Minutes – Executive Policy Committee – November 13, 2013

REPORTS

Minute No. 10 Establishment of City of Winnipeg Code of Conduct Committee and Disclosure Process

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and recommended to Council:

1. That the Chief Administrative Officer:
   - A. continue to apply the Employee Code of Conduct for all employees as endorsed by City Council on March, 2001, ensuring the Winnipeg Public Service is implementing all sections and actions;
   - B. enhance employee understanding and awareness of their obligations under the Employee Code of Conduct through additional communication and the establishment of an annual electronic employee sign-off process;
   - C. initiate the requirement for Department Heads, including the four Statutory Officers, to disclose assets and interests (as outlined in Attachment II) at the point of hire, and when re-establishing contracts.

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

Minutes – Executive Policy Committee – November 13, 2013

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendation of the Winnipeg Public Service be concurred in and forwarded to Council.

Carried

David Sanders submitted a communication dated November 13, 2013 with respect to the establishment of a City of Winnipeg Code of Conduct Committee and Disclosure Process.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 16, 2013, the Executive Policy Committee granted a further extension of time of 30 days for the Winnipeg Public Service to report back on the matter.

Further on October 16, 2013, the Executive Policy Committee received submissions with respect to the establishment of a City of Winnipeg Code of Conduct Committee and Disclosure Process from the following:

- Garvin Taylor submitted a communication dated October 15, 2013
- David Sanders submitted a communication dated October 16, 2013.

On September 18, 2013, the Executive Policy Committee granted an extension of time of 30 days for the Winnipeg Public Service to report back on the matter.

Further on September 18, 2013, the Executive Policy Committee received a communication dated September 18, 2013 from David Sanders with respect to the establishment of a City of Winnipeg Code of Conduct Committee and Disclosure Process.

On June 12, 2013, the Executive Policy Committee laid over the matter for 60 days.

On April 3, 2013, the Executive Policy Committee recommended that the Council Motion of March 20, 2013 be referred to the Winnipeg Public Service for review and report back to the Executive Police Committee in 60 days, and submitted the matter to Council.

DECISION MAKING HISTORY (continued):

COUNCIL DECISION:

On March 20, 2013, Council ruled automatic referral of the following motion to the Executive Policy Committee:

Moved by Councillor Eadie,
Seconded by Councillor Orlikow,

WHEREAS the integrity of all city employees making decisions related to the public interest is left questionable by conflict of interest and code of conduct scandals;

AND WHEREAS the current employee Code of Conduct results in a reactive approach to dealing with abuses leaving City of Winnipeg residents exposed to potential financial harm and health problems;

AND WHEREAS the Government of Manitoba has delegated the responsibility for various pieces of legislation to the City of Winnipeg which is expected to protect residents in the home and commercial development building processes and tax assessment processes as examples;

AND WHEREAS by-law enforcement involves city employees making decisions on a day to day basis;

AND WHEREAS elected City officials must follow a process of disclosure in order to establish a proactive approach to potential conflicts similar to those mentioned in the City of Winnipeg's employee Code of Conduct;

AND WHEREAS the Code of Conduct sets out the Chief Administrative Officer as the administrator of the employee Code of conduct, and where a City of Winnipeg Charter statutory officer must report conflicts to a Code of Conduct Committee made up of Executive Policy Committee members;

AND WHEREAS there are methods of holding disclosure documents in confidence for management use only;

THEREFORE BE IT RESOLVED that the Chief Administrative Officer investigate and report back on recommendations to establish a disclosure process in the employee Code of Conduct for City employees making decisions related to provincial legislation and city by-laws;

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

AND BE IT FURTHER RESOLVED that the Executive Policy Committee pick three of its members to make up a Code of Conduct Committee to engage the Winnipeg Public Service in investigating a disclosure process for the City's four statutory officers under the City of Winnipeg Charter to be utilized under the employee Code of Conduct.

