ANNUAL REPORT
OF THE INTEGRITY COMMISSIONER

Sherri Walsh

January 1, 2019 – December 31, 2019

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ANNUAL REPORT OF THE INTEGRITY COMMISSIONER

JANUARY 1, 2019 – DECEMBER 31, 2019

I. Commissioner's Message

As Integrity Commissioner for The City of Winnipeg, I am pleased to provide my Annual Report for the period January 1 to December 31, 2019.

This is the third of such reports I have had the privilege to present to Council.

Over the last the three years, Council for The City of Winnipeg has made significant and positive changes to strengthen its ethics and accountability framework. Those changes include appointing the City's first Integrity Commissioner and developing a *Code of Conduct* which commits the Members of Council to adhere to the highest ethical standards of behaviour.

This new framework is evolving in a robust and pragmatic manner.

The *Code* sets out standards of behaviour and rules to assist the Members of Council so that they may perform their duties of office in a way that promotes public confidence in the operation of City Council - confidence which is essential for an effective democracy.

Council marked the first anniversary of its new *Code of Conduct* (the "Code") on February 22, 2019 and on October 24, 2019 it passed amendments to the *Code* to strengthen its ability to provide guidance to both Members of Council and members of the public.

A code of conduct works most effectively when it is applied in conjunction with the appointment of an Integrity Commissioner whose role is to provide clear guidance to Members and fair oversight of their conduct – promoting a culture of ethical behaviour in the performance of Members' duties of office.

In all my dealings with Members of Council during the period 2019, I did not encounter any situations in which Members were other than respectful and fully cooperative with the work of my office and in particular my complaint resolution role.

Throughout the year 2019, I also continued to have what I regard as an excellent working relationship with the City Clerk and his staff. This has been of tremendous assistance in seeing various aspects of my work move forward.

I note that these same officials were always very aware of the independent nature of my office and at all times respected boundaries that ensure that I exercise independent judgment on matters that

are properly before me and I am grateful for the relationship of trust and respect that has developed between our offices.

Finally, I want to acknowledge the invaluable assistance and support I have received throughout this reporting period from my assistant Carol Dougan.

Respectfully submitted,

Sherri Walsh, Integrity Commissioner

II. Advisory Function

As I have often stated, the most important aspect of an Integrity Commissioner's work and the one which will have the most impact is the role's advisory function.

The *Code of Conduct* is a principles-based document that must be interpreted to apply to a given set of facts. It works most effectively, therefore, when it is applied in conjunction with receiving advice from the Integrity Commissioner.

By being available to help Members of Council understand how the *Code* applies to a specific factual situation, the Integrity Commissioner can help to prevent problems before they occur.

To quote David Mullan, who was The City of Toronto's first Integrity Commissioner:

> "… the best gauge of the success of the office of Integrity Commissioner is the extent to which Members seek advice in advance of acting on matters that potentially engage the Code of Conduct."[1]

The ongoing increase in the number of occasions on which Members of Council have sought my advice demonstrates that the role is functioning as it should, consistent with the reason for its creation as part of the City's new ethics and accountability framework for Members of Council.

In the period covered by this Report, I received **56 requests** from Members of Council seeking advice on a variety of topics.

My advice was typically provided within 24-48 hours unless the matter required further research. Advice was provided by telephone, in writing, or in person.

What follows are anonymized examples of inquiries I received from Members of Council and the advice that I provided.

It is important to note that in each case, my advice was provided in the context of a specific set of facts. The anonymized summaries should not be relied upon as a substitute for contacting the Integrity Commissioner for advice in a given situation.

Sample #1 *Use of Influence*

Request: The Member of Council was invited by a community organization to act as honourary patron of a cultural event. The Member sought my advice as to whether there was anything in the *Code* which would prevent their accepting this invitation.

[1] City of Toronto Integrity Commissioner's Annual Report – 2006, at p.11

Advice Provided: I advised that it would be appropriate for the Member to assume this role as a matter of promoting a community event.

