REPORT OF THE INTEGRITY COMMISSIONER: RECOMMENDING A PROCESS TO ADDRESS COMPLAINTS ABOUT CONDUCT WHICH PREDATE THE ENACTMENT OF A BY-LAW TO ENFORCE THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL FOR THE CITY OF WINNIPEG

REPORT NO. 2 – JANUARY 16, 2018

To: Members of Council for The City of Winnipeg

Background

On February 22, 2017, the Members of Council for The City of Winnipeg announced the appointment of Winnipeg's first Integrity Commissioner. In doing this, they made a commitment to the public that they would be held accountable for their behaviour through a process which would include investigating and reporting on complaints about their ethical conduct.

However, as of April 3, 2017, the date the writer officially assumed the role of Integrity Commissioner, there was no mechanism in place to enforce the existing code of conduct, being the Code of Conduct of the Council of The City of Winnipeg, established in 1994.

Accordingly, I recommend that Council authorize the Integrity Commissioner to receive and investigate complaints about the conduct of Members of Council which took place between February 22, 2017, being the date the Integrity Commissioner was appointed, and the date of the enactment of the proposed Code of Conduct for Members of Council (Attachment #2 to Report No. 1 of the Integrity Commissioner, dated January 16, 2018).

Out of fairness, Members' conduct during this period should be assessed having regard to the 1994 Code of Conduct of the Council of The City of Winnipeg and the sanctions available to Council at that time. The process for investigating and reporting about such complaints, however, should follow the process set out in the proposed Code of Conduct for Members of Council (Attachment #2 to Report No. 1 of the Integrity Commissioner, dated January 16, 2018)

Recommendations

That Council:

1. authorize and direct the Integrity Commissioner to accept, investigate and report on complaints about the conduct of Members of Council, following the process set out in the Complaint Protocol, Appendix B to the proposed Code of Conduct for Members of Council (Attachment #2 to Report No. 1 of the Integrity Commissioner, dated January 16, 2018) if:

a) the conduct took place between February 22, 2017 and the date of enactment of the proposed Code of Conduct for Members of Council (Attachment #2 to Report No. 1 of the Integrity Commissioner, dated January 16, 2018);

b) the conduct appears to contravene the 1994 Code of Conduct for the Council of the City of Winnipeg; and

c) the complaint is filed with the Integrity Commissioner by no later than April 1, 2018; and

2. amend the provisions of the City Organization By-law and the Procedures By-law to apply to any such reports.

Sherri Walsh, Integrity Commissioner
January 16, 2018