ADMINISTRATIVE REPORT

Title: **Establishment of City of Winnipeg Code of Conduct Disclosure Process**

Critical Path: **EXECUTIVE POLICY COMMITTEE - COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Tone	L. Burch	N/A	D. Joshi, A-CAO

RECOMMENDATIONS

That the Chief Administrative Officer;

- Continues to apply the Employee Code of Conduct for all employees as endorsed by City Council, March, 2001; ensuring the Public Service is implementing all sections and actions
- Enhances employee understanding and awareness of their obligations under the Employee Code of Conduct through additional communication and the establishment of an annual electronic employee sign-off process
- Initiates the requirement for Department Heads, including the four Statutory Officers, to disclose assets and interests (as outlined in the attached template) at the point of hire, and when re-establishing contracts

REASON FOR THE REPORT

Council, during its March 20th meeting, passed an Executive Policy Committee motion that;

> *the Chief Administrative Officer investigate and report back on recommendations to establish a disclosure process in the Employee Code of Conduct for City employees making decisions related to provincial legislation and city by-laws.*

IMPLICATIONS OF THE RECOMMENDATIONS

Full consideration was given to Council's motion for a review and recommendations regarding an Employee Code of Conduct Disclosure process with the following factors being carefully weighed:

- The rights and parameters imposed upon employers and government bodies relative to requesting and collecting employees' personal information
- The balance between employee privacy rights and the City's right to effectively manage its programs and responsibilities
- The ability to manage/update the information disclosed, as there would be ongoing changes to employees' financial circumstances

- The likelihood of negative perceptions and ensuing challenges via the Ombudsman; Privacy Commissioner; litigations (civil suits) and/or arbitrations by current/future employees, unions and associations
- The fact that without a forensic audit a request for financial disclosure still allows for the possibility of abuse as it continues to rely upon employee self declaration

The requirement for all employees to disclose assets in the absence of a conflict or perceived conflict has been interpreted as a serious violation of personal privacy rights, and would not be supported when balanced with the employers' right to manage its enterprise. Additionally, it is determined that the current Employee Code of Conduct, with its requirement for employees to disclose conflict of interest or perceived conflict of interest, mitigates the organization's liabilities while not infringing on employee privacy rights.

However, steps will be taken to enhance employees' understanding and awareness of their responsibilities under the Employee Code of Conduct. The Public Service will provide additional communication via a city-wide email, institute an annual electronic employee sign-off process, and will ensure the relevant material is readily accessible from the City's internal webpage.

When considering the specific positions of Department Heads/Statutory Officers, a stronger case can be made for the need to require disclosure of assets and interests. While it still may be challenged, the scope of their authority, influence over the City's financial decision-making, and high level of responsibility inherent to these positions would lend itself to providing rationale for an increased level of inquiry.

HISTORY

In considering Council's motion for a disclosure process within the Employee Code of Conduct pertinent legislation was reviewed; specifically the Freedom of Information, and Protection of Privacy Act, with input/interpretation provided by Legal Services and Labour Relations. Additionally, research was conducted on current Employee Codes of Conduct from a number of Canadian municipalities.

When considering a disclosure of personal information, including assets, the first requirement is to balance individual privacy rights against the organizations' right to manage its operation. As outlined in "Protection of Privacy" (chapter 6, FIPPA Resource Manual, Government of Manitoba, online);

> "*When a **public body** is considering a new initiative – such as a new service, program, activity or legislation – that involves collecting, using or disclosing **personal information**, a key concern is to achieve the appropriate balance between the benefits of the initiative and its impact on individual privacy. Put another way: if an initiative involves an intrusion into privacy, **public body** will want to consider whether the impact on privacy is 'reasonable and proportionate' in the circumstances."*

The Act goes on to say;

> *"A **public body** must limit the amount of **personal information** collected to information that is reasonably necessary to accomplish the purpose for which it is collected."*

A broad-based requirement for all employees to disclose assets, in absence of "reasonable circumstances" (a direct and specific connection), would undoubtedly be considered unnecessarily intrusive by employees, unions/associations, the Ombudsman, the Privacy Commissioner, and the courts.

