THE CITY OF WINNIPEG

BY-LAW NO. 19/2018

A By-law of THE CITY OF WINNIPEG to adopt a new Code of Conduct for Members of Council

WHEREAS the Council of the City of Winnipeg first adopted a Code of Conduct in 1994;

AND WHEREAS Council retained the services of an Integrity Commissioner in 2017;

AND WHEREAS it is advisable to adopt an updated Code of Conduct as recommended by the Integrity Commissioner;

NOW THEREFORE, THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title
1 This By-law may be cited as the "Members of Council Code of Conduct By-law".

Definitions
2 In this By-law

"City" means the City of Winnipeg;

"Code of Conduct" means the Code of Conduct for Members of Council adopted by this By-law;

"Complaint Protocol" means the Complaint Protocol which is attached as Appendix B to, and forms part of, the Code of Conduct;

"Council" means the Council of the City;

"Integrity Commissioner" means the individual currently appointed to the Office of Integrity Commissioner, created by resolution of Council on December 9, 2015;

"member of Council" includes each councillor and the Mayor.

Code of Conduct adopted
3 The "Code of Conduct for Members of Council" attached as Schedule A is hereby adopted.

Transitional issues
4(1) Subject to this section, the Code of Conduct is not applicable to actions or transactions that took place prior to the date this By-law came into force but does apply to any actions or transactions that have taken place since that date, including actions or transactions that began prior to that date but continued past that date.

4(2) Despite subsection (1), the Complaint Protocol and the amendments to the City Organization By-law and the Procedure By-law apply with necessary changes to conduct of members of Council if:

(a) the conduct took place between February 22, 2017 and the date this By-law came into force;

(b) a complaint concerning the conduct was filed prior to the date this By-law came into force; and

(c) the conduct appears to contravene the Code of Conduct adopted by City Council on September 21, 1994.

City Organization By-law amended

5 The City Organization By-law No. 7100/97 is amended

(a) by adding the following clause at the end of subsection 3(1):

(m) the receipt of reports from the Integrity Commissioner concerning investigations carried out pursuant to the Complaint Protocol which forms part of the Code of Conduct for Members of Council.

(b) by adding the following subsection at the end of section 3:

(3) Notwithstanding any other provision of this By-law, reports from the Integrity Commissioner concerning investigations carried out pursuant to the Complaint Protocol which forms part of the Code of Conduct for Members of Council shall not be considered by Executive Policy Committee or a Standing Committee but shall be made directly to Council.

(c) by replacing subsection 14(7) with the following:

(7) To receive reports from the Integrity Commissioner, other than reports concerning investigations carried out pursuant to the Complaint Protocol which forms part of the Code of Conduct for Members of Council, and to forward them to Council through the Executive Policy Committee with or without recommendations.

Procedure By-law amended

6 The Procedure By-law No. 50/2007 is amended by

(a) adding the following definitions in alphabetical order to section 3:

"Integrity Commissioner" *means the Integrity Commissioner as defined in the Members of Council Code of Conduct By-law;*

"Investigation Report" *means a report from the Integrity Commissioner concerning an investigation carried out pursuant to the Complaint Protocol which forms part of the Code of Conduct for Members of Council adopted by the Members of Council Code of Conduct By-law;*

(b) adding the following after section 47:

MEMBER NOT TO VOTE ON INVESTIGATION REPORT FROM INTEGRITY COMMISSIONER

47.1 Notwithstanding any other provision of this By-law but subject to subsection 51(14), a member of Council who is the subject of an Investigation Report from the Integrity Commissioner is deemed to have a conflict of interest in respect of the matter and must not participate in debate nor vote on any motion concerning the report.

(c) adding the following at the end of section 51:

INVESTIGATION REPORTS BY INTEGRITY COMMISISIONER

51(14) Subject to section 5 of The Municipal Council Conflict of Interest Act, *at the meeting at which Council considers an Investigation Report from the Integrity Commissioner, a member of Council who is the subject of the report is entitled to appear in delegation in respect of the report, and subsection (1) does not apply to the delegation from that member of Council.*

DONE AND PASSED this 22nd day of February, 2018.

Mayor

City Clerk

Legally reviewed and certified as to form:

for Director of Legal Services and City Solicitor

SCHEDULE A TO
THE MEMBERS OF COUNCIL
CODE OF CONDUCT BY-LAW NO.19/2018