for its July meeting, through the Governance Committee of Council.

(amended October 28, 2015)

**Governance Committee of Council**

- Review amendments to the CWA policy brought forward by the City Clerk.
- Recommend amendments to the CWA policy to Council.
- Review and provide disposition on unusual expenditures, in open session. The Governance Committee does not have the ability to provide disposition on a request by a Councillor to exceed the Community Group donation limit of $5,000, with such decision to be under the purview of Council.
- Review a suspension of account processing and direct subsequent action, including re-instatement of expense privileges or purchasing card, continued suspension of expenditure privileges and / or request repayment of expenses from the Councillor.
- Review instances of multiple personal purchases incurred by a Councillor.

**Corporate Finance Department**

- Payment of expenditure on direction of the City Clerk's Department.
- Monthly posting of CWA expenditures by ward.

## Section Four: Processes

### Expenditures

- Expenditures from the CWA can be made by purchasing card, by purchase request or purchase reimbursement.

### Documentation

- A Councillor must submit appropriate documentation when requesting a payment or reimbursement for expenditures.
- All authorized expenditures from the CWA shall be submitted on the expense form (attached as Appendix A), with appropriate receipts attached and authorization for payment by the Councillor. No payment shall be processed until appropriate documentation has been provided.
- Copies of appropriate receipts are to be maintained on file to support these business expenditures.

### Review Process

- Councillors are responsible for authorizing all expenditures.
- Councillors must bring unusual expenditures to the Governance Committee of Council for direction.
- The Deputy City Clerk will review all expenses submitted by Councillors to determine that proper documentation is in place and the expenditure is in compliance with the CWA.
- The Deputy City Clerk must suspend processing of expenditures if a Councillor fails to comply with any portion of the CWA policy.
- The Governance Committee of Council must review each suspension of expenditures and direct subsequent action.

### Non-Compliant or Over-Expenditures

- Each Councillor is personally responsible for reimbursing any non-compliant or over-expenditure of their CWA.
- Reimbursement for any over-expenditure must be remitted to the City Clerk for return to General Revenue within 15 days of being notified of the non-compliance or over-expenditure by the Deputy City Clerk.

### Purchasing Cards (amended June 25, 2014, October 26, 2016)

- Each Councillor must enter into an agreement for the use of a purchasing card annually.
- Each Councillor must comply fully with the terms of the agreement and the purchasing card program procedures (attached as Appendix B).
- Each Councillor must provide receipts and expense descriptions to the City Clerk's Department within two months of the statement for processing.
- The Deputy City Clerk must suspend purchasing card privileges if a Councillor fails to comply with any portion of the purchasing card or CWA policy including:
  1) Knowingly charging personal expenses to the City or a City Purchasing Card.
  2) Failure to repay an accidental personal expense within 15 days of becoming

aware of such a charge.

3) Failure to file purchasing card statements, including receipts, descriptions and other required documentation within 2 months of the date of the statement.

- Each Councillor must ensure that personal expenses are not incurred using City purchasing cards and that any such expenses accidently incurred are repaid immediately after the Councillor becomes aware of such a charge and in no case more than 15 days after being made aware of the charge by the Deputy City Clerk, after which time purchasing card privileges must be suspended.

**Election Year**

In the year of a general municipal election:

- The incumbent Councillor shall only be authorized to expend funds for that portion of the year that the Councillor is in office.
- Councillors shall not use CWA funds to purchase any furnishings and/or office equipment after the day wherein Councillor Candidates are allowed to register for civic office.
- Councillors shall not use CWA funds to prepare and/or distribute any advertising, newsletters, etc. after the day wherein Councillor Candidates are allowed to register for civic office. However, the Councillor may communicate with his/her constituents on specific issues during this period. Pre-paid annual advertising expenses incurred prior to this period, not pertaining to the election, are allowed.
- Councillors shall not use city purchased equipment or office space or CWA funds to pay for any services performed in support of Councillors' campaign for re-election.
- Councillors shall not use CWA funds to undertake Community Events after the day wherein Councillor Candidates are allowed to register for civic office.

**Disclosure** (amended June 25, 2014, October 26, 2016)

The Corporate Finance Department will post Councillors' expenses, including year-to-date expenditure details, by transaction, on the City's website within 30 days of the end of each month, except for December and January each year, where postings will occur as quickly as possible, but no later than within 75 days of the end of these months, in order to accommodate the City's Financial Year-End processes Disclosure details should include identifying the vendor, the account, description of purchase, date and amount of expenditure. Disclosure of each vendor who provided the goods / services must occur, including when reimbursements to Councillors occur.

**Accounting Procedures**

Councillor's claim for expenses must follow basic accounting and audit principles:

- The City's accounting system will be utilized and all expenditures will be posted to the related account.
- Expenses must relate to the business of the City of Winnipeg
- Councillors or their staff must incur the expenses. Expenses incurred by third parties cannot be claimed.

- Councillors and their staff cannot claim expenses of a personal nature. Where an invoice contains expenses of a personal nature, Councillors or their staff must reimburse the City for those personal expenses when they submit the request for reimbursement or payment of the expense to the Deputy City Clerk.
- Councillors and their staff must provide proper documentation, including receipts showing a detailed tax breakdown, for all expense claims. Credit card receipts or statements alone are not sufficient and will not be accepted. In the case of any internet on-line purchases, a copy of the confirmation must be attached to the claim.
- Invoices must include a description of the goods purchased or services rendered, the cost, applicable taxes and GST Registration Number.
- Equipment purchased with City funds are considered City property and must be returned to the City at the end of a term or such earlier time as the Councillor leaves office.
- Councillors or their authorized staff must sign off all receipts or invoices.
- Expenses must be charged to the year in which they occurred. Expenses cannot be carried forward to different years.
- Councillors who charge for goods against the current year must have received the goods and/or services from the vendor before December 31 of the year.
- At the end of the year, when expenses have been incurred but invoices are not yet received, Councillors must inform the Deputy City Clerk so that a proper liability can be set up. Invoices from previous years that have not been set up as liabilities will not be paid or reimbursed from the previous year's budget. Payment of these invoices may be made against any carry over funds established. Alternatively, the charge may be referred to the Governance Committee for consideration as a charge to the current year's expenses.

**Purchasing Procedures**

All purchases are to comply with Materials Management Policy.

**Year End**

- Each Councillor shall have until January 15 of the following year to submit all receipts for the preceding year for payment. Any authorized expenditures submitted after January 15 for which a liability has not been established should be charged to the carry over funds established or referred to the Governance Committee for consideration as a charge to the current year's expenses.
- Unexpended funds from Councillor Ward Allowances may be carried over to the following year, at the discretion of the Ward Councillor, up to a maximum of 10% of the total ward allocation. Carried over funds must be expensed prior to December 31 of the next budget year, with no further carry over allowed.
  (amended June 25, 2014)
- Carry over funds be established as a permitted use in the general purpose reserve.
  (added October 28, 2015)

- There shall be no carry over of monies, other than the 10% carry over noted above, from year to year. Monies not expended in the calendar year shall be returned to General Revenues at the end of the calendar year, unless specifically authorized by the Governance Committee for special projects. Funds appropriated for special projects shall be disclosed in the Auditor's Annual Report.
- Any expenses not charged to the current year's Councillors Ward Allowance should be charged to the carry over fund established by the Ward Councillor, wherever possible.

  (added October 28, 2015)

**Annual Report**

- The City Auditor will prepare an annual audit of the CWA and report through the Governance Committee to Council for its July meeting. The audit will identify the remaining balance, if any, returned to General Revenue and disclose any special projects.

  (amended October 28, 2015)

## Section Five: Allowable Expenses

The allowable expenses for the CWA are as follows:

### ADVERTISING AND PROMOTIONS

<table>
<tr><th colspan="2">Advertising and Promotion</th></tr>
<tr><td>Eligible expense:<ul><li>Paid advertising that is related to the business of the City and the office of the Councillor in all types of media; Advertising examples include Seasons Greetings and Councillor's office location and contact numbers</li><li>Advertising that supplements advertisements that City Departments place to promote specific programs, or specific events, such as a park opening</li><li>Design and production costs for the advertising</li><li>Promotional items such as fridge magnets, souvenir T-shirts, promotional chocolates, pens, etc.</li></ul></td><td>Ineligible expense:<ul><li>Advertising that a Councillor places after the cut-off date during an election year</li><li>Advertising that promotes for-profit organizations, third parties, other levels of government, political parties, or candidates in any election campaigns</li></ul></td></tr>
<tr><td colspan="2">Conditions:<ul><li>City election policies limit Councillors in placing advertising during an election year. Councillors cannot place advertising after the cut-off date that City Council determines.</li><li>In order to be reimbursed, the Councillor must provide the itemized original invoice from the media organization stating the name of the publication, the date that the print ad appeared or that a television or radio ad aired.</li></ul></td></tr>
<tr><th colspan="2">Newsletters and Flyers</th></tr>
<tr><td>Eligible expense:<ul><li>Design, writing, copy-editing, printing costs</li><li>Distribution costs, either through Canada Post Ad-mail or by private distribution firms</li><li>Translation fees</li><li>Clip art or stock photo fees</li></ul></td><td>Ineligible expense:<ul><li>Printing and distributing newsletters after cut-off date during an election year</li></ul></td></tr>
</table>

## BUSINESS MEETINGS AND HOSPITALITY

<table>
<tr><th colspan="2">Business Meeting and Hospitality<br>(amended December 10, 2014, October 28, 2015, June 21, 2017)</th></tr>
<tr><td>Eligible expense:<ul><li>Councillors' expenses for food and beverage, facility rental, venue set-up, audio visual for receptions with constituents, business contacts, representatives of other levels of government, municipal associations, international delegations or visitors</li><li>Meals and expenses related to:<ul><li>Meals consumed by Councillors prior to attending evening functions or events; and</li><li>In town conference/seminar at which meals are not provided and where no per diem may be claimed.</li></ul></li><li>Non-professional sporting events.</li><li>Meals and expenses related to meetings / planning sessions of committees that occur over the lunch hour</li></ul></td><td>Ineligible expense:<ul><li>Alcohol</li><li>Meals and expenses related to<ul><li>Meetings with City employees, Councillors' staff, other Members of Council or employees of a City agency, board, commission or special purpose body;</li></ul></li><li>Professional sporting events and concert tickets.</li></ul></td></tr>
<tr><td colspan="2">Conditions:<ul><li>Councillors must identify business purpose for the expense.</li><li>Councillors must identify reason why meeting cannot be accommodated during normal office hours.</li></ul>Other information:<ul><li>Councillors must provide<ul><li>Receipt showing total amount charged and detailing taxes charged;</li><li>Full name of all participants attending meeting; and</li><li>Date and purpose of meeting.</li></ul></li></ul></td></tr>
</table>

## COMMUNITY EXPENSES

| Community Expense – Donations to Community Groups (amended June 25, 2014) | |
|---|---|
| Eligible expense:<br>• Donations to community groups<br>• Limit of $5,000 per group per year<br>• Community Public Meeting expenses<br>• Recognition of commemorative events / occasions in the community (Limit of $250 per commemorative event / occasion per year) | Ineligible expense:<br>• Donation to an individual or a group of individuals or trust fund not in keeping with the eligible expenses guidelines.<br>• Gifts for Council staff or other employees of the City, agencies, boards, commissions and special purpose bodies |
| Conditions:<br>• Donations must be accompanied by a request from the organization with details about the group and the purpose of the donation.<br>• Donations should be made via City of Winnipeg cheques to the community group. Personal cheques should not be used.<br>• Donation receipts must be addressed to the City of Winnipeg.<br>• Donation receipts received by Councillors must be forwarded to the City Clerk's Office. | |
| **Community Expense – Event Tickets** | |
| Eligible expense:<br>• Tickets per charitable event within ward or City-wide event or function<br>• Participant fees for charitable or fund-raising events such as golf tournaments, walkathons organized by non-profit organizations, etc. | Ineligible expense:<br>• Raffle tickets, silent auctions, table prize tickets at events, unless tickets winnings are donated back to the community organization |
| Conditions:<br>• For charitable events or dinners, event organizers must make out charitable receipts to the City of Winnipeg, where applicable.<br>• Councillors must identify full name of all participants attending an event. | |
| **Community Expense – Protocol Expenses (added October 28, 2015)** | |
| Eligible expense:<br>• Protocol Gifts presented while representing the City or to visiting dignitaries, as well as other reasonable expenses related to Protocol duties. | Ineligible expense:<br>• |

| Community Events Groups (amended June 25, 2014) | |
|---|---|
| Eligible expense:<br>• Expenses related to the undertaking of Community Events, initiated by the Councillor and of benefit of the ward, such as Neighbourhood Clean-ups and other related events<br>• Limit of $5,000 per event per year | |