A review of municipal Codes of Conduct from Vancouver, Calgary, Edmonton, Toronto, Brantford, Hamilton and Ottawa confirms policies consistent with the City of Winnipeg's current Employee Code of Conduct; requiring employees to identify and disclose "conflicts of interest". This is a legally sustainable position, and appears to be the standard across Canada. Without exception, policies from all municipalities investigated do not require full disclosure of all assets.

The practical application of a disclosure requirement was also considered. Given that the disclosure of financial assets would also be provided by the employee, there would continue to be the possibility of an inaccurate or incomplete reporting. Additionally, there would have to be ongoing updates to the information collected as financial circumstances change; again relying on timely self-declaration by employees.

It is the determination of the Public Service that the requirement to disclose assets in the absence of a conflict or perceived conflict would be deemed a serious violation of personal privacy rights. Furthermore, without the support of forensic audits, the information would continue to be provided via employee self-declaration and as such would not provide enhancements worth the extensive privacy invasion.

The Public Service takes the obligations associated with the Employee Code of Conduct seriously and has continually strengthened the organization's expectations and ability to operate with full integrity and ethics. We provide employees with notification of the requirements at point of hire through orientation sessions, and make the Employee Code of Conduct (Attachment I) available on the City's internal website (CityNet). In the event a declaration is made, or an allegation surfaces, circumstances are actively investigated and actions are taken. In addition, the establishment of a "Fraud Hotline" now provides a secure, confidential and anonymous reporting channel for those employees who feel they cannot take concerns to their supervisor/department head.

The Code of Conduct sets out the following process and remedial actions where a declaration or allegation is made, as follows:

> *"6. Where a disclosure or complaint is received:*
>
> *(a) the department head or the Chief Administrative Officer, as the case may be, or the Code of Conduct Committee where the employee is a statutory officer, shall*
>
> *(i) investigate the potential conflict,*
>
> *(ii) determine whether or not there is an actual conflict, and*
>
> *(iii) if an actual conflict is found, determine, in accordance with section 7, the appropriate remedial action to be taken;*

(b) the Code of Conduct Committee, may appoint, or retain, an employee or other individual to investigate, or assist in investigating, the potential conflict; and, subject to section 9, any decision of the department head, Chief Administrative Officer, or Code of Conduct Committee is final and binding.

7. Contraventions of this Code, including failure to disclose a conflict pursuant to this Code, may result in one or more of the following remedial actions being taken:

(a) requiring the employee to terminate the outside employment, business or undertaking, or transfer assets into a blind trust;

(b) transferring the employee to another division or department;

(c) accepting the resignation of the employee;

(d) initiating disciplinary proceedings which may include dismissal except that where an employee is liable to disciplinary proceedings under this Code and some other City policy, rule or regulation for the same contravention, the City shall elect whether it will proceed under this Code or the other City policy, rule or regulation; or

(e) any other remedy or action that is just and appropriate in the circumstances."

To further enhance employee understanding and awareness of their obligations under the Employee Code of Conduct, the Public Service will;

- Establish an electronic reminder, and sign-off process. Annually, an electronic message will appear for employees logging-in to the City's on-line system. Individuals will be required to review and acknowledge a summary of the Code, and will be provided with a link taking them directly to the full Employee Code of Conduct Council Policy
- For those employees without electronic access, discussions would occur annually with their supervisors
- Distribute a city-wide communication reminding employees of their responsibilities under the Code, and advising of the initiation of the annual sign-off process
- Ensure the Employee Code of Conduct is visible and easily accessible to employees by having a prominent location on the City's internal webpage

When issues of privacy are considered in relation to the Department Heads/Statutory Officers, the organization, in managing its enterprise, can make a reasonable case for the need for disclosure. These senior leaders have significant impact on and control over City of Winnipeg programs, services and finances. Their specific positions are such that elected officials, the Chief Administrative Officer, the Chief Operating Officer, and the public at large must be fully assured conflicts of interests are avoided. While this still may be challenged, their broad span of influence and control would more readily support a legitimate business need for the disclosure of assets and interests (Attachment II).

