THE CITY OF WINNIPEG

BY-LAW NO. /2021

A By-law of THE CITY OF WINNIPEG to establish categories of matters that require a 2/3 majority of Council to be approved

WHEREAS *The City of Winnipeg Charter* provides as follows:

> **Number of votes required may be increased**
>
> 73(1) Council may by by-law prescribe categories of matters that require more than a majority decision of the total number of members of council, members of a committee of council, or members of a subcommittee of a committee of council. The by-law must specify a percentage of votes required for a decision on those matters.
>
> **Review of by-law in fourth year**
>
> 73(2) A by-law passed under subsection (1) expires four years after the day it is passed unless in the fourth year council, by resolution, approves its continuation.

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

Short title

1 This By-law may be cited as the "Voting Requirements By-law".

Categories of matters requiring 2/3 majority

2 By-laws and resolutions in respect of the categories of matters set out in the Appendix to this By-law are not approved unless they are supported by 2/3 of the members of Council, or 2/3 of members present as noted in the Appendix.

Voting Requirements By-law No. 126/2003 repealed

3 The Voting Requirements By-law No. 126/2003 is repealed.

DONE AND PASSED this day of , 2021.

_____
Mayor

_____
City Clerk

Legally reviewed and certified as to form:

_____
for Director of Legal Services and City Solicitor

DRAFT

Appendix 1 to By-law No. _____/2021

THIS IS SCHEDULE A TO THE VOTING REQUIREMENTS BY-LAW

Categories of Matters Not Approved Unless Supported by 2/3 of the Total Number of Members of Council or 2/3 of Members Present

ACTS		
Authorizing Document	**Provision**	**Description**
City of Winnipeg Charter Act	55(2)	A 2/3rds vote is required to give more than 2 readings of a by-law at one meeting of Council.
	76(2)	A matter may be considered in camera at Council, a committee of Council, or a subcommittee thereof, if a 2/3rds vote is achieved, if: (a) the matter comes within a category specified in a by-law passed under subsection (1), and (b) the matter should be considered in camera.
	103	The City Auditor may be suspended or dismissed only by a resolution of Council that is approved by a 2/3rds vote of Council.
	205(2)	No land owned by the City and used for park or cemetery purposes after the City of Winnipeg Charter came into force or acquired after that date, may be disposed of without a 2/3rds vote of Council.
	400(1)	Where (c) real property affected by building restriction covenants is sold for taxes under this Division; (d) it is deemed, by subsection 45(5) (land subject to encumbrances) of *The Real Property Act* to be sold subject to those covenants; and (e) a certificate of title to the real property is issued under this Division in the name of the city; Council may, by by-law passed by a 2/3 majority of council present, remove all or any of the restrictions set out in the covenants, and the filing of the by-law in the land titles office is authority to remove the restrictions from the title.

BY-LAWS		
Authorizing Document	**Provision**	**Description**
Pension for Members of Council By-law No. 7869/2001	17(3)	If the Board reports to Council that it does not approve of the proposed amendment, modification, variation, or termination, it shall not be passed unless, in a recorded vote, two-thirds of the members of the whole Council vote in favour of the proposed amendment, modification, variation, termination, merger, consolidation or division.
Procedure By-law No. 50/2007	4(1)	Any rule contained in this By-law may be suspended by a vote of 2/3rds of the members present, except in cases whereby the Charter or by this By-law some other vote is required.
	48(1)	Whenever it shall be moved and carried by a two-thirds majority vote that the Council go into Committee of the Whole, the Presiding Officer shall leave the Chair, and before doing so shall ask the Deputy Presiding Officer or in the absence of the Deputy Presiding Officer, an Acting Presiding Officer, to be Chairperson of the Committee, who shall see that the usual rules of order are preserved and report the proceedings of the Committee.
	48(2)	No motion or by-law or report of a committee shall be discussed in Committee of the Whole, unless such motion or by-law or report has been previously clearly written and placed in the hands of the members, except it shall be otherwise permitted by the consent of two-thirds of the members present, without debate.
	50(2)	Not more than two readings of any by-law may be given at any one meeting of council, unless, by a vote of 2/3 of all members of council, this requirement is suspended in respect of the by-law.
	50(9)	If Council, by the affirmative vote of two-thirds of the Whole Council, agrees that a by-law may be presented for a third reading at a meeting at which it has received two readings, the third reading requires no greater majority than if it had received a third reading at a subsequent meeting.

COUNCIL POLICIES		
Authorizing Document	**Provision**	**Description**
Alternate Service Delivery Council Policy	Page 9	Any suggested specific amendments to the SOAs' operating charters can be made in their annual business plan submissions and requires a 2/3 majority vote of Council.
Community Incentive Grant Program Council Policy	July 23, 2003 Amendment to Policy	Any Community Incentive Grant that does not comply with the terms contained in the Community Incentive Grant Policy.

COUNCIL RESOLUTIONS		
Authorizing Document	**Provision**	**Description**
2013 Capital Budget and 2014 to 2018 Five-Year Forecast and the 2013 – 2015 Operating Budget	2013 Budget, Recommendation 1.B.v.	Local Street Renewal Reserve requires a two-thirds vote of Council to approve the use of funds for anything other than the renewal of local streets, back lanes, and sidewalks.
2014 Capital Budget and 2015 to 2019 Five-Year Forecast and the 2014 – 2016 Operating Budget	2014 Budget, Recommendation 1.K.v.	Regional Street Renewal Reserve requires a two-thirds vote of Council to approve the use of funds for anything other than the renewal of regional streets and sidewalks.
2015 Operating Budget and Financial Plan for 2016 and 2017; 2015 Capital Budget and 2016 - 2020 Five Year Forecast	Recommendation 1.N.v.	Use of funds other than those stipulated requires a 2/3rds vote of Council, namely the purpose of the reserve is to set aside funding for the P3 annual service/financing payment commencing in 2020 for the Southwest Rapid Transitway and Pembina Highway Underpass capital project.
Impact Fee Reserve Fund Balance – Report for the Period May 1 to September 30, 2017	Recommendation 1. A.	2/3rds vote of Council is required in order to use the Impact Fee Reserve for anything other than those set out in Council's October 26, 2016 resolution, namely: i. to fund capital projects approved by Council recommended by the Chief Financial Officer with consideration given to the input provided by the Working Group; ii. to pay the costs of administering the Impact Fee By-law and Reserve Fund.
Leases of Parkland	September 9, 1987	Leases of parkland for a period in excess of 5 years, or in cases of less than 5 years without a cancellation clause require a two-thirds vote of Council. Similar to Section 205(2) of the City of Winnipeg Charter