There was nothing in what the Member was being asked to do which would have required the Member to use their influence in a manner which was inconsistent with their duties of office. For example, they were not being asked to target individual members of the community, who might have matters before City Council, to make donations to the event or the organization. The role was simply to raise community awareness of the cultural event and the organization itself - something which was consistent with the proper performance of the Member's duties of office.

Sample #2 *Engaging with Lobbyists; Acceptance of Gifts*

Request: A number of Members sought my advice with respect to an invitation that was sent to each Member of Council asking them to meet with an organization that was scheduled to make a presentation to City Council. The meeting included an offer of lunch. A number of Members were alert to the need to consider their obligations under the *Code of Conduct* and the requirements of the Voluntary Lobbyist Registry. They inquired as to whether they should accept the invitation to meet and if so, whether they could accept the offer of lunch as a benefit, or try to pay for it themselves.

Advice Provided: First, I advised the Members that I appreciated the fact that they were alert to the need to consider their obligations under both the *Code of Conduct* and the Voluntary Lobbyist Registry.

The rule in the *Code* relating to gifts indicates that except for political contributions allowed by law, Members must never accept gifts or benefits provided by a registered lobbyist or their lobbyist client or employer.

I advised, however, that, assuming that the organization was a "lobbyist" as defined by the Voluntary Lobbyist Registry, it would be permissible for the Member not only to attend the meeting but also to accept the lunch.

This was consistent with what I had indicated in the annotated version of the *Code* which was published on the Integrity Commissioner's page of the City's website, namely that:

> "light refreshments given in the context of an official interaction with a lobbyist where the Member is not able to obtain refreshments at their own cost may be considered a normal expression of courtesy or protocol or within the customary standards of hospitality that normal accompany a Member's position and therefore acceptable."

With respect to the meeting itself, there was nothing inappropriate about accepting the invitation to meet. It was entirely up to each Member to determine whether they wished to attend the meeting.

Subsequent to this meeting, for the sake of clarity, the rule in the *Code* regarding acceptability of gifts was amended to confirm that it is generally not a violation of the rule to accept light refreshments given in the context of an interaction with a lobbyist where the Member is not able to obtain refreshments at their own cost.

I note as well that following this interaction the organization which extended the invitation registered its meeting with the Members of Council on the publicly posted Voluntary Lobbyist Registry. The Registry allows a lobbyist to register their activity within 10 days of the lobbying activity.

Sample #3 *Political Activity*

Request: In light of the elections at the provincial and federal levels of government which took place in September and October, 2019, respectively, a number of Members sought my advice as to how the *Code* applied to their potential involvement in political activity, i.e. activity, including fundraising, which supported or opposed a political party or candidate in the context of the federal or provincial election.

Advice Provided: As a result, I provided a separate but identical letter to each Member of Council in order to provide guidance on this topic. The letter confirmed that the rules of the *Code* which could be engaged by such activity were the rules relating to: "Use of Influence" and "Use of City Staff, Resources and Property".

Those rules read as follows:

> **"4. Use of Influence**
>
> Members must not use the influence of their office for purposes other than for the proper exercise of their duties of office.
>
> **5. Use of City Staff, Resources and Property**
>
> Members must not use or permit the use of their staff, City staff, or City resources or property for purposes other than those connected with the discharge of their duties of office. "

I advised that as a private citizen Members are entitled to support a candidate in any way they wish. However, using their position as a Member of Council, including their title or using City resources and staff to do so, would not be appropriate.

Supporting candidates at other levels of government is not part of the duties of office of a Member of Council even if they believe that it would be beneficial for their Ward or the City, if a particular candidate or party were elected.

I advised that if a Member of Council wished to support a candidate or party, they must be careful to do so as a private citizen. They did not have to "hide" the fact that they were a Member of Council but they were not entitled to use their City title or resources as part of their efforts of support. Members are required to have a clear separation between their political activity and their City related activity in the same way they are required to do during a municipal election when they are running their own campaign.

This meant not using City resources, including a City purchased phone, computer, business cards, website, office or the City logo for activity to support a party or candidate at another level of government. I also advised that if they were using a social media site that was not supported by City resources but that still showed their title as a Member of Council in the biography section, for example, the Member should either remove their title or, immediately below the title, publish a disclaimer which stated that the account was neither City funded nor reflected City policy.