The current process requires Department Heads/Statutory Officers sign legal employment contracts. The contracting process raises awareness of the additional and heightened responsibilities associated with these key positions. Department Heads/Statutory Officers holding legal employment contracts with the City of Winnipeg have been made aware of the additional responsibilities, and agreed to the terms. Terms of existing employment contracts are confidential and cannot be reproduced in this report. Should a statement of assets and interests be required, it would occur at the point when the organization is re-negotiating a new contract. For new hires, the disclosure requirement would be part of their initial contract.

The Statement of Assets and Interests reports provided by the Department Heads would be directed to the Chief Administrative Officer, consistent with our governance structure. Statement of Assets and Interests reports from the Statutory Officers; the Chief Administrative Officer, the Chief Financial Officer, the City Clerk, and the City Auditor, would be directed to Council. Again, while this may be challenged, their reporting relationship along with fiduciary duties of these specific positions provides rationale for a broader review and increased scrutiny.

FINANCIAL IMPACT

Financial Impact Statement

Date: October 31, 2013

Project Name:

Establishment of City of Winnipeg Code of Conduct Disclosure Process

First Year of Program **2013**

	2013	2014	2015	2016	2017
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other -	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

No Financial Impact. Please note, It is assumed that any cost related to the requirement for Department Heads, including the four Statutory Officers, to disclose assets and interests at the point of hire, and when re-establishing contracts will be borne by the individual and not the City of Winnipeg.

Original signed by

Radhika Abeysekera
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

In preparing this report there was consultation with:

Legal Services Department

SUBMITTED BY

Department:	Corporate Support Services
Division:	Human Resource Planning & Services
Prepared by:	R. Tone
Date:	November 5, 2013
File No.	

Attachments:

I. - Employee Code of Conduct
II. - Statement of Assets & Interests for Department Heads and Statutory Officers - Template

EMPLOYEE CODE OF CONDUCT – LONG VERSION
(Appendix "A" referred to in Clause 7 of the Report of the Executive Policy Committee dated March 14, 2001.)

CITY OF WINNIPEG EMPLOYEE CODE OF CONDUCT

PART A. DEFINITIONS

"**Chief Administrative Officer**" means the Chief Administrative Officer of the City, and includes his or her designate;

"**City**" means The City of Winnipeg;

"Code of Conduct Committee" means a committee of Council consisting of not less than 3 members of Executive Policy Committee;

"**department head**" means the head of an administrative department of the City as established by The City Organization By-law, and includes an acting department head and, where applicable, the designate of a department head;

"**dependant**" means

(a) the spouse of an employee, including a person who is not married to the employee but whom the employee represents as his or her spouse, or

(b) any child, natural or adopted, of the employee regardless of age

"**employee**" means a person employed by the City, and includes a statutory officer, but does not include a Member of Council, or a person who is not employed by the City and works directly for an individual Member of Council;

"**person**" includes a firm, partnership, association or other body, whether incorporated or unincorporated;

"**statutory officer**" means an employee of the City who occupies a position created by The City of Winnipeg Act and has duties defined by that Act.

PART B. GENERAL PRINCIPLES

Employees must observe the highest standards of conduct in the performance of their duties, regardless of personal consideration. The public interest must be their primary concern. Their conduct in their official affairs must be above reproach at all times.

Employees must avoid situations in which their personal interest conflicts, or appears to conflict, with the interests of the City in their dealings with persons doing or seeking to do business with the City.

Employees must not engage in any conduct or activity that contravenes any law in force in Manitoba, including city by-laws, which might detrimentally affect the City's reputation, make the employee unable to properly perform his or her employment responsibilities, cause other employees to refuse or be reluctant to work with the employee, or otherwise inhibit the City's ability to efficiently manage and direct its operations.