## COUNCILLOR'S ASSISTANTS

| Councillors' Assistants | |
|---|---|
| Eligible expense<br>• Councillors may engage staff to assist them on a full-time or part-time basis<br>• Staff employed are considered political appointments and are not employees of the City of Winnipeg<br>• Councillor's Assistants will be governed by the Councillors' Secretariat Code of Conduct (Appendix C)<br>• All assistants must be retained under the terms of the employment contract (Appendix D)<br>• Appointments cannot extend beyond the term of the Councillor<br>• All assistants shall be employed pursuant to the CWA policy and shall execute the employment contract prior to commencement of employment<br>• The employment contract will be between the Councillor and the assistant. Neither the employment contract nor the CWA policy shall in any sense be construed so as to create the relationship of employer and employee between the City of Winnipeg and the assistant.<br>• Access to the Councillor's office shall be by access card and limited to regular office hours. Access on weekends will be by arrangement with the City Clerk<br>• A severance allowance of one week's pay per year of service, up to a maximum of eight weeks pay will be provided as required. | Ineligible expense<br>• Individuals holding elected political office shall not be eligible for employment as a Councillor's assistant<br>• Councillors cannot employ a relative (husband or wife, including common law spouse, child parent, brother, sister (including foster and step), parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law; nephew or niece<br>• An assistant cannot be any person employed or contracted by the City of Winnipeg<br>• An assistant involved in litigation with the City of Winnipeg must advise the Councillor and the matter must be brought forward to the Governance Committee<br>• An Assistant cannot perform political duties, including attending meetings of boards or commissions to which the Councillor has been appointed by Council<br>• An assistant shall not be eligible for appointment by Council to boards, commissions or committees |

## OFFICE EQUIPMENT

<table>
<tr><th colspan="2">Computer Hardware, Software and Accessories</th></tr>
<tr><td>Eligible expense:<ul><li>Computer hardware, software and peripherals</li></ul></td><td>Ineligible expense:<ul><li>Gaming or other personal software or hardware not required for an office environment</li></ul></td></tr>
<tr><td colspan="2">Conditions:<ul><li>Councillors must identify the business requirement for the equipment for City Hall, community or home office.</li><li>All computer hardware, software and peripherals that Councillors or their staff buy with City funds becomes City of Winnipeg property and must be returned at the end of the term.</li><li>All computer hardware, software and peripherals purchased will be recorded in the asset inventory.</li><li>Councillors must sign off on this inventory annually.</li></ul></td></tr>
<tr><th colspan="2">Office Equipment</th></tr>
<tr><td>Eligible expense:<ul><li>Fax machines, shredders, audio-visual equipment, cameras, video cameras and small appliances</li><li>Maintenance contracts for equipment</li><li>Carrying case for equipment</li><li>Peripherals for equipment</li></ul></td><td></td></tr>
<tr><td colspan="2">Conditions:<ul><li>Councillors must identify the business requirement for equipment for City Hall, community or home office.</li><li>All equipment purchased with City funds becomes property of the City and Councillors must return all equipment to the City at the end of the term.</li><li>Any lease agreement to acquire office equipment shall not extend beyond the date that the term for office ends. If a Councillor exercises a “buy-out” option in which CWA Funds have been used for all or part of the payments, that office equipment becomes City of Winnipeg property and must be returned at the end of the term.</li><li>All equipment purchased will be inventoried and Councillors are required to sign off on the inventory annually.</li><li>Councillors may purchase personal electronic equipment and other similar devices, which were purchased at least 12 months prior to the end of the Council term, at fair market value as determined by the City Clerk’s Office, when they leave office. (amended June 25, 2014 – in effect July 1, 2014))</li></ul></td></tr>
<tr><th colspan="2">Office Furniture</th></tr>
<tr><td>Eligible expense:<ul><li>Standard office furniture, including chairs, desks, work stations, file cabinets, book shelves, sofas, conference tables, side tables, stands</li><li>Moving costs for City furniture at other storage locations</li><li>Transportation costs from vendor</li><li>Costs for refurbishing or repairing furniture</li><li>One-time cost to move personal furniture from home to City Hall</li></ul></td><td>Ineligible expense:<ul><li>Furniture not required for an office environment, such as a bed</li></ul></td></tr>
<tr><td colspan="2">Conditions:<ul><li>Councillors must identify the business requirement for equipment for City Hall, community or home office.</li><li>All furniture purchased with City funds is considered City property and are inventoried.</li><li>The Deputy City Clerk is responsible for coordinating the disposing of furniture and updating the furniture inventory accordingly.</li><li>The Councillor must sign off on his/her furniture inventory annually.</li><li>Councillors can bring personal furniture to the office.</li><li>Councillors must return all items on the furniture inventory to the City at the end of the term.</li></ul></td></tr>
</table>

## OFFICE SUPPLIES

| Office Supplies | |
|---|---|
| Eligible expense:<br>• Pens, pencils, post-it notes, writing pads, folders, toners, labels, paper and general office supplies | |
| Conditions:<br>• Councillors can buy from the City's vendor or directly from other vendors. | |

## COMMUNITY OFFICES (added June 25, 2014)

| Community Offices | |
|---|---|
| Eligible expense:<br>• Expenses associated with operation of a Community Office including rent, utilities and other expenses normally associated with a Community Office. | |

## PERIODICALS AND SUBSCRIPTIONS

<table>
<tr><th colspan="2">Books, Magazines and Newspaper Subscriptions</th></tr>
<tr><td>Eligible expense:<ul><li>Books, magazines and periodicals that are related to the business of the City</li><li>Annual subscriptions to daily, weekly and monthly newspapers, news, trade and business magazines, ethnic publications and other periodicals</li></ul></td><td>Ineligible expense:<ul><li>Lifestyle / entertainment magazines</li></ul></td></tr>
<tr><td colspan="2">Conditions:<ul><li>Name of book or magazine must be included on the invoice.</li></ul></td></tr>
<tr><th colspan="2">Cable Television<br>amended I December 10, 2014</th></tr>
<tr><td>Eligible expense:<ul><li>Monthly fee for basic cable and news channels for Councillor's Office</li><li>Installation charge for cable connection at Councillor's Office</li><li>Cable equipment purchase or rental for Councillor's Office</li></ul></td><td>Ineligible expense:<ul><li>Monthly fee for basic cable and news channels for Councillor's home office</li><li>Movie/entertainment channel programming.</li></ul></td></tr>
</table>

## POSTAGE AND COURIER SERVICES

| Postage and Courier Services | |
|---|---|
| Eligible expense:<br>• Canada Post regular and premium mail services<br>• Courier delivery costs<br>• Stamps | |

## PRINTING, BINDING AND PHOTOCOPYING

| Printing and Photocopying | |
|---|---|
| Eligible expense:<br>• Stationery including envelopes, letterheads, business cards<br>• Photocopying charges<br>• Printing | |
| **Photographic Supplies and Services** | |
| Eligible expense:<br>• Professional photographer fees<br>• Processing and digital print fees<br>• Frames, CDs, and other output devices<br>• Film or other storage mechanisms | |
| Conditions:<br>• Councillors cannot use photographs or materials that were taken by the City photographers for election-related purposes. | |

## PROFESSIONAL AND CONSULTING SERVICES

| Consulting Expenses | |
|---|---|
| Eligible expense:<br>• Consulting Services may be contracted for the purpose of research related to City business | |
| Conditions:<br>• An individual holding elected public office (i.e., federal, provincial, municipal or school board) is not eligible to be engaged to provide consulting services.<br>• A Councillor may not engage a relative as a consultant. A relative is defined as: a spouse, child, parent, brother, sister, parent-in-law, brother-in-law, sister-in-law, son-in law, daughter-in-law, nephew and niece.<br>• A Councillor may not engage an employee of the City of Winnipeg as a consultant.<br>• Councillors must sign a contract or formal agreement with the consultant which sets out the terms and conditions in detail.<br>• For consultants that Councillors engage on a long-term basis, a blanket contract will be set up.<br>• The consultant's monthly invoice must identify the hours worked and the deliverables. | |
| **Professional and Contracted Services** | |
| Eligible expense:<br>• Firms or individuals whom Councillors or their staff retain for specific business purposes with clear deliverables, fee structures and timelines | |
| Conditions:<br>• An individual holding elected public office (i.e., federal, provincial, municipal or school board) is not eligible to provide professional and/or contracted services.<br>• A Councillor may not contract with a relative as a consultant. A relative is defined as: a spouse, child, parent, brother, sister, parent-in-law, brother-in-law, sister-in-law, son-in law, daughter-in-law, nephew and niece to provide professional services.<br>• A Councillor may not contract with an employee of the City of Winnipeg to provide professional services.<br>• Councillors must provide an original itemized invoice from the contractor, stating the number of hours worked, the work performed and the outcomes the contractor delivered. | |

## TELEPHONE AND COMMUNICATIONS

<table>
<tr><th colspan="2">Telephone</th></tr>
<tr><td>Eligible expense:<ul><li>Monthly fees, including fees for specialty features such as call display, call waiting, messaging</li><li>Fees for conference calls</li><li>Business-related long-distance charges</li><li>Basic telephone equipment</li><li>Fax machine</li><li>Peripherals such as headsets, etc.</li></ul></td><td>Ineligible expense:<ul><li>Personal long-distance calls</li><li>1-900 calls</li><li>Novelty phones</li></ul></td></tr>
<tr><td colspan="2">Conditions:<ul><li>If a Councillor is claiming the cost of a telephone line in a Home Office, that telephone line must be dedicated for City business only.</li><li>Councillors must reimburse the City for any personal long-distance calls at the same time as they submit the monthly bill for reimbursement or payment to the vendor directly.</li></ul></td></tr>
<tr><th colspan="2">Internet Services<br>(amended December 10, 2014)</th></tr>
<tr><td>Eligible expense:</td><td>Ineligible expense:<ul><li>High-speed internet connection for Home Office</li><li>Installation costs</li><li>Modem rental fees</li></ul></td></tr>
<tr><td colspan="2">Provided by Corporate Support Services:<ul><li>Internet access through the City’s network at City Hall, civic centres and other City buildings</li></ul>Conditions:<ul><li>Councillors may order directly from any internet supplier.</li><li>If a Councillor chooses to install a high-speed internet connection at his or her Home Office with City funds, it must be dedicated primarily for City business usage.</li></ul></td></tr>
<tr><th colspan="2">Websites</th></tr>
<tr><td>Eligible expense:<ul><li>Design, web development, writing, domain name registration, web-hosting fees</li><li>Database creation and management fees</li></ul></td><td></td></tr>
<tr><td colspan="2">Provided by Corporate Support Services:<ul><li>A page on the City's internet site</li></ul>Conditions:<ul><li>The personal website of each Councillor hosted outside of the City's internet URL address is entirely the responsibility of the Councillor.</li><li>City staff cannot provide any advice related to these external sites, including wording for disclaimers.</li><li>The City recommends that Councillors choose a web-hosting company operating from Canada to reduce the risk of breaching the privacy of constituents under the United States Patriots Act requirements.</li><li>The Councillors' own internet site cannot advocate for a political party, other levels of government, for-profit organizations or individuals not related to the business of the City, or candidates in any election campaign.</li><li>Councillors can link their personal sites to the City's internet site.</li></ul></td></tr>
</table>