Sample #4

Request: A Member of Council sought my advice as to whether it would be permissible for them to identify on social media, the names of all the candidates running in the provincial and federal elections, in their Ward and to encourage constituents to raise issues which were relevant to their Ward.

Advice Provided: I indicated that such social media posts were permissible. The Member was simply providing what was otherwise publicly available information about the identity of candidates without any editorial commentary to promote support for any individual. Publishing the names of all candidates for both elections did not constitute an inappropriate use of the Member's influence as a Member of Council; nor did the general encouragement to constituents to raise matters which were of importance to the Ward.

III. Complaints – Receiving, Reviewing and Investigating

All complaints received during 2019 were handled in accordance with Complaint Protocol – Appendix B to the *Code of Conduct* which allows for both informal and formal procedures to resolve complaints.

The Integrity Commissioner's work when conducting an investigation and preparing a report, whether or not the complaint is substantiated, can be a time-consuming and expensive process. This is why complaint procedures generally, including the procedure established in the Complaint Protocol, typically establish criteria for preliminary review of complaints to allow an ethics

professional an opportunity to exercise their discretion in determining whether a specific complaint merits the utilization of their publicly funded resources.

Whenever a formal complaint is received, therefore, the *Code* requires that the Integrity Commissioner conduct an initial review to determine whether the complaint is within the Integrity Commissioner's jurisdiction to accept.

If the complaint is not, on its face, a complaint with respect to non-compliance with the *Code* or if the complaint relates to matters addressed by other legislation or by complaint procedures under another procedure, policy or rule, the Integrity Commissioner will not accept the complaint.

The Complaint Protocol also requires that if the Integrity Commissioner is of the opinion that the complaint is frivolous, vexatious or not made in good faith or that there are no or insufficient grounds for an investigation or that it is unlikely that the complaint would succeed, the Integrity Commissioner is mandated not to conduct an investigation.

I received **17 formal complaints** in 2019, some of which related to the same set of factual circumstances.

Sixteen of these complaints were dismissed at intake. In each case, the complainant received a detailed letter from my office outlining the review that I undertook and my reasons for determining that I would not be undertaking an investigation. In those letters I also advised, on most occasions, that I would be providing the Member who was the subject of the complaint, with an anonymized copy of the complaint so as to protect the complainant's identity, along with a copy of my letter to the complainant in outlining my reasons for not conducting an investigation.

The reason for providing this information to the Member of Council was two-fold: to inform them as to the nature of a concern raised by a member of the public about their conduct; and for education purposes to show them how I applied and interpreted the *Code*.

This process of informing the Member is consistent with the process which is followed by regulators in other contexts, such as, for example, the Law Society of Manitoba and ultimately was codified when the *Code* was amended in October 2019.

The Complaint Protocol provides that following receipt and review of a formal complaint or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter informally may be successfully pursued and both the complainant and the Member agree, efforts may be pursued to achieve such an informal resolution.

In 2019, **1 formal complaint was resolved informally** with my assistance and the full participation of the Member of Council, to the complainant's satisfaction.

The following summaries are provided to raise awareness of how the *Code of Conduct* was interpreted in response to complaints filed and to provide the public and Members of Council with information about the Integrity Commissioner's work.

Sample Complaint #1

The complaint alleged that the Member was in a conflict of interest because of favourable comments they had made on social media about a public interest group which held certain views on development matters. The complaint alleged that because the Member of Council had expressed interest in and possibly attended the public interest group's meeting the Member was in a conflict of interest regarding their participation in Council Committee meetings dealing with development issues and in particular, issues about which the public interest group had expressed an opinion. There was no allegation that the public interest group was itself seeking any benefit from Council for its own organization.

In order to conduct my preliminary assessment of the matter, I reviewed the formal complaint, the *Code*, screen shots taken from the public interest group's Facebook page and the video recording of the Committee meeting in question.

I also spoke with the complainant by telephone to ensure that I understood their allegations. Looking at the matter as a whole I determined that the substance of the allegations raised in the complaint did not relate to conflict of interest but rather to bias.