PART C. PREAMBLE

1. This Code of Conduct is to operate in addition to other policies, regulations, and administrative directions for employees, as may be determined from time to time by Council or the Chief Administrative Officer.

2. Every provision of this Code is intended to be severable, and if any term or provision is determined to be illegal or invalid for any reason, that illegality or invalidity shall not affect the validity of the remainder of the Code.

3. Where, in relation to any employee, any provision of this Code is inconsistent with a collective bargaining agreement or employment contract which applies to that employee, the provision of the collective agreement or the employment contract prevails.

PART D. SPECIFIC PROVISIONS

Without limiting the generality of Part B:

1. Every employee, in the discharge of his or her duties and at all times, shall comply with The Freedom of Information and Protection of Privacy Act.

2. No employee shall engage in any outside employment, business, or undertaking for the employee's direct or indirect personal gain,

    (a) that will, or is likely to, interrupt or interfere with, the performance of his or her employment duties;

    (b) that requires or involves activities related to the outside employment, business, or undertaking, during any portion of the work day in which the employee is required to perform duties for the City;

    (c) in which the employee will gain, or appear to gain, a benefit as a result of his or her position with the City;

    (d) that will, or is likely to, influence, affect, or impair the manner in which the employee carries out his or her duties with the City, or his or her impartiality;

    (e) in such a manner, or in such a way, as to appear to be acting on behalf of the City, or appears to represent an opinion of the City.

3. Where an employee performs work in the course of any outside employment, business, or undertaking for his or her direct or indirect personal gain, and that work requires inspection or approval by another city employee, the employee must report the factual circumstances of that work, and the need for an inspection or approval, to his or her department head.

4. No employee shall accept any gift, favour, commission, reward, advantage or benefit of any kind from any person who is directly or indirectly involved in any business relationship whatsoever with the City, unless it is:

    (a) a nominal exchange of hospitality among persons doing business;

    (b) a token exchanged as a part of protocol; or

    (c) a normal presentation made to persons participating in public functions.

Where an employee, as a result of the performance of his or her duties, receives or becomes entitled to receive any monetary payment, good, or service, that is outside the limits set out in this section, the employee shall turn over the monetary payment, good or service to his or her department head for such civic or charitable purposes as the department head may determine.

5. No employee shall solicit gifts or prizes for any City related purpose, including departmental events or functions, having other than nominal value, unless pre-authorized by the department head.

6. No employee shall accept free travel or accommodation from any person with whom the City does, or may do business, unless such travel/accommodation is pre-authorized by the department head and is further to an existing contractual arrangement.

7. No employee shall take advantage of discounts/rebates on personal purchases from suppliers having a business relationship with the City, unless those suppliers offer similar discounts/ rebates to the general public, or the offer is made through a program which has been authorized by the Chief Administrative Officer.

8. No employee shall use, or request the use of, any City property, including surplus material, for personal convenience or profit, unless the property

   (a) is available for such use by the public generally and the employee is receiving no special preference in its use; or,

   (b) is made available to the employee as a matter of City policy or under the terms of his or her employment or appointment.

9. No employee shall use any information acquired as a result of his or her duties with the City for personal benefit unless the information is available to the public.

10. No employee shall grant any special consideration, treatment or advantage to any person in their dealings with the City.

11. No employee shall represent the City in dealings with any persons in which he or she has a direct or indirect pecuniary interest or with his or her dependants or relatives.

12. Unless pre-authorized by his or her department head, no employee shall represent any person in dealing with the City, nor appear before Council or any board, commission, or committee of the City on behalf of any person, except where the employee, or a dependant of the employee, has a direct interest in the person being represented, or such representation is a part of the employee's duties.

13. No employee shall actively campaign, or solicit funds, for a potential or declared candidate for elected office during any portion of the work day in which the employee is required to perform duties for the City or at the workplace.