## TELEPHONE AND COMMUNICATIONS (continued)

<table>
<tr><th colspan="2">Wireless Products and Services</th></tr>
<tr><td>Eligible expense:<ul><li>Cost of equipment, such as blackberries, cell phones or other Personal Digital Assistants (PDAs)</li></ul></td><td>Ineligible expense:<ul><li>Personal long-distance calls</li><li>1-900 calls</li><li>Personal messaging / downloads</li></ul></td></tr>
<tr><td colspan="2">Conditions:<ul><li>Councillors are recommended to use the corporate vendor and corporate contract for better rates. They can choose from various phone types and monthly plans from the corporate vendor.</li><li>Councillors can choose a vendor other than the corporate vendor based on his/her coverage / service needs.</li><li>Councillors must reimburse the City for any personal long-distance calls at the same time as when they submit a monthly bill for the City to reimburse the Councillor or pay the vendor directly.</li><li>Councillors must provide only the front pages of the monthly bill itemizing the services and charges. Back-up pages containing a detailed list of telephone calls is not required and will be returned if submitted.</li><li>Any monthly phone allowances incurred for use of personal cell phones must follow the Canada Revenue Agency's guidelines and be included as a taxable benefit as appropriate.</li></ul></td></tr>
</table>

## TRAINING

<table>
<tr><th colspan="2">Training</th></tr>
<tr><td>Eligible expense:<ul><li>Training for Councillors or their staff that meets specific business requirements</li><li>Tuition reimbursement for college or university programs or courses related to City business</li></ul></td><td>Ineligible expense:<ul><li>Training unrelated to City business</li><li>Physical fitness, sports, arts programs</li><li>Councillors or staff cannot claim city-paid tuition fees on personal income tax</li></ul></td></tr>
<tr><td colspan="2">Conditions:<ul><li>Training must meet business requirements.</li><li>To be reimbursed for tuition fees, Councillors and their staff must provide proof that they have completed the course or program, and submit an original fee receipt from the college/university.</li></ul></td></tr>
</table>

## TRANSPORTATION

<table>
<tr><th colspan="2">Transportation - Mileage and Parking</th></tr>
<tr><td>Each Councillor will receive a monthly transportation allowance of $550 per month, a parking space in the City Hall Parkade, and an annual surface parking card, all to be provided by the City of Winnipeg outside of the CWA Fund,<br><br>Eligible expense:<ul><li>Councillors can receive a reimbursement for mileage to offset gas costs.</li><li>Councillors and staff must identify business purpose for the trip.<ul><li>The rate of reimbursement per mileage will be at $0.15/km and adjusted from time to time accordingly.</li><li>Councillors are accountable for the accuracy of the mileage claimed.</li><li>Councillors must provide original receipts from parking operators indicating date, time and parking location. Credit card receipts will not be accepted.</li><li>Reimbursement for kilometres traveled will appear on the Councillor or staff's paycheque.</li><li>The monthly transportation allowance and the parking space provided in the City Hall parkade may be considered taxable benefits as per income tax legislation.</li></ul></li></ul></td><td>Ineligible expense:<ul><li>Traffic and parking fines</li><li>Tow and impound fees</li><li>Normal daily travel between home and the normal work location. For Councillors, City Hall is considered their normal work location.</li><li>Personal vehicle maintenance and repair costs</li><li>Vehicle licensing fees</li><li>Car-wash fees</li></ul></td></tr>
<tr><td colspan="2">Other information:<ul><li>Councillors and their staff filing mileage and parking claims must report the date, start and end points, the number of kilometres traveled and the purpose of the trip according to established categories (e.g., business meeting, ward meeting, constituency meeting and special event). Reimbursement will not take place without this information.</li><li>Detailed municipal addresses are not required. Intersection information or building names (e.g., City Hall) are acceptable for security and privacy protection reasons.</li><li>Councillors / their staff should submit claims for mileage / parking expense to the Deputy City Clerk at least once a month.</li></ul></td></tr>
<tr><th colspan="2">Transportation – Taxi</th></tr>
<tr><td>Eligible expense:<ul><li>Councillor and their staff trips throughout the city of Winnipeg</li><li>Tips</li></ul>(If Councillors receive a monthly transportation allowance then this section pertains to staff only.)</td><td>Ineligible expense:<ul><li>Rides in cabs or other modes of transportation between home and the normal work location; for Councillors, City Hall is their normal work location</li></ul></td></tr>
<tr><td colspan="2">Conditions:<ul><li>Councillors and their staff must identify business purpose for the trip according to established categories (e.g., business meeting, ward meeting, constituency meeting, and special events).</li></ul>Other information:<ul><li>Councillors must provide an original receipt with the date and the "to" and "from" destinations. Credit card receipts and statements will not be accepted.</li><li>The City does not require exact municipal address on reimbursement forms. For security and privacy reasons, building names (e.g., City Hall) or intersection details are acceptable.</li><li>Councillors or their staff should submit claims for taxi reimbursement and other transportation fees to the Deputy City Clerk at least once a month.</li></ul></td></tr>
</table>

## TRAVEL

| Travel – City Business | |
|---|---|
| Eligible expense:<br>• Conference registration<br>• Transportation (air, train or bus) or kilometrage (if driving)<br>• Ground transportation (between home and the terminal and between the terminal and a hotel or conference facility)<br>• Hotel<br>• Per diem<br>• Taxi expenses related conference/business related functions or meetings<br>• Hospitality expenses<br>• Business telephone calls<br>• Vehicle rental | Ineligible expense:<br>• Personal expenses<br>• Sightseeing expenses |
| Conditions:<br>• Must be related to the business of the City of Winnipeg<br>• Economy class for airfare or train<br>• Per Diem as set by the City of Winnipeg<br>• Councillors can request cash advances for hotel and per diem costs | |

## APPENDICES

Appendix A: Expense Form

Appendix B: Purchasing Card Program Procedures

Appendix C: Code of Conduct – Council of the City of Winnipeg

Appendix D: Councillors' Assistant Agreement
Councillors' Assistants and Special Project Personnel Code of Conduct

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**APPENDIX A**

# EXPENSE FORM

**COUNCILLOR _____ WARD _____**

**CLAIMABLE EXPENSES**

| Date | Item (Receipt to be attached) | Amount |
|---|---|---|
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Attach receipts to this form before submitting for approval and maintain copies on file. The purpose should be identified for business meetings, out of town travel and ward activities. A record of participants should be maintained on file for business meetings and ward activities.

***I hereby certify that this statement is true and correct to the best of my knowledge and belief, and conforms to the Councillor's Representation Allowance Policy requirements.***

_____ _____

Councillors' Signature Date

City of Winnipeg

Corporate Finance Department

Winnipeg

# *Purchasing Card Program Procedures*

November 24, 2010

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# 1. Purpose of the Purchasing Card Program

The purpose of the City of Winnipeg Purchasing Card Program is to establish an alternative method of payment for small dollar transactions where a contract in the form of a purchase order is not necessary.

The purchasing card is limited to be used for direct purchases of goods and services under $3,000 unless otherwise authorized. It should not be used for goods covered by a standing contract unless otherwise specified. For lists of contract vendors and non-contract vendors go to "Purchasing Card Vendors" at: http://citynet/finance/peoplesoft/AP/bpi_docs

This manual provides some basic procedures for those involved in the purchasing card process.

### *Administrative Directive No. FM-003 states, in part:*

Purchasing cards provide significant flexibility to the City in terms of facilitating various categories of purchases including:

- Emergency purchases required from an operational perspective,
- Purchases for travel,
- Isolated purchases of low dollar and non-repetitive items,
- Low dollar and high volume purchases permitted by Materials Management pursuant to contracts of this nature.

By virtue of their flexibility of use, purchasing cards are also a highly visible and transparent method of payment requiring a mature system of internal controls.

# 2. Control Features Built into the Program

## LIMITS

Authorization controls are set by the Department Purchasing Card Representative in conjunction with the Department Controller, the Corporate Controller and in accordance with the City of Winnipeg Purchasing Policy; these include:

- Single transaction limits for individual cardholder to a maximum of $3,000, unless otherwise authorized by the Departmental Controller and the Corporate Controller.
- Monthly charge limits for individual cardholder to a maximum of $30,000, unless otherwise authorized by the Departmental Controller and the Corporate Controller.

## MERCHANT CATEGORY CODES

The Department Card Representative will assign Merchant Category Codes (MCC) consistent with the type of transactions required by the cardholder in accordance with the Specific Supplier Blocking list provided to the Department Purchasing Card Representative.

## MONITORING AND CONTROLLING PURCHASES

Monitoring and controlling of purchases made using the Purchasing Card will also consist of:

- The Department Purchasing Card Representative will monitor limits, maintain a listing of all cardholders. The Department Purchasing Card Representatives may request reports for their respective areas at any time using the Bank of Montreal Details Online web-based program.

- Spot checks will be performed by the Department Purchasing Card Representative through exception reporting to identify any misuse of the card (i.e. more that one transaction for the same item, to the same supplier, on the same day).

- Department Purchasing Card Representative will have access to reports providing transaction details, summaries, exceptions, etc. These reports are designed for management to monitor purchases made with the Purchasing Card.

- It is the responsibility of the immediate supervisor of all cardholders to monitor the purchasing card usage to ensure adherence to all policies and procedures.

- Each purchasing card is linked to one account code in which all monthly card transactions will be charged. The Department Controller is responsible for ensuring identification and redirection of the costs to the appropriate account codes has occurred, utilizing the City's electronic program.

- It is the responsibility of the Department Purchasing Card Representative to ensure all cardholders are notified of policy, regulation, and procedure changes relating to this program.

# 3. Roles and Responsibilities

## MATERIALS MANAGEMENT DIVISION

The Materials Management Division of Corporate Finance will negotiate card company agreements periodically, by way of requests for proposal, on behalf of the City of Winnipeg.

The Contract Administrator will be the primary contact with the purchasing card provider for dealing with major issues that relate to the City's relationship with the purchasing card provider.

## CORPORATE CONTROLLER'S DIVISION

The Corporate Controller's Division is responsible for providing a public sector financial management framework for supporting program delivery and ensuring financial accountability within the City of Winnipeg. The Corporate Controller's Division is responsible for city-wide financial policy and procedures for the Purchasing Card, via this manual and the related Administrative Directive.

Departments must consult with the Corporate Controller when developing department specific material for use of the Purchasing Card in order to ensure that there is no conflict with financial policies and procedures. The consultation will also ensure that departments are implementing their policies and procedures in an efficient manner. Cards will be withdrawn if they are being abused.

The Corporate Controller's Division also maintains a current record of all departmental card reps and alternates.