A conflict of interest requires that a Council Member have a private interest in the matter. Private interests, as the *Code* indicates, are personal to Members of Council and are to be distinguished from political interests. In this case, the Member's views on development did not engage their personal interests.

The matters which formed the subject of the complaint were not matters of a private interest to the Member and the promotion of those matters would not provide a personal benefit to them.

The Member's expression of interest in the public interest group was merely an extension of and consistent with the political position they maintained about development. It did not create a private interest on their part within the meaning of the *Code*.

As the Supreme Court of Canada has stated, in a democracy the role played by municipal councillors is both political and legislative.[2]

The Supreme Court's ruling has been cited on many occasions. Elected officials are entitled to take positions on matters. The fact that a Council Member's position aligns with the position of

[2] *Old St Boniface Residents Association Inc.* v *Winnipeg (City)* [1993] SCR 1170

an advocacy or public interest group does not create a private interest on the Member's part within the meaning of the conflict of interest rules set out in the *Code*.

Looking at the matter as whole, I determined that the substance of the allegations raised in the complaint related not to conflict of interest but rather to bias. Allegations of bias are not within the purview of the Integrity Commissioner. I advised the Complainant that if a member of the public believes that Council has made a decision which is tainted by bias in the sense of having been made with a closed mind, the remedy is to seek judicial review of the decision through the courts. Accordingly, I advised that I would not be commencing an investigation into the complaint.

Sample Complaint #2

The Complainant alleged that a Member of Council demonstrated "bullying, intimidation, censorship and disrespect" in their interaction with the Complainant during hearings held by a City Committee.

The complaint went on to allege that the Member raised their voice unnecessarily and was guilty of having harassed the Complainant, within the meaning of the *Code*.

The Complainant provided me with a link to the video record of the proceedings and specified the time at which the incident which formed the subject matter of the complaint, took place.

As part of my review I considered the complaint, the *Code* and I watched the video of the Committee's proceedings twice.

Based on my review I did not see any conduct on the part of the Council Member which amounted to a contravention of the *Code*. Therefore, I saw no grounds to support the complaint and advised the Complainant that I would not be conducting an investigation. As indicated above, typically I would advise the Member of the complaint, on an anonymized basis and of my response but in this case I did not do that because the there was no way that I could bring the complaint to the Member's attention without disclosing the identity of the Complainant.

IV. Investigations

When the Integrity Commissioner determines that they will conduct an investigation, the process set out in the Complaint Protocol requires that the complaint be provided to the Member who is the subject of the complaint, for their response. The Complainant is provided with a copy of that response and given an opportunity to provide a reply. The Integrity Commissioner then commences an investigation which may consist of reviewing documents, conducting research and interviewing the parties and other witnesses.

If the Integrity Commissioner concludes that a Member of Council has contravened the *Code* the Integrity Commissioner is required to bring the report to Council directly. If the Integrity Commissioner finds that the *Code* was not contravened, they are required to advise the parties of their conclusion and not report to Council about their determination except as part of an Annual Report.

As I reported in last year's Annual Report, my investigation of one complaint which was filed in 2018 was ongoing, as of the end of December 2018.

I completed the investigation of that complaint in 2019 and following my investigation, dismissed the complaint, finding that no violation of the *Code* had occurred. The complaint alleged violations of the rule in the *Code* regarding election-related activity. One of the concerns raised by the complaint was that by using articles published by the media which covered the Member's activities during the time they were a Member of Council, the Member violated the requirement not to use "facilities, equipment, supplies, services or other resources of the City … for any election campaign or campaign-related activities".

To conduct the investigation, I communicated with the complainant in writing. They declined to speak with me by phone or to meet with me in person. I reviewed all of the documents and materials the complainant provided to me and conducted an interview in person with the Member. I also considered the *Code* and relevant legislation and City policies.

I did not find the complainant's allegations to be substantiated. With respect to the concern identified above, I determined that the use of media articles which were in the public domain, in the Member's campaign material, simply reflected a statement of fact about their record as a Member of Council and did not violate either the spirit or letter of the rule relating to election-related activity.