PART E. <u>ENFORCEMENT</u>

1. Where an employee has reported that he or she is engaged in any outside employment, business, or undertaking that requires inspections or approvals by another employee, the department head may:

   (a) require any additional or alternative measures as may be deemed reasonable, be taken to ensure that the inspections or approvals are dealt with in a manner which is fair and impartial and shows no favouritism to the employee; or

   (b) where it is not reasonably possible for the department head to comply with subsection (a), take any of the remedial actions set out in section 7, or any other remedy or action that is just and appropriate in the circumstances.

2. Where an employee perceives that he or she is, or may potentially be, in a conflict with the principles set out in Part B, they shall disclose the conflict, or the potential conflict, in writing, along with the circumstances leading to the conflict, or potential conflict, to:

   (a) his or her department head, in the case of an employee;

   (b) the Chief Administrative Officer, in the case of a department head; or

   (c) the Clerk of the Executive Policy Committee, in the case of a statutory officer;

   and shall keep all such information current.

3. Any person who is of the opinion that an employee may have contravened this Code may file a complaint in writing with:

   (a) the employee's department head, where the employee is not a department head or statutory officer;

   (b) the Chief Administrative Officer, where the employee is a department head; or

   (c) the Clerk of the Executive Policy Committee, where the employee is a statutory officer.

   Note: It is the expectation that any employee who is aware that another employee has contravened this code will file a complaint with the appropriate person noted above.

   Where a complaint is filed in good faith, the department head or Chief Administrative Officer as the case may be, or Executive Policy Committee where the employee is a statutory officer, shall ensure that the person filing the complaint is not subject to reprisal, threat of reprisal, or discipline as a result of filing the complaint.

4. The Clerk of the Executive Policy Committee shall, subject to any applicable prorogue period, ensure any disclosure under clause 2(c), or any complaint filed under clause 3(c), is placed on the agenda of the Code of Conduct Committee, at a meeting not later than 10 days from the date of receiving the disclosure or complaint.

5. Where a disclosure of conflict or potential conflict is made under section 2, or a complaint is filed under section 3, the department head or Chief Administrative Officer as the case may be, or the Code of Conduct Committee where the employee is a statutory officer**,** may require the employee to take such steps to withdraw from participation in the matter in which the potential or alleged conflict arises as may be reasonable in the circumstances, until it has been determined if an actual conflict exists.

6. Where a disclosure or complaint is received:

   (a) the department head or the Chief Administrative Officer, as the case may be, or the Code of Conduct Committee where the employee is a statutory officer, shall

      (i) investigate the potential conflict,

      (ii) determine whether or not there is an actual conflict, and

      (iii) if an actual conflict is found, determine, in accordance with section 7, the appropriate remedial action to be taken;

   (b) the Code of Conduct Committee, may appoint, or retain, an employee or other individual to investigate, or assist in investigating, the potential conflict;
   and, subject to section 9, any decision of the department head, Chief Administrative Officer, or Code of Conduct Committee is final and binding.

7. Contraventions of this Code, including failure to disclose a conflict pursuant to this Code, may result in one or more of the following remedial actions being taken:

   (a) requiring the employee to terminate the outside employment, business or undertaking, or transfer assets into a blind trust;

   (b) transferring the employee to another division or department;

   (c) accepting the resignation of the employee;

   (d) initiating disciplinary proceedings which may include dismissal except that where an employee is liable to disciplinary proceedings under this Code and some other City policy, rule or regulation for the same contravention, the City shall elect whether it will proceed under this Code or the other City policy, rule or regulation; or

   (e) any other remedy or action that is just and appropriate in the circumstances.

8. Each contravention of this Code will be considered and dealt with on its own particular facts or circumstances.

9. Any remedial action taken pursuant to section 7 may be appealed:

   (a) where an employee is employed pursuant to a collective bargaining agreement, pursuant to the grievance/arbitration provisions of that collective bargaining agreement; or,

   (b) in the case of an employee who is not covered by a collective agreement, and who is not a statutory officer or a department head, to the Chief Administrative Officer or designate; or,

   (c) in the case of a statutory officer or department head, to Executive Policy Committee.

