Agenda – Council – December 12, 2019

Report – Governance Committee of Council – October 9, 2019

Item No. 2 Amendment to the Councillors' Ward Allowance (CWA) Fund Policy

COMMITTEE RECOMMENDATION:

On December 3, 2019, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council and submitted the following to Council:

1. That the Councillor's Ward Allowance Fund Policy be amended as follows:

   A. Section 5.4 Councillor's Assistants – Eligible expense

   i. Amend fourth bullet to read as follows:

      "• All assistants must be retained under the terms of the employment contract (Appendix D) on a bi-weekly or hourly basis with the hours worked to be determined by the City Councillor."

   ii. Add the following new fifth bullet:

      "• All Contracts of employment with the Councillor's Assistants must be authorized by the Deputy City Clerk or their designate prior to any payments being processed to the assistant."

   B. Appendix D - Councillor's Assistant Agreement

   i. Amend clause 4. to read as follows:

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

   ii. Amend the signatory page to require sign off authorization by the Deputy City Clerk, or their designate.

   as per the redline version of the attached pages.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Governance Committee of Council – October 9, 2019

DECISION MAKING HISTORY:

On December 3, 2019, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council and submitted the matter to Council.

COMMITTEE RECOMMENDATION:

On November 13, 2019, the Governance Committee of Council recommended that its recommendation of October 9, 2019, be adopted and submitted the matter to the Executive Policy Committee and Council.

COUNCIL:

On October 24, 2019, Council concurred in the recommendation of the Executive Policy Committee and referred the matter back to the Governance Committee of Council.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2019, the Executive Policy Committee recommended to Council that the matter be referred back to the Governance Committee of Council.

COMMITTEE RECOMMENDATION:

On October 9, 2019, the Governance Committee of Council passed the following motion:

WHEREAS on June 13, 2019, the Governance Committee of Council received as information the report of the City Auditor on the 2018 Councillors' Ward Allowance Fund (CWA) Policy;

AND WHEREAS in the report, the City Auditor noted a situation where Councillor's assistants had been hired "without having formal contracts between the two parties (i.e. Councillor and the Councillor Assistant)…due to the fact the staff were to be engaged on an hourly basis and the Policy Appendix template is structured for a salaried contract."

Report – Governance Committee of Council – October 9, 2019

DECISION MAKING HISTORY (continued):

COMMITTEE RECOMMENDATION (continued):

AND WHEREAS as part of the report, the City Auditor made the following recommendation:

- "We recommend that the City Clerk's Department work with the Councillors to ensure compliance with the Policy in relation to all contracts between a Councillor and councillor assistants are signed on a timely basis and prior to the commencement of work."

AND WHEREAS the Governance Committee believes strongly in ensuring the CWA policy is continuously reviewed, clarified and updated to ensure maximum accountability and proper stewardship of public monies used by elected officials to perform their duties while in office;

THEREFORE BE IT RESOLVED that the Councillor's Ward Allowance Fund Policy be amended as follows:

- Section 5.4 Councillor's Assistants – Eligible expense

  - Amend fourth bullet to read as follows:
    "• All assistants must be retained under the terms of the employment contract (Appendix D) on a bi-weekly or hourly basis with the hours worked to be determined by the City Councillor."

  - Add the following new fifth bullet:
    "• All Contracts of employment with the Councillor's Assistants must be authorized by the Deputy City Clerk or their designate prior to any payments being processed to the assistant."

- Appendix D - Councillor's Assistant Agreement

  - Amend clause 4. to read as follows:

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

Report – Governance Committee of Council – October 9, 2019

DECISION MAKING HISTORY (continued):

COMMITTEE RECOMMENDATION (continued):

- Amend the signatory page to require sign off authorization by the Deputy City Clerk, or their designate.

as per the redline version of the attached pages.

and submitted the matter to the Executive Policy Committee and Council.

5.4 COUNCILLOR'S ASSISTANTS

Councillor's Assistants	
Eligible expense • Councillors may engage staff to assist them on a full-time or part-time basis • Staff employed are considered political appointments and are not employees of the City of Winnipeg • Councillor's Assistants will be governed by the Code of Conduct for Members of Council attached as Schedule A to By-law No. 19/2018 (See Appendix C for Code of Conduct adopted by City Council on February 22, 2018) (amended June 21, 2018) • All assistants must be retained under the terms of the employment contract (Appendix D) on a bi-weekly or hourly basis with the hours worked to be determined by the City Councillor • All Contracts of employment with the Councillor's Assistants must be authorized by the Deputy City Clerk or their designate prior to any payments being processed to the assistant. • Appointments cannot extend beyond the term of the Councillor • All assistants shall be employed pursuant to the CWA policy and shall execute the employment contract prior to commencement of employment • 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. • 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 • 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** • Individuals holding elected political office shall not be eligible for employment as a Councillor's assistant • 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 • An assistant cannot be any person employed or contracted by the City of Winnipeg. City staff may assist Councillors from time to time; however, funding for this assistance is not an eligible expense under the CWA policy. (amended March 21, 2019) • 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 • An Assistant cannot perform political duties, including attending meetings of boards or commissions to which the Councillor has been appointed by Council • An assistant shall not be eligible for appointment by Council to boards, commissions or committees

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/ Hourly. Hours worked to be determined by the City Councillor.

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.

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	)	_____

AUTHORIZED BY:

_____
Deputy City Clerk