The Program and Electronic FCard Program Administrator is responsible for:

- Monitoring monthly and transactional limits
- Reviewing a sample of statements to ensure cards are used only for appropriate vendors and that split transactions are not occurring
- Monitoring card usage to ensure cards with little activity are either confirmed that they are still needed or are cancelled
- Ensuring that the GL clearing accounts are zeroed out each month
- Monitoring on a monthly basis employees that have left the employ of the City to ensure any cards that they might have had are cancelled
- Updating this procedures manual
- Ensuring cardholders are signing statements if they are not accepting them on-line
- Periodically update the 10% guidelines (# of cardholders in a department/# of employees in a department)

## DEPARTMENTAL CONTROLLERS

Departmental Controllers are responsible for:

- Recommending positions to be granted purchasing cards
- Approving single purchase and monthly credit limits to a maximum of $3,000 and $30,000 respectively
- Ensuring that adequate controls are in place to prevent duplicate payments
- Identify cardholders and administrators who require training

## DEPARTMENTAL PURCHASING CARD REPRESENTATIVES

Departmental card reps will be responsible for the following:

- Ordering and distributing cards to the new cardholders
- Ensure limits and Merchant Category Codes are assigned consistent with the requirements of the cardholder
- Collecting and destroying cancelled cards/cancelling cards
- Maintaining an up-to-date list of their department's cardholders
- Maintaining copies of all applications, user agreements, change requests, etc.
- Determining reasons for daily declined transactions
- Assisting the cardholder with resolving issues
- Performing spot checks to identify any cases of misuse of the card

## SUPERVISORS (AS DESIGNATED IN THE STATEMENT INTRANET SYSTEM)

Specific duties include:

- Ensuring that statements have been accepted, either electronically or manually, by the cardholder (see Attachment E)
- Comparing receipts to the on-line statement
- Approving statements on-line

## CARDHOLDER ADMINISTRATORS (AS DESIGNATED IN THE STATEMENT INTRANET SYSTEM)

Specific duties include:

- Training cardholders in the use of the purchasing card and how to use the Intranet statement system
- Maintaining a list of cardholders for their respective department/division
- Verifying cardholders' statements on-line and comparing them to the receipts

## CARDHOLDERS

Cardholders are responsible for understanding and abiding by all the terms and conditions of being a cardholder. This includes:

- Signing the *Purchasing Card Program New Cardholder Application* form and the *MasterCard Purchasing Card User Agreement*
- Complete required training
- Acknowledging that intentional misuse of the card may result in disciplinary action, up to and including dismissal. Intentional misuse of the card includes: split transactions (attempting to make a purchase that is above the transaction limit by asking the vendor to split the transaction into 2 separate purchases), subscriptions to magazines not related to your job function and purchasing items not considered business in nature such as farewell gifts/flowers to retiring co-workers
- The purchase of alcohol for business purposes requires the prior approval of senior management
- Ensuring that the card is not used to make personal purchases
- Taking reasonable action to ensure the card is appropriately safeguarded (including preventing demagnetization and ensuring that the card is not accessible to co-workers, family members or others)
- Retaining documentation of purchases (documentation of expenditures at restaurants must include the purpose of the gathering and the names of the attendees; food purchases, ie donuts, muffins, coffee, etc. must include the reason for the purchase) and receipt of goods, filling out the log form (if the cardholder does not have access to the intranet statement application)
- Ensuring that statements, once received, are coded and submitted with receipts to their cardholder administrator for verification as soon as possible (see attachment H for how cardholders are to accept their statements)

# 4. Training

Departments are to ensure that cardholders receive adequate training regarding Purchasing Card policies and practices.

In practice, responsibility for ensuring that cardholders are adequately informed regarding Purchasing Card policies and procedures falls to Departmental Card Representatives. It is recommended that all training should, where possible, be completed before cardholders receive cards.

Cardholder training must include the following:

- This procedures manual
- Statement reconciliation process
- Department specific policies and procedures

Departments may otherwise determine the style and content of any training sessions they provide.

Departmental Card Representatives will be provided with all necessary forms related to the Purchasing Card program. They will be responsible for distributing the procedures manual to all new cardholders as well as to existing cardholders as required. The most current copy can be found on the Intranet in Corporate Finance – Documents Page - Corporate Controllers:
http://citynet/finance/documents_page.stm

# 5. Obtaining a Purchasing Card/Guidelines for Issuing

The following are the steps taken to obtain a purchasing card:

- The employee must read and understand this entire procedure and its attachments
- The employee reviews, signs and dates the MasterCard Purchasing Card User Agreement form (Attachment A) – cardholder ensures it is signed in the presence of a witness, who will then sign and date the form
- The employee completes Sections 1 & 2 and signs in Section 3 of the Purchasing Card Program New Cardholder Application form (Attachment B) and a Supervisor must sign as approved
- The signed Purchasing Card Program New Cardholder Application and the MasterCard Purchasing Card User Agreement forms are forwarded to the Department Purchasing Card Representative
- If the Department Purchasing Card Representative concurs he/she will process it using the Bank of Montreal Details Online web-based program. **The Application and User Agreement must be kept, either original or PDF format, for audit purposes**
- The Department Purchasing Card Representative must notify the Program and Electronic PCard Program Administrator, Corporate Controllers Division of The Corporate Finance Department, supplying cardholder information and hierarchy levels
- Bank of Montreal MasterCard will provide the purchasing card to the Department Purchasing Card Representative via courier or Canada Post within 5 to 7 business days
- The Department Purchasing Card Representative will be responsible for activating the card
- The Department Purchasing Card Representative will make arrangements for pickup or delivery of the card to the cardholder

Three general guidelines are:

- cardholders will be people who are most likely to make purchases for organizational units
  - developed to place a level of control and security on the program by limiting the number of individuals who are eligible to be issued Purchasing Cards; Senior staff with spending authority who are not likely to use the card often, due to the relative cost of their time in making purchases, should not ordinarily be issued Purchasing Cards
- organizational units will likely need a primary and a backup cardholder
  - developed to ensure that the authority to purchase using the Purchasing Card is delegated to a backup position in organizational units where the absence of the primary cardholder would disrupt operations
- not more than 10% of employees within a department should have a purchasing card

# 6. Purchase Procedures

## On-Site (Pick-up) Purchases

The steps for typical on site (pick-up) purchases include the following:

- The cardholder selects goods and presents it with the card to the cashier
- The cashier totals the sale and obtains authorization from Bank of Montreal MasterCard
- The cardholder signs a detailed supplier receipt and receives a copy (Supplier's GST number must be on the receipt)
- The cardholder enters pertinent information into the Transaction Log (Attachment D) and attaches the receipt, using the manual process, or files the receipt to be attached to the log printed through the electronic Purchasing Card program

## Telephone Purchases

The steps for typical telephone purchases include the following:

- The cardholder selects goods or services then calls the supplier with the order
- The cardholder instructs the supplier to charge goods or service to his/her Bank of Montreal MasterCard card number and supplies their name as it appears on the card, their card number and expiry date. **Vendors should never keep a cardholder's credit card information on file**
- The cardholder must instruct the supplier to perform the following:
  - Forward a receipt (and packing slip if applicable) to the cardholder for confirmation
  - Ensure that the GST number is on the receipt
- The cardholder enters pertinent information in the Transaction Log (Attachment D) and attaches the confirmation when it arrives, using the manual process, or files the confirmation to be attached to the log printed through the electronic Purchasing Card program

**NOTE:** Most cases of credit card fraud are a result of individuals providing their credit card number to others without using the swipe or imprint method at time of purchase. Before you make a telephone purchase you should consider with whom you are dealing. **DO NOT PROVIDE YOUR PURCHASING CARD NUMBER TO PERSONS WHO CALL YOU**

## INTERNET PURCHASES

The steps for typical internet purchases include the following:

- The cardholder selects goods or services from the supplier's website and places the order online
- The cardholder will provide his/her Bank of Montreal MasterCard card number and their name as it appears on the card, their card number and expiry date.
- The cardholder must ensure the supplier will:
  - Forward a receipt (and packing slip if applicable) to the cardholder for confirmation
  - Ensure that the GST number is on the receipt
- The cardholder enters pertinent information in the Transaction Log (Attachment D) and attaches the confirmation when it arrives, using the manual process, or files the confirmation to be attached to the log printed through the electronic Purchasing Card program

### *Online Credit Card Fraud*

Purchasing online (internet) poses many risks for fraud. Below are some of the preventative suggestions taken from searching the topic online:

- **NEVER PURCHASE ANYTHING ADVERTISED THROUGH UNSOLICITED EMAIL**
- Ensure the vendor has a secure payment transaction system with one or both of 1) a lock icon in the status bar – if secure the lock will be closed 2) the web site address begins with https – the "s" indicates the site is secure
- Do not click on URL's in an email, if you believe it's legitimate type the URL yourself or contact the vendor by phone to ensure the email is genuine
- Don't reply to emails requesting personal information or credit card numbers, this is termed PHISHING and refers to randomly distributed emails that attempt to gain credit card information; emails typically appear to be legitimate
- PHARMING – involves a perpetrator tampering with the domain name resolution process, corrupting the DNS (Domain Name System) so that if you type in a URL for a legitimate site, you are redirected to a compromised site without your knowledge where you may reveal your credit card information
- Ensure you do your monthly reconciliation to confirm all transactions are valid

**NOTE:** Most cases of credit card fraud are a result of individuals providing their credit card number to others without using the swipe or imprint method at time of purchase. Before you make an online purchase you should consider with whom you are dealing. **DO NOT PROVIDE YOUR PURCHASING CARD NUMBER TO VENDORS/PERSONS WHO EMAIL**

## SUPPLIER DOES NOT ACCEPT MASTERCARD

If the supplier does not accept MasterCard and therefore payment cannot be made using the Purchasing Card it will be necessary to use a Purchase Order for telephone purchases and on-site purchases over $150. If the on-site purchase is under $150 then Petty Cash can be utilized if a fund is available.

## TRANSACTION DECLINED

A cardholder can have a transaction declined for various reasons, including:

1. not authorized to purchase from this supplier type
2. purchase is over per transaction limit
3. purchase will be over the monthly limit
4. card has been cancelled

If the cardholder cannot determine the reason for the decline he/she must phone Bank of Montreal MasterCard at **1-800-263-2263** to get further information on the reason for the decline.

**In all cases, the cardholder is to notify the Department Purchasing Card Representative that they have had a transaction declined and provide the reason. The Department Purchasing Card Representative will get a daily declined report and must explain all declined transactions.**

# 7. Return Procedures

## Determine Why Goods Are to be Returned

If the goods purchased and received are found not suitable, determination of the situation must occur before further action is taken.

1) The supplier should rectify the situation at no further cost to the City by replacing goods or refunding all costs:
   i. If the supplier shipped the wrong goods
   ii. If the goods were found to contain missing parts or concealed damage not caused in shipping, otherwise your claim may be with the shipping company depending on FOB point
   iii. If the goods were found to be defective at time of install or initial use, prior to full time usage, after which it is subject to the established warranty conditions

2) The supplier may choose not to replace at no additional cost or fully refund costs:
   i. If the City ordered or selected the wrong goods
   ii. If the goods were damaged after the City took ownership of them
   iii. Where the terms of sale were Final Sale

## Settle the Return with the Supplier

Once the City's rights have been determined, contact the supplier to make the appropriate arrangements for return of the goods and the subsequent replacement or refund. If, from the discussion, it is decided that credit will accrue to the City the cardholder must ensure the supplier applies the credit to the card number and issues similar documentation as was done at the time of the purchase.

The cardholder enters pertinent information into the Transaction Log (Attachment D) and attaches the credit receipt, using the manual process, or files the credit receipt to be attached to the log through the electronic Purchasing Card program.

# 8. Purchasing Card vs Purchase Order/Direct

A list of contract and non-contract vendors is posted on the Peoplesoft A/P website under Business Process Documents. The file is named Purchasing Card Vendors.
http://citynet/finance/peoplesoft/AP/bpi_docs.stm

If a vendor is identified as a candidate for a Department/Ghost card all purchases would be charged to one card which is held by the department's Finance & Administration Division. If the vendor is identified as a candidate for payment by purchasing card, but does not have enough volume to warrant a Department/Ghost card, the cardholder is to make the payment by purchasing card.

At a minimum, departments should not be processing purchase orders/directs for under $150. If the purchase is for less than $150 it is to be made by purchasing card, if accepted by the vendor, unless prohibited by a contract or an up-charge. In that case, Petty Cash should be utilized.

Corporate Finance will monitor invoices submitted for processing and department controllers will be notified of non-compliance.