PART F. <u>ADMINISTRATION OF THE CODE</u>

1. The Chief Administrative Officer is responsible for

   (a) implementing and administering the Code of Conduct; and,

   (b) ensuring all employees are made aware of, and comply with, the Code of Conduct.

November 14, 2000

ATTACHMENT II

STATEMENT OF ASSETS AND INTERESTS

for

Department Heads and Statutory Officers

STATEMENT OF ASSETS AND INTERESTS

I, _____, of _____
Print or type name in full Residential Address

in the City of Winnipeg, in Manitoba, HEREBY DISCLOSE the ASSETS AND INTERESTS of myself and of my dependants, in accordance with *Policy XXX*, as follows:

A.

I disclose:

> All land in the municipality* in or in respect of which I or any of my dependants has any estate or interest, including any leasehold estate and any mortgage, licence, or interest under a sale or option agreement, but EXCLUDING principal residence property:
>
> *"municipality" means the City of Winnipeg and includes the Additional Zone.

LAND

Legal Description **Municipal Address**

(1)

(2)

(3)

(4)

LEASEHOLD ESTATE

Legal Description **Municipal Address**

(1)

(2)

(3)

MORTGAGE

Legal Description **Municipal Address**

(1)

(2)

(3)

(4)

LICENSE

Legal Description **Municipal Address**

(1)

(2)

(3)

(4)

INTEREST UNDER SALE OR OPTION AGREEMENT

Legal Description **Municipal Address**

(1)

(2)

(3)

(4)

B.

I disclose:

Where I or any of my dependants hold a beneficial interest in, or a share warrant or purchase option in respect of, 5% or more of the value of the issued capital stock of a corporation, all estates and interests in or in respect of land in the municipality* held by that corporation or by a subsidiary of that corporation;

*"municipality" means the City of Winnipeg and includes the Additional Zone.

Corporation Name (and Subsidiary Name if Applicable)	**Applicable Corp. Address**	**Legal Description**	**Municipal Address**
(1)			
(2)			
(3)			
(4)			

C.

I disclose:

> the name of every corporation, and every subsidiary of every corporation, in which the I or any of my dependants holds a beneficial interest in 5% or more of the value of the issued capital stock, or holds a share warrant or purchase option in respect of 5% or more of the value of the issued capital stock;

CORPORATION NAME
AND SUBSIDIARY NAME, IF APPLICABLE

(1)

(2)

(3)

(4)

D.

I disclose:

the name of every person, corporation, subsidiary of a corporation, partnership, or organization which remunerates me or any of my dependants for services performed as an officer, director, manager, proprietor, partner or employee;

NAME OF REMUNERATOR

(1)

(2)

(3)

(4)

E.

I disclose

bonds and debentures held by me or any of my dependants, EXCLUDING bonds issued by the Government of Canada, by the government of any province of Canada, or by any municipality in Canada, and also excluding Treasury Bills;

BONDS AND DEBENTURES

(1)

(2)

(3)

(4)

F.

I disclose

holdings of mine or any of my dependants in investment funds, mutual funds, investment trusts, or similar securities, EXCLUDING Retirement Savings Plans, Home Ownership Saving Plans, accounts and term deposits held in banks, credit unions, or other financial institutions, pension plans, and insurance policies;

INVESTMENT FUNDS, MUTUAL FUNDS, INVESTMENT TRUSTS OR SIMILAR SECURITIES

(1)

(2)

(3)

(4)

G.

I disclose:

any interest in property in the municipality* to which I or any of my dependants is entitled in expectancy under any trust, and any interest in property in the municipality over which I or any of my dependants has a general power of appointment as executor of a will, administrator of an estate, or trustee under a deed of trust;

*"municipality" means the City of Winnipeg and includes the Additional Zone.