V. **Investigation Reports**

In January 2019, an investigation report was presented to Council for its information only. The report was prepared by Greg Levine whom I retained to address the complaint in my stead because the complainant was a client of my law firm and it would not have been appropriate for me to have assessed the complaint.

The complaint related to matters which fell within the *Code of Conduct* which predated the *Code of Conduct for Members of Council* which was passed in 2018, i.e. the *1994 Code of Conduct for Members of Council*. Mr. Levine determined that the Member had not violated that *Code.* He indicated that the reason he brought the matter to Council's attention was to spark discussion about the role that Members of Council perform, generally.

VI. Informal Complaints

The Complaint Protocol contemplates that *Code* contraventions can be resolved through an informal procedure that is geared toward empowering complainants to raise *Code of Conduct* concerns directly with the Member.

Alternatively, with the parties' consent, the Integrity Commissioner can assist in resolving informal complaints.

In 2019, I received **2 informal complaints** relating to allegations of disrespectful conduct. Both were resolved with my assistance, to the Complainants' satisfaction.

Informal resolutions can promote what I think is the primary purpose of the complaint procedure as an accountability mechanism – to be remedial rather than punitive - the goal being to further a culture of ethical conduct and behaviour. Using the services of the Integrity Commissioner to mediate an informal resolution of a complaint can be particularly beneficial where the complaint relates to matters which allege disrespectful conduct or complaints of an inter-personal nature.

VII. Other Contacts from the Public

In 2019, I received **16 contacts from members of the public** who were seeking information about matters over which I had no jurisdiction. These were mostly matters which were better dealt with by: City staff; other dispute resolution mechanisms; or 311. They included concerns about how the City was dealing with such matters as parking infractions, maintenance of back lanes and ambulance bills. In each case, I tried to direct the individual to the appropriate official or entity to address their concern.

A member of the public also made a request to be advised as to how many complaints had been made against a Member of Council for their use in a legal proceeding before the Manitoba courts.

Since this inquiry involved what I viewed to be an issue of significance with respect to the work of the Integrity Commissioner and in particular the Integrity Commissioner's confidentiality obligations when conducting investigations, I retained a lawyer, William Gange, to provide me with an opinion regarding the power of the Integrity Commissioner to disclose the existence of or details relating to, complaints made against a Council Member.

The Complaint Protocol – Appendix B of the *Code* specifically provides:

> "26. The Integrity Commissioner and every person acting under the Integrity Commissioner's jurisdiction shall preserve confidentiality of the investigation process, except as required by law and as required by this Protocol.?"

After conducting a review of the relevant law, Mr. Gange concluded that there was no case law that would allow the office of the Integrity Commissioner to breach the confidentiality provisions of the *Code* in order to comply with the member of the public's request. In Mr. Gange's review of bodies similar to the office of the Integrity Commissioner, such as the Office of the Ombudsman, in Manitoba and other provinces, he found that a similar provision requires the office holder to uphold and protect confidentiality of the investigation process of the institution and that the requirement to preserve confidentiality goes so far as to mandate that the office holder is not able to confirm whether a complaint has even been made. Of course, if the office holder, whether it be an Ombudsman or an Integrity Commissioner, finds that a breach of the legislative provision in question has occurred, the office holder has the right and sometimes the duty to make a public report on the complaint, the investigation and the findings.

Accordingly, at my instructions, Mr. Gange advised the member of the public that it would be a breach of my powers under the *Code* to respond to their request and that I did not have the jurisdiction to provide the information that they sought, including whether a complaint had even been made against the Member.

VIII. Annual Meetings with Members of Council

The *Code* requires that every Member of Council meet at least once annually with the Integrity Commissioner.

In April and May of 2019, I met on an individual basis with every Member of Council, including the Mayor.

During these meetings, we discussed a variety of matters and I answered a number of questions relating to the Members' obligations under the *Code*. In particular, we discussed matters relating to fundraising because Council had asked me to draft a report for its review regarding the regulation of fundraising activity.

The meetings also provided an excellent opportunity for the Members to discuss their experience with the *Code* so far and to hear whether they had any questions or concerns or suggestions for change.