# 9. Reconciliation, Record Retention and Payment

Each cardholder will receive a monthly electronic statement, identifying each transaction made against the purchasing card during the previous month. The statement date will generally be the 4th day of the month and cardholders will be notified by email when their electronic statement is available.

The following steps are required for the reconciliation of all purchasing card transactions:

i. The cardholder is required to maintain a log of all transactions (Attachment D) in manual process or a file of the receipts using the electronic process.

ii. **The cardholder reconciles all purchasing card receipts, Transaction Log, and/or his/her statement by the end of the third week of the month.**

iii. GST and PST charges must be identified for each transaction.

iv. The cardholder acknowledges the verification of all monthly transactions by printing and signing the log using the electronic system or signing the manual log. All log information, receipts and monthly statements must be retained by the Department for 7 years as these may be required for audit purposes.

v. The responsibility rests with the cardholder and their supervisor to ensure all transactions are accurate and legitimate. Any discrepancies must be identified and appropriate action taken to resolve any problem (also see: Dispute Process).

vi. Payments to Bank of Montreal MasterCard will be made by the Corporate Finance Department. Departments will ensure transfers occur (internally) to cover the costs of their department's purchases, either by journal entry or using the electronic system.

vii. Reconciliation of the purchasing card transactions and the resolution of disputed purchases with Bank of Montreal MasterCard shall be completed within **thirty (30) days of statement date**.

viii. The Department Purchasing Card Representative will be performing regular spot checks to ensure compliance with all procedures and will bring any problems to the attention of the Department Controller.

# 10. Purchasing Card Statement Dispute Process

The following steps should be taken by the **cardholder** for all purchasing card transactions on the monthly statement that do not appear to be correct:

- Review the discrepancy to determine if it is the Supplier's or Bank of Montreal MasterCard's error
- Initiate the dispute

## BANK OF MONTREAL MASTERCARD ERROR

- Contact Bank of Montreal MasterCard (1-800-263-2263)
- Identify the discrepancy with their customer service representative
- Record on the Transaction Log
- Ensure a correction transaction appears on the next statement

## SUPPLIER ERROR

- Contact the pertinent supplier to rectify the billing problem
- Ensure you have received confirmation of the correction (email, credit note, etc)
- Record on the Transaction Log (manual or electronic)
- Ensure a correction transaction appears on the next statement

## NO RECORD OF THE PURCHASE

- Contact the supplier to request a copy of the receipt
- Ensure you receive the receipt within 1 – 2 days
- If valid, enter into log as required
- If invalid, ensure the supplier rectifies the charge and sends you confirmation within 1 – 2 days
- Ensure a correction transaction appears on the next statement
- If unable to get a copy of the receipt within a couple days contact the Department Purchasing Card Representative who will submit a request for the receipt from Bank of Montreal MasterCard

## SUSPECTED FRAUDULENT TRANSACTION

- If the transaction is from an unknown supplier and appears to be fraudulent contact Bank of Montreal MasterCard immediately at 1-800-263-2263
- Bank of Montreal MasterCard may be able to provide some information to determine if the card has been compromised
- If compromised they will cancel the card and request a new card and number
- If card replacement is urgent, advise Bank of Montreal who will usually replace it within 24 to 48 hours if there's an urgent need
- In this event, contact the Department Purchasing Card Representative advising of this issue
- Bank of Montreal MasterCard may immediately reverse the transaction or they may request a Solemn Declaration to be submitted first - contact your Department Purchasing Card Representative

## FURTHER ASSISTANCE REQUIRED

In all cases, if your dispute is not resolved to your satisfaction, contact the Department Purchasing Card Representative for further assistance

**NOTE:** **BANK OF MONTREAL MASTERCARD WILL ONLY INVESTIGATE DISPUTED ITEMS BY CARDHOLDERS FOR UP TO THIRTY (30) DAYS FROM STATEMENT CUTOFF DATE**

# 11. Changing Card Information

To change the purchasing card information on existing cards (i.e. account code, credit limit, address, etc.) the following steps must be taken:

- The cardholder must complete the Purchasing Card Change Request form (Attachment C), the Supervisor must sign as approved and forward to the Department Purchasing Card Representative for final approval

- If approved, the Department Purchasing Card Representative will complete the necessary Purchasing Card Form and process the change

# 12. Card Cancellation/Personnel Leaving the Department/City

The following are steps to be taken when a card is cancelled or an employee leaves the department or the City:

- The supervisor of the cardholder is responsible for collecting, cutting the purchasing card in half perpendicularly across the magnetic strip immediately
- The supervisor of the cardholder will complete the appropriate part of the Purchasing Card Change Request (Attachment C) and forwarding it along with the destroyed card to the Department Purchasing Card Representative.
- The supervisor must obtain all documentation from the cardholder to ensure the final reconciliation can be completed
- Cards are to be cancelled immediately when a person leaves the department or the City. Completed transactions will continue to be posted to the account
- The Department Purchasing Card Representative ensures that the card has been destroyed
- The Department Purchasing Card Representative will process a Delete Cardholder using the Bank of Montreal Details Online web-based program
- The Department Purchasing Card Representative must notify the Electronic PCard Program Administrator supplying cardholder information and hierarchy levels

# 13. Lost or Stolen Cards

If a card is lost or stolen:

- The cardholder is responsible to phone Bank of Montreal MasterCard immediately to cancel the card (1-800-263-2263 24 hours a day, 7 days a week, 365 days a year)
- The cardholder will notify the Department Purchasing Card Representative
- A replacement card will be issued by Bank of Montreal MasterCard within two to three business days
- The replacement card will be sent to the Department Purchasing Card Representative who will arrange for it to be delivered to the cardholder
- If the original card subsequently is found/recovered it should be cut up and sent to the Department Purchasing Card Representative to record and destroy

# 14. Key Contacts and Information

## BANK OF MONTREAL MASTERCARD

General Information, Lost or Stolen Cards, Suspected Fraudulent Activity

***1-800-263-2263***

Service will be provided on basis of 24 hours per day, 7 days a week, 365 days a year for the following:

- Inquiries
- Account Information
- Emergency Assistance
- Card Replacement

## DEPARTMENT PURCHASING CARD REPRESENTATIVES

Supervisors and cardholders can contact their department Finance and Administration Division to determine the current Department Purchasing Card Representatives

**In all cases, for all reasons, the Department Purchasing Card Representative is the go-to person for all purchasing card program questions, tasks, issues, etc**

## PROGRAM CONTACTS

Trevor De Ryck
Corporate Finance Department
Corporate Controller's Division
4th Floor – 510 Main St
Wpg., MB R3B 1B9
Phone (204) 986-2190 Fax 944-1184
Email: TDeRyck@winnipeg.ca

Surya Khedkar
Corporate Finance Department
Corporate Controller's Division
4th Floor – 510 Main St
Wpg., MB R3B 1B9
Phone (204) 986-2472 Fax 944-1184
Email: SKhedkar@winnipeg.ca

# 15. Attachments – Sample Forms

## ATTACHMENT A - MASTERCARD PURCHASING CARD USER AGREEMENT




### MASTERCARD PURCHASING CARD USER AGREEMENT

Entered into at WINNIPEG, Manitoba _____, on _____, 20__.

BETWEEN: AND:

CITY OF WINNIPEG _____ _____
City Employee

duly authorized for the purposes hereof; City of Winnipeg Purchases/Transactions

(hereinafter called the "City") (hereinafter called the "Employee")

WHEREAS the City has requested that BMO Financial Group (hereinafter called the "Bank") issue MasterCard Purchasing Cards (hereinafter called the "Purchasing Card");

WHEREAS the City grants the Employee the right to use a Purchasing Card;

WHEREAS it is in the interest of the parties hereto that they agree to conditions governing the use of the Purchasing Card;

THEREFORE, the parties agree to the following:

1. Under the terms and conditions of the agreement the Bank shall issue the City Purchasing Cards which are to be remitted to certain employees of the City.
2. The City hereby designates the Employee to be a Purchasing Card cardholder.
3. The Employee undertakes to use the Purchasing Card to purchase or obtain goods and services related to the City's business operations and for no other purpose.
4. Any transactions carried out by the Employee, be they purchases of products, services or other transactions, must be exclusively for the benefit of the City.

The City shall be liable for paying the Employee's account whenever the transactions are carried out by the Employee in the course of the City's activities and for the business purposes of the City.

5. However, the Employee shall be liable for paying all purchases of goods, services and any other transactions that do not qualify as transactions carried out for the business purposes of the City. For the purposes hereof, the City shall be the sole judge of whether a transaction qualifies.
6. Any transactions that do not qualify as transactions carried out for the business purposes of the City shall be paid in full by the Employee. The Employee's Purchasing Card may be cancelled. The Employee would undertake to return the Purchasing Card to the City.

The Employee acknowledges having read the terms of the Agreement and *the City of Winnipeg Purchasing Card Program Procedures* and undertakes to comply with them.

In witness whereof, the parties signed at Winnipeg, MB, on the date indicated below each of their names.

THE CITY THE EMPLOYEE

_____ _____

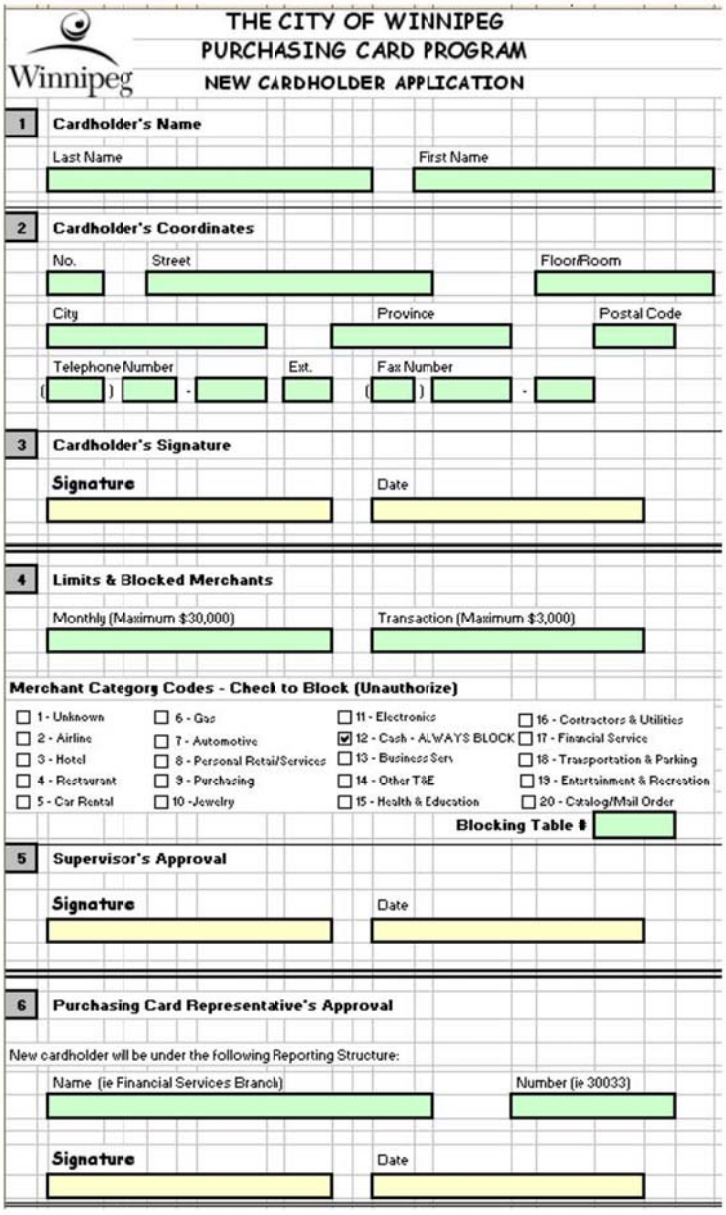
_____ _____
Date Date

WITNESS

_____

_____
Date

## ATTACHMENT B - PURCHASING CARD PROGRAM NEW CARDHOLDER APPLICATION



THE CITY OF WINNIPEG
PURCHASING CARD PROGRAM
NEW CARDHOLDER APPLICATION

**1 Cardholder's Name**

Last Name | First Name

**2 Cardholder's Coordinates**

No. | Street | Floor/Room

City | Province | Postal Code

Telephone Number ( ) - | Ext. | Fax Number ( ) -

**3 Cardholder's Signature**

**Signature** | Date

**4 Limits & Blocked Merchants**

Monthly (Maximum $30,000) | Transaction (Maximum $3,000)