Legal Description	**Municipal Address**
(1)	
(2)	
(3)	
(4)	

H.

I disclose

the nature, and the identity of the donor, of every gift given to me or any of my dependants EXCLUDING:

i) gifts from a family member;
ii) gifts disclosed in any previous *Statement of Assets and Interests* filed, and
iii) gifts received before I was first employed by the City.

GIFTS

Nature of Gift	**Donor**
(1)	
(2)	
(3)	
(4)	

I.

I disclose

the general nature of any contract or other pecuniary transaction entered into at any time after the coming into force of this Act between the City and

i) me or any of my dependants, or

ii) any corporation referred to in section (C) above, or

iii) any partnership in which I or any of my dependants is a partner,

but EXCLUDING

(iv) any such contract or other pecuniary transaction entered into before I was first employed by the City, and

(v) any such contract or other pecuniary transaction disclosed in any previous *Statement of Assets and Interests* filed, and

(vi) any transaction in which I or any of my dependants would be presumed under section 4 of the *Municipal Conflict of Interest Act* not to have a direct or indirect pecuniary interest.

CONTRACT OR OTHER PECUNIARY TRANSACTION

GENERAL NATURE

(1)

(2)

(3)

(4)

ON-GOING DISCLOSURE

Further statement after acquisition or disposal

Where after the filing of a *Statement of Assets and Interests* an employee or any dependant of an employee acquires or disposes of any asset or interest of the kind mentioned in sections (A) through (I) above, the employee shall within 30 days of the acquisition or disposal file with *XXX* a further statement disclosing the acquisition or disposal.

General Exemptions

No employee is required

(a) to disclose any gift worth less than $250.00, unless the total value of all the gifts from the donor to the employee and his dependants during the past year exceeded $250.00; or

(b) to disclose any other asset or interest worth less than $500.00; or

(c) to estimate the value of any asset or interest disclosed; or

(d) to disclose any asset or interest acquired by a dependant of the employee more than 2 years before the employee was employed by the City.

Continuing disclosure of gifts

Where an employee or any of her dependants receives as a gift any of the assets or interests referred to in sections (A) through (G) above, the employee shall, notwithstanding that the gift has already been disclosed in a previous *Statement of Assets and Interests*, continue to disclose the asset or interest in every *Statement of Assets and Interests* filed until the employee or his dependant disposes of the asset or interest.

NOTE:

Reference may be made, with appropriate modifications, to the provisions of The *Municipal Council Conflict of Interest Act* itself in respect to interpreting and applying the rules of disclosure. Excerpts are appended to this document.

SIGNED at the City of Winnipeg, in the Province of Manitoba, this _____ day of _____, 20____

_____
Signature

EXCERPTS FROM THE MUNICIPAL COUNCIL CONFLICT OF INTEREST ACT

1. In this Act:

"dependant" means

(i) the spouse of a councillor, including a person who is not married to the councillor but whom the councillor represents as his spouse, and

(ii) any child, natural or adopted, of the councillor, who resides with the councillor;

"subsidiary" means a corporation that is a subsidiary as described in section 2.

Subsidiary corporation.

2(1) A corporation is a subsidiary of another corporation where it is controlled by that other corporation.

Control.

2(2) A corporation is controlled by another corporation where

(a) securities of the controlled corporation to which are attached more than 50% of the votes that may be cast to elect directors of the controlled corporation are held, other than by way of security only, by or for the benefit of the controlling corporation; and

(b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the controlled corporation.

Subsidiary includes subsidiaries.

2(3) "Subsidiary" includes all subsidiaries of a subsidiary.

Area includes additional zone.

3(2) For purposes of this Act

(a) any reference to "land in the municipality" or "property in the municipality" includes, in the case of The City of Winnipeg, the additional zone; and

(b) where The City of Winnipeg has jurisdiction over a matter in the additional zone, any pecuniary interest in the matter shall be presumed to be a pecuniary interest in The City of Winnipeg.