In some cases, the Member with whom I met was part of the original Council which had participated in drafting the *Code*. In other instances, the Member having been only recently elected, they had less experience working with the *Code* but perhaps a different perspective on it.

These meetings were extremely useful and resulted in generating my Report No. 5 which I presented to Members of Council on September 4, 2019, proposing changes to the *Code* and to the *Procedure By-law* and reporting on work regarding guidance to Members relating to: fundraising, election activity and use of social media.

IX. Changes to the *Code*

The amendments which I recommended be made to the *Code* in my Report No. 5 were based on the information I received from meeting with all 16 Members of Council, and on my own experience of working with the *Code* for over a year, including my interactions with members of the public.

In recommending changes to the *Code*, I was also guided by my ongoing review of the rules governing the ethical obligations of elected officials at the municipal, provincial and federal levels of government in other jurisdictions across the country and my discussions with Integrity Commissioners and provincial Conflict of Interest Commissioners from those jurisdictions including the Conflict of Interest Commissioner for Manitoba, Jeffrey Schnoor.

Having worked with the *Code* for more than a year, providing advisory services to Members of Council and responding to complaints about the Members' conduct, I was of the view that certain changes should be made in order to make the *Code* a more useful tool. With respect to the rules relating to the Members' ethical obligations, however, my intention was not to alter those obligations but rather to clarify how they should be interpreted and applied.

With respect to the complaint process, most of my recommendations for change were intended to provide more information to Members and the public about how the Integrity Commissioner performs its role as well as to clarify how Members may conduct themselves when they are the subject of an investigation.

The changes which I proposed, as I indicated, are outlined in my Report No. 5 dated September 4, 2019 which may be found online at https://www.winnipeg.ca/council/integritycommissioner/reports.stm.

Among the more significant changes was a new rule regarding fundraising which reinforces and reminds Members that engaging in fundraising activity has the potential to constitute a misuse of the influence of their office and that they should exercise caution when undertaking such activity.

Another significant amendment was to expand the definition of "duties of office" in order to better identify what those duties do or do not include. That term is referenced in a number of rules in the *Code* including the rules relating to: conflict of interest; acceptance of gifts; and use of influence.

In the original version, the *Code* defined "duties of office" simply as:

> "**Duties of Office'** include those activities that are reasonably related to a Member's office, taking into consideration the different interests and the diverse profiles of their constituents as well as the Members' different roles on committees, agencies, boards and commissions."

The new definition reads as follows:

"**Duties of Office'** are the duties and activities that relate to the position of the Member, namely participation in activities relating to the proceedings and work of Council and activities undertaken in representing the City or the Member's ward or constituents but do not include:

- activities related to the private interests of the Member;
- activities related to a Member's campaign for re-election; and
- activities including fundraising activities designed, in the context of a federal, provincial or municipal election, or any other local election, to support or oppose a political party or an individual candidate."

Another amendment was to the rule regarding acceptability of gifts to specifically articulate that where a Member or their dependent or staff is given a gift that is not acceptable the Member should refuse it or at the earliest opportunity return it to the donor without making any personal use of it. Again, this should provide clarity to Members in determining how they should conduct themselves in order to comply with the *Code*.

Council approved my recommendations to amend the *Code* on October 24, 2019. After the amendments were passed, I updated the annotated *Code* – the "Code with Commentary" – which is posted on the City website at: https://www.winnipeg.ca/council/integritycommissioner/codeofconduct.stm

X. Fundraising Activity

As indicated above, in my Report No. 5 I also addressed the issue of fundraising activity because Council had previously instructed me to draft a fundraising policy for its review and approval.

I reported that having reviewed fundraising policies and practices in municipalities across the country it was apparent that the regulation of fundraising activity for municipal council members ranges from having detailed prescriptive policies to having no specific guidance at all.

The individual meetings which I held in the spring with each Member of Council provided an excellent opportunity for me to discuss the ethical issues that may arise when elected officials become involved in fundraising activity and to hear about the type of fundraising in which the Members might typically engage in the course of performing their duties of office.

As a result, I reported that based on my cross-jurisdictional review and my meetings with Members I was of the view that it would not in fact be helpful for Members to pass a formal fundraising policy.