**Merchant Category Codes - Check to Block (Unauthorize)**

| | | | |
|---|---|---|---|
| ☐ 1 - Unknown | ☐ 6 - Gas | ☐ 11 - Electronics | ☐ 16 - Contractors & Utilities |
| ☐ 2 - Airline | ☐ 7 - Automotive | ☑ 12 - Cash - ALWAYS BLOCK | ☐ 17 - Financial Service |
| ☐ 3 - Hotel | ☐ 8 - Personal Retail/Services | ☐ 13 - Business Serv | ☐ 18 - Transportation & Parking |
| ☐ 4 - Restaurant | ☐ 9 - Purchasing | ☐ 14 - Other T&E | ☐ 19 - Entertainment & Recreation |
| ☐ 5 - Car Rental | ☐ 10 - Jewelry | ☐ 15 - Health & Education | ☐ 20 - Catalog/Mail Order |

**Blocking Table #**

**5 Supervisor's Approval**

**Signature** | Date

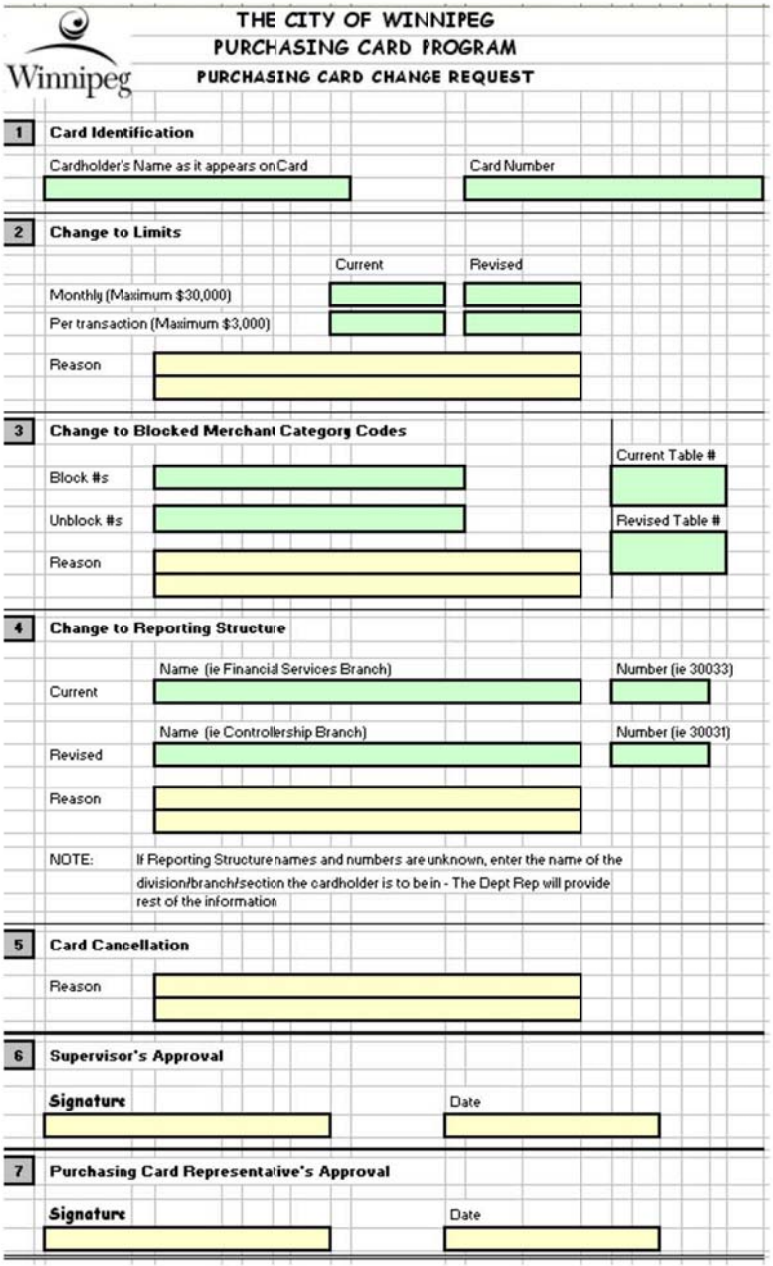
**6 Purchasing Card Representative's Approval**

New cardholder will be under the following Reporting Structure:

Name (ie Financial Services Branch) | Number (ie 30033)

**Signature** | Date

# ATTACHMENT C – PURCHASING CARD CHANGE REQUEST



THE CITY OF WINNIPEG
PURCHASING CARD PROGRAM
PURCHASING CARD CHANGE REQUEST

**1 Card Identification**

Cardholder's Name as it appears on Card

Card Number

**2 Change to Limits**

| | Current | Revised |
|---|---|---|
| Monthly (Maximum $30,000) | | |
| Per transaction (Maximum $3,000) | | |

Reason

**3 Change to Blocked Merchant Category Codes**

Block #s

Unblock #s

Current Table #

Revised Table #

Reason

**4 Change to Reporting Structure**

| | Name (ie Financial Services Branch) | Number (ie 30033) |
|---|---|---|
| Current | | |
| | **Name (ie Controllership Branch)** | **Number (ie 30031)** |
| Revised | | |

Reason

NOTE: If Reporting Structure names and numbers are unknown, enter the name of the division/branch/section the cardholder is to be in - The Dept Rep will provide rest of the information

**5 Card Cancellation**

Reason

**6 Supervisor's Approval**

Signature

Date

**7 Purchasing Card Representative's Approval**

Signature

Date

## ATTACHMENT D – TRANSACTION LOG AND INSTRUCTIONS

Winnipeg

THE CITY OF WINNIPEG
PURCHASING CARD PROGRAM
TRANSACTION LOG

CARD NUMBER

CARDHOLDER NAME AND TELEPHONE NUMBER

Billing Period: _____

| DATE | SUPPLIER NAME | DESCRIPTION OF PURCHASE | DISTRIBUTION | | | | PURCHASE AMOUNT (exclude tax) | AMOUNTS | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | FUND | ACCOUNT | DEPT | CLASS | | PST | GST | TOTAL |
| | | | | | | | | | | |
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| | | | | | | | | | | |
| CARDHOLDER'S SIGNATURE: _____ | | | | | TOTAL $ | | | | | |

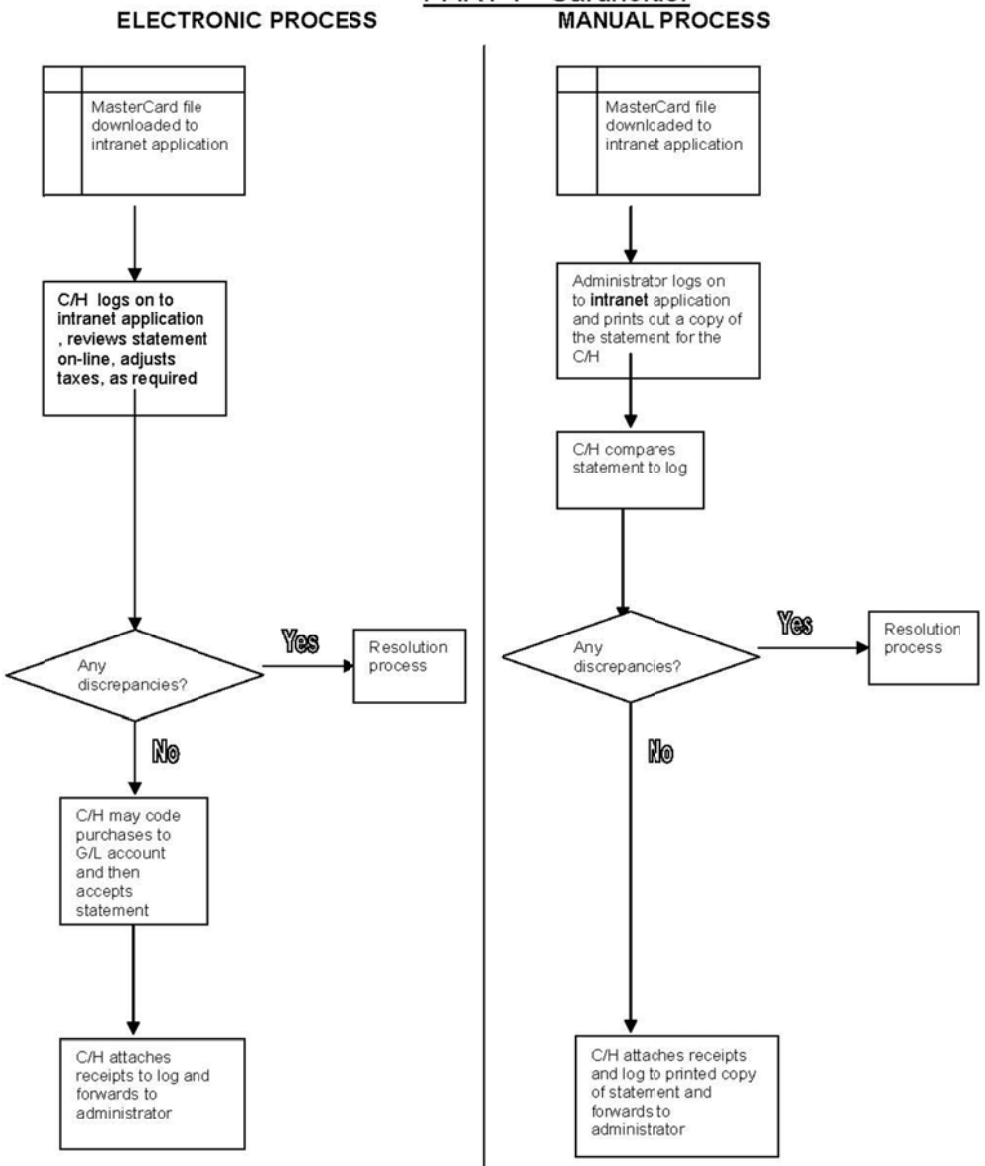
## PURCHASING CARD TRANSACTION LOG INSTRUCTIONS

| | |
|---|---|
| **Billing Period** | Enter ending dates of billing period. |
| **Card Number** | Enter your number printed on your Purchasing Card. Note this number is referred to as Account Number on your billing statement. |
| **Cardholder Name and Phone Number** | Enter your name as it appears on your Purchasing Card and your office telephone number. |
| **Cardholder Signature** | Sign on this line after you have reconciled your statement before you submit your reconciled form to your Department's Finance Unit. |
| **Description of Purchase** | Enter enough information to clearly describe item being purchased and purpose (i.e. electrical supplies/City Hall; hardware shelf/City Clerks). |
| **Date** | Enter date you made transaction. |
| **Supplier Name** | Enter name of supplier from whom purchase was made. |
| **Fund-Account-Dept-Class** | Enter complete account code (fund-account-dept-class) where budget should be charged for this purchase. (i.e. 001-445XXX-XXXXXX-999) |
| **Amounts** | Complete columns as described. |
| **Accounting Reconciliation** | Total all charges on the record log. The total payment should equal the total amount due on your statement. If purchases appear on your record log but not on your Purchasing Card statement (this may happen due to the cut off date of the statement), document these purchases on another log to be used for the following month and cross them off the current month's log. If charges appear on the statement but not on your record log, record these purchases on your log and request another invoice from the supplier or contact your Department's Finance Unit.<br><br>If you have Credit/Returns or dispute any Charges on your statement, contact the supplier and/or the Bank of Montreal MasterCard. If you cannot resolve your dispute call your Department Purchasing Card Representative. |

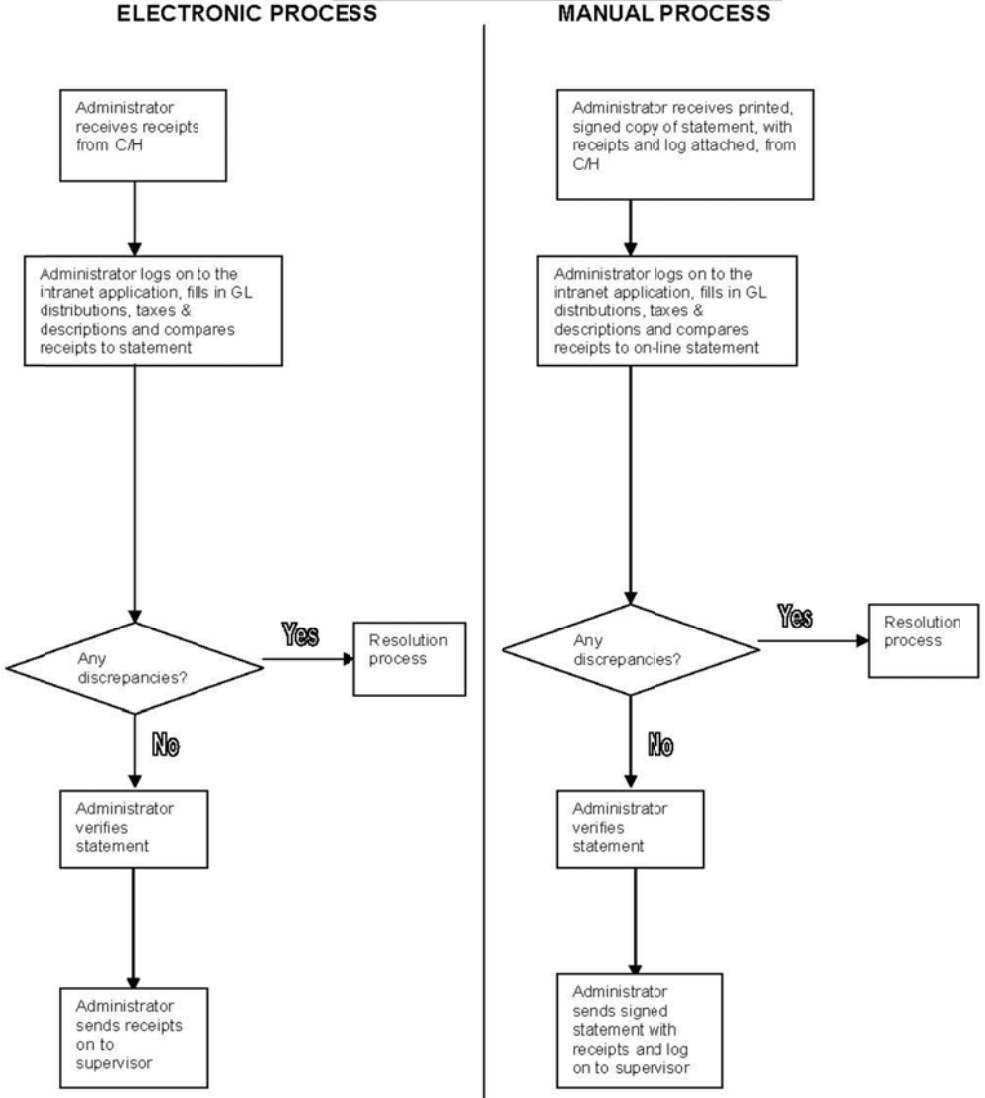
## ATTACHMENT E - ACCEPTING/VERIFYING/APPROVING STATEMENTS

| | ELECTRONIC | MANUAL |
|---|---|---|
| **Accepting of statement** | The **cardholder** logs on to the PCard intranet application and accepts their statement after reviewing it. Cardholder then gives receipts to their cardholder administrator. | Cardholder's administrator logs into the PCard intranet application and prints out the statement for the **cardholder**. The cardholder reviews the statement, attaches the receipts and log, and signs it. |
| **Verifying statement** | Administrator then logs on to the intranet application, compares the receipts to the statement, fills in the GL distributions, the taxes and the descriptions for the statement and then verifies it. The cardholder administrator then forwards the receipts on to the supervisor. | The **cardholder administrator** receives the signed copy of the statement with the receipts and log attached. Administrator then logs on to the intranet application, compares the receipts to the statement, fills in the GL distributions, the taxes and the descriptions for the statement and then verifies it. The cardholder administrator then forwards the signed statement with attached receipts and log on to the supervisor. |
| **Approving statement** | The **supervisor** logs on to the intranet application, sees that the statement has been accepted and verified, and then reviews the statement (comparing it to the receipts) and approves it. The application is set up in such a way that cardholders will not be able to approve their own statements. | The **supervisor** receives the signed statement with the receipts and log attached, and then reviews and approves the statement in the PCard intranet application, after noting that its been verified. |
| **Approving & authorizing new cards** | The Department PCard rep orders a new card, only after having received the application form, signed by both the potential cardholder and their supervisor who approves the application,, plus the User Agrmt. The Program Administrator receives and activates new cards. | Same as for electronic process. |
| **Spending limits** | Only the Department PCard rep can change the limits on a card. A card can't be used on any purchase above $3,000, nor can it be used to purchase more than $30,000 per month. The PCard rep also sets the limitations as to what purchases can be made on the card | Same as for electronic process. |
| **Adding Approvers to the intranet system** | Only the system administrator can set up supervisors on the PCard intranet application, after receiving verification from the Department PCard rep. This will ensure that only authorized employees will be able to approve statements. | Same as for electronic process. |

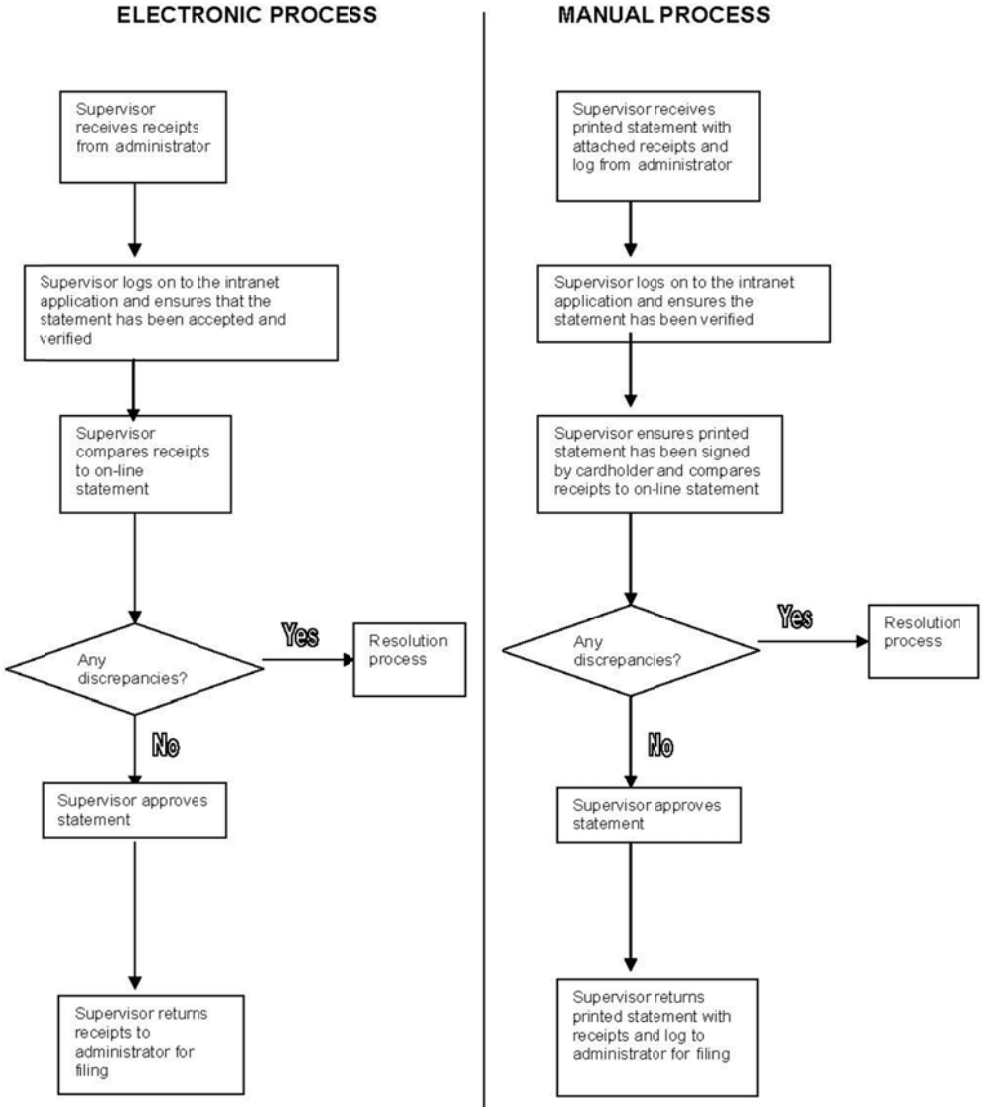
# PART 1 - Cardholder



## PART 2 – Cardholder Administrator



# PART 3 – Supervisor



**APPENDIX C**

# CODE OF CONDUCT
# COUNCIL OF THE CITY OF WINNIPEG

In order to strengthen the operation of the City of Winnipeg Council and to enhance public trust, this Code of Conduct supplements existing federal and provincial Conflict of Interest legislation. Members of Council hold office for the benefit of the public and their conduct must be of the highest standard. This conduct is expected by the public and it is critical that they have confidence in the integrity of the Members of City Council.

The Member's sworn declaration of office declares:

> "That I will truly, faithfully, and impartially to the best of my knowledge and ability, execute the office to which I have been elected and that I have not received, and will not receive, any payment or reward, or the promise of payment or reward, for the exercise of partiality, corruption or other improper execution of the office."

This Code of Conduct sets forth guiding principles to enhance the declaration of office:

- *Members shall not engage in any activity, financial or otherwise, which is incompatible with the proper discharge of his/her official duties in the public interest.*

- *Members must disclose any business or interest which may give rise to a reasonable apprehension of conflict. A Member shall not accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of his or her duties of office. This does not apply to a gift of personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.*

- *Members shall not use or disclose any information gained in the execution of his/her office that is not available to the general public for any purpose other than his/her official duties.*

- *Members shall not use influence of office for any purpose other than his/her official duties.*

- *Members shall not use the services or resources of civic employees in any private or personal business or for his/her re-election during hours in which these employees are in the paid employment of the City.*

- *Members shall respect the legislative and administrative regulations governing the decision-making mechanisms of the City.*

# *PRINCIPLE GUIDELINES*

***CODE OF CONDUCT OF THE COUNCIL***
***OF THE CITY OF WINNIPEG***

***MEMBERS shall not engage in any activity, financial or otherwise, which is incompatible with the proper discharge of his/her official duties in the public interest.***

The principle whereby Members must avoid placing themselves in a conflict of interest is the basis for all the other codes. All other codes can easily be said to be specific applications or variants of this base principle.

This principle goes beyond the legal requirements and exceeds the interpretation of the law. It affects the manner in which the general public perceives the actions of their elected representatives.

Members must avoid knowingly placing themselves in a situation that may result in a conflict between, on the one hand, their personal interest and on the other, the duties of their office.

A situation where a person may find himself/herself in a conflict of interest is a situation where he/she may have to choose between his/her own interest and that of the City or a municipal agency. The code prohibits not only the fact of choosing his/her interest over that of the City or one of the City's agencies, but more importantly, the code prohibits the Member from placing himself/herself in a situation where he/she may have to choose between the two.

***MEMBERS must disclose any business or interest which may give rise to a reasonable apprehension of conflict. A Member shall not accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of his or her duties of office. This does not apply to a gift of personal benefit that is received as an incident of the protocol or social obligation that normally accompany the responsibilities of office.***

The purpose of this principle is to avoid creating or maintaining ties between the City, any agencies, boards or commissions of the City of Winnipeg and Council Members, management staff or persons representing the City of Winnipeg.

This principle exists to prevent administrators from being placed in situations where their decisions may be influenced by a Member of Council.

This code may be said to be accessory to the legislation governing Conflict of Interest. Its purpose is to introduce a mechanism for making public certain facts in the carrying out of their duties and in the organization of their personal affairs, so that the public is able to ascertain that they are performing their tasks with integrity, objectivity and impartiality.

**Acceptance of Gifts**

A member shall not accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of his or her duties of office. This does not apply to a gift of personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

Where a gift or personal benefit exceeds $200.00 in value, or where the total value received directly or indirectly from one source in any twelve month period exceeds $200.00, the member shall immediately file with the City Clerk a statement indicating the nature of the gift(s) or benefit(s), the source and the circumstances under which the gift was given and accepted.

***MEMBERS shall not use or disclose any information gained in the execution of his/her office that is not available to the general public for any purpose other than his/her official duties.***

Members often become aware of information that is necessary or useful when making decisions in the general interest of the City. Some of this information is confidential in nature, other information is personal, while still other information is public in nature.

This information or details which come to the attention of members does not belong to them. It belongs to the City.

Members shall not divulge any information or details to the attention of the general public or to that of any individual, that is not public information. Nor shall they take advantage thereof for their personal or anyone else's interest or gain or avoidance of loss.

The purpose of this code is to ensure that the information or details brought to the attention of Members while they are working on behalf of the City continue to be used solely to this end and not divulged to the public.

***MEMBERS shall not use influence of office for any purpose other than his/her official duties.***

Members must refrain from participating in a decision or an action or from seeking to influence a decision or action if it may result in a conflict between their personal interest and the interest of the City.

When Members attend a meeting where consideration will be given to an issue in which they themselves have a stake, they must disclose the general nature of this interest before deliberations begin on the issue, refrain from participating in such deliberations or from voting on the issue and leave the meeting after having disclosed their interest, for the entire duration of the deliberations and the vote on the issue.

Members must refrain from soliciting, accepting or receiving from anyone a benefit for themselves in exchange for taking a position, making an intervention or offering a service.

The purpose of this code is to ensure that the steps taken and the decisions made by Members will be solely in the interest of the City and not in consideration or in expectation of a benefit.

There is no need to stress the fact that it is the public interest that must motivate steps taken and decisions made by Members and not their specific interest in receiving any benefit whatsoever in return for their action. Even if the step taken or the decision made is not really or solely motivated by the receiving or expecting of a benefit, Members must refrain from soliciting, accepting or receiving such benefits.

***MEMBERS shall not use the services or resources of civic employees in any private or personal business or for his/her re-election during hours in which these employees are in the paid employment of the City.***

Members shall not use or allow the use of, for purposes other than those for which they are intended, resources, property or services of the City or civic employees, or from using the authority of their office for their own interest.

The purpose of this rule is to ensure that the resources, property and services of the City serve only the interests for which they were acquired or implemented, and not the interests of individuals (ie. Council Members).

Council Members, whether as a group or individually, enjoy substantial moral or real authority related to the administration and management of the human and material resources of the City.

This authority must be exercised in the general interest of the City and not in the personal interest of the elected representatives.

This duty to exercise authority in the general interest of the City means that Members have the obligation to ensure that the resources, property and services of the City and the civic employees are only used for the purposes for which they are intended.

***MEMBERS shall respect the legislative and administrative regulations governing the decision-making mechanisms of the City.***

This rule reiterates basic premises whereby all Members are equal and all must abide by the Rules of Council.

By incorporating respect as the foundation, Council adopted the Procedure By-law for the elected Members to govern themselves, then each Member acknowledges and respects the equal rights of all Members.

**APPENDIX D**

# COUNCILLOR'S ASSISTANT AGREEMENT

**THIS AGREEMENT** made in duplicate the day of , A.D. 20 .

BETWEEN:

COUNCILLOR _____,
(hereinafter called "the Councillor"),

**OF THE FIRST PART**,

- and -

_____,
(hereinafter called "the Assistant"),

**OF THE SECOND PART**.

**WHEREAS** the Councillor is desirous of retaining the services of the Assistant for the position of Councillor's Assistant.

**AND WHEREAS** the Assistant has agreed to perform the duties and responsibilities of this position;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the covenants and agreements hereinafter contained, the parties agree as follows:

1. Subject to the terms and conditions of this Agreement, the Councillor hereby engages the Assistant, on a contract basis, to perform the duties hereinafter set for a period of one (1) year from _____ to _____ or unless earlier terminated in accordance with the provisions of this Agreement.

2. Subject to the terms and conditions of this Agreement, the term of this Agreement may be extended for a further period of one (1) year but in no event beyond the Councillor's term of office on terms and conditions mutually agreed to by the parties.

3. The Assistant agrees to undertake the duties and the responsibilities assigned to him/her from time to time as the Councillor's Assistant.

4. For work and services to be performed by the Assistant, the Councillor shall pay him/her the sum of $ _____ bi-weekly.

5. Benefits as identified on the attached Schedule of Benefits, including vacation pay and other benefits as required by *The Employment Standards Act*, including health benefits which are payable after six months of service in accordance with the terms and conditions of the relevant group insurance policy.

**Councillors' Assistant Agreement (continued)**

6. Subject to *The Employment Standards Act*, the Assistant is not entitled to be paid for time missed due to illness, injury or any other reason.

7. The Assistant is entitled to return to employment as the Councillor's Assistant upon recovery from an illness or injury so long as the Assistant is capable of performing the duties and responsibilities of the Councillor's Assistant, on the understanding that:

   (a) the Assistant shall provide, upon the Councillor's request, medical evidence satisfactory to the Councillor demonstrating that the Assistant is capable of performing the duties and responsibilities of the Councillor's Assistant. At the option of the Councillor, said medical evidence shall include an examination by a physician of the Councillor's choosing.

   (b) the Assistant is not entitled to return to employment following an illness or injury if this Agreement has terminated or if the Assistant's engagement has terminated for some other reason prior to his/her recovery from the illness or injury.

8. All information obtained by the Assistant in the performance of his/her duties as Councillor's Assistant shall be kept confidential except as reasonably required in the course of his/her duties and responsibilities as Councillor's Assistant.

9. The Assistant shall abide by Code of Conduct for Councillors' Assistants and Special Project Personnel adopted from time to time by the Governance Committee of Council.

10. The Assistant shall advise the Councillor of any involvement in litigation with The City of Winnipeg or any business or other personal/private interest which could represent a conflict of interest, and the Councillor shall disclose this information to the Governance Committee of Council. The Councillor and the Assistant shall avoid any situations that may result in either a real or perceived conflict of interest.

11. At the termination of this Agreement, for whatever cause or no cause at all, the Assistant shall turn over to the Councillor, all records and books of account and all property that may belong to the Councillor or The City of Winnipeg.

12. The Assistant's engagement hereunder may be terminated:

   (a) by the Councillor at any time without compensation for cause, in which event the Assistant shall only receive all monies due and owing or accruing due to him/her pursuant to this Agreement as ascertained up to the date of termination;

   (b) by either party without cause upon two (2) weeks' written notice, in which event the Assistant shall only receive all monies due and owing or accruing due to him/her pursuant to this Agreement as ascertained up to the date of termination;

**Councillor's Assistant Agreement (continued)**

(c) in the event that the Councillor retires or otherwise ceases to act as Councillor, and the Assistant shall only be paid all amounts due and owing or accruing due to him /her as of the date the Councillor retires or otherwise ceases to act as Councillor.

13. In the event of the death of the Assistant, all amounts due and owing or accruing due to him/her as of the date of such death shall only be paid.

14. For greater certainty, the termination of an Assistant's engagement pursuant to 12 (b), 12 (c) and 13 shall not limit or detract from any insurance or other benefits under this Agreement to which the Assistant may be entitled as of the date of the termination.

15. Any notice required by this Agreement to be given shall be deemed to be satisfactory if sent by registered mail. Notice shall be deemed to have been received three (3) days after the mailing of such notice. The mailing addresses for the purpose of such notices shall be as follows:

**On the Assistant:**

_____

Winnipeg, MB _____

SIN _____

**On the Councillor**

Councillors' Office
The City of Winnipeg
Council Building, 510 Main Street
Winnipeg, Manitoba R3B 1B9

16. This Agreement, and the section(s) of the Councillors' Ward Allowance (CWA) policy requirements applicable to Councillors' Assistants, constitute and express the whole agreement of the parties hereto with reference to the engagement of the Assistant by the Councillor and with reference to any of the matters or things herein provided for, or herein before discussed or mentioned with reference to such engagement, all promises, representations and undertakings relative thereto being merged herein. The Councillor shall make a copy of the Councillors' Ward Allowance (CWA) policy requirements available to the Assistant.

17. This Agreement shall not be assigned.

18. The Councillor and the Assistant acknowledge that The City of Winnipeg is not involved in any manner whatsoever in the engagement of the Assistant and has no responsibility to either party in their performance of this Agreement.

19. This Agreement shall be construed, performed and enforced according to the laws of the Province of Manitoba.

20. Time shall be of the essence of this Agreement.

**Councillor's Assistant Agreement (continued)**

**IN WITNESS WHEREOF** the parties hereto have executed these presents the day and year first above written.

| | | |
|---|---|---|
| **SIGNED, SEALED AND DELIVERED** in the presence of: | ) | |
| _____ Witness | ) | _____ |
| _____ Witness | ) | _____ |

# CODE OF CONDUCT

## COUNCILLORS' ASSISTANTS AND SPECIAL PROJECT PERSONNEL

1. Councillors' Assistants and special project personnel must observe the highest standards of conduct in the performance of their duties, regardless of personal considerations. Their conduct in their official affairs must be above reproach at all times.

2. Councillors' Assistants and special project personnel shall not be accorded any special consideration, treatment, privilege or advantage beyond that which is available to all individual citizens.

3. Councillors' Assistants and special project personnel shall attire themselves in a professional manner in accordance with the workplace environment.

4. Councillors' Assistants and special project personnel may at times be in a privileged informational position and as such:

   - Shall not disclose confidential information concerning the property, government or affairs of the City without proper authorization from their supervising Councillor,

   - Shall be ineligible to bid or lease in regards to City projects or City-owned land or materials,

   - Shall not accept any gift, commission, reward, advantage or benefit of value from any person, firm or corporation which is interested directly or indirectly in any manner in business dealings with the City,

   - Shall not participate in any appearances relating to their involvement in private interests before Committees of Council, City Council, or before any Board, Commission or other Agency established by the Council, where such appearance could represent a conflict of interest.

5. Councillors' Assistants and special project personnel shall not use or permit the use of city-owned vehicles, equipment, material or property for their personal convenience or profit.

6. Councillors' Assistants and special project personnel shall not benefit from the use of any information acquired in the course of their duties which is not available to the public.

7. Councillors' Assistants and special project personnel shall conduct themselves in a professional and courteous manner in their day-to-day workings with other personnel including staff. Should any form of conflict arise, such conflict should first be addressed by the respective Councillors and furthered to the Speaker for adjudication if not resolved.