Given the variety of circumstances in which fundraising activities may be carried out, much of that activity cannot be readily defined except in relation to particular circumstances. I was satisfied that the Members would be better guided by the changes which I had proposed to the *Code* in my

Report, together with the reminder as always, of the benefit of seeking advice on a pro-active basis from the Integrity Commissioner.

Those changes included as I stated above a change to the definition of Members' duties of office to identify, for example, that political fundraising activity did not fall within their duties of office together with the addition of a new rule relating specifically to fundraising activity.

On October 24, 2019, Council approved all the recommendations set out in my Report No. 5, including that Members' fundraising activity be regulated through the proposed changes to the *Code* and by availing themselves of their ability to seek the Integrity Commissioner's advice on a pro-active basis, rather than by adopting a formal policy.

XI. Presentations

- On January 29, 2019, at the invitation of the Provincial Auditor General, I gave a presentation about the role of the Integrity Commissioner to the staff of that office. It was well attended and I was advised that the presentation was considered extremely useful.

- During the course of the year, in discussion with Members of Council and the Clerk, it was agreed that Members would benefit from receiving an education session about the role of Members of Council, including what constitutes their duties of office.

  Accordingly, with my assistance, the Clerk's Office retained the services of John Mascarin who is a recognized expert in municipal law, to conduct a webinar on the role performed by Members of Council.

  This interactive session was held on October 17, 2019 and was well attended by Members of Council and by certain members of the City's senior administration. The session sparked lively discussion and generated positive feedback as having been timely and useful.

- On December 13, 2019, I was invited by the City's Acting CAO, Mr. Ruta, to give a presentation to senior management of the City's administration, about the work of the Integrity Commissioner generally and about how the Code of Conduct regulates the relationship between Members of Council and City Staff.

XII. Other Outreach Activities

- Throughout the reporting period I was frequently contacted by the media to provide information on a variety of topics relating to the application and interpretation of the Code.

- On January 4, 2019, I received a letter from the Deputy Minister of Municipal Relations for the Province of Manitoba confirming their commitment to working with the City on the legislative amendments which I had previously discussed with the Province, to support and strengthen the role of the Integrity Commissioner.

- On March 26, 2019, I joined the Canadian Bar Association's Committee on Ethics and Lobbying. This Committee is a national committee which meets by telephone on a monthly basis to discuss issues relating to lobbying and ethics and accountability frameworks for all levels of government, across the country.

- My office is frequently contacted by other municipalities for input in developing similar accountability frameworks.

  For example, on June 24, 2019, I was contacted by the City of Surrey, B.C. to provide advice with respect to the establishment of that City's ethics regime.

  In November, 2019, I exchanged a number of emails with Edmonton's City Manager to provide advice and assistance with respect to the establishment of an accountability framework and complaints investigation process for Council for that city.

- Throughout the reporting period I engaged in dialogue and consultation with Integrity Commissioners and Conflict of Interest Commissioners from other jurisdictions and in particular with Manitoba's Conflict of Interest Commissioner. I am grateful for the continuing generosity displayed by the members of this collegial network.

- On November 14, 2019, I was interviewed by a member of MNP in connection with the governance review it is doing for City Council.

XIII. Financial Statement

For the period January 1 – December 31, 2019, Council established a budget for the Integrity Commissioner's office of $125,000.

The budget expenditure for this reporting period was as follows:

Budget: $94,150.41 inclusive of taxes

Hours associated with professional services: 423.6

XIV. Voluntary Lobbyist Registry

On April 26, 2017, Council approved the implementation of a Voluntary Lobbyist Registry.

Lobbying is a legitimate form of expression and a recognized part of the public policy development process.

The intent of this Registry is to provide a layer of accountability and transparency to lobbying activities by showing the public a record of who is lobbying Members of Council and on what subject matters.

While lobbyists are not required to register their activities, registration on a voluntary basis is encouraged in order to enhance the transparency and integrity of business conducted by the City.

A lobbyist is defined for the purpose of the Voluntary Lobbyist Registry as being:

> a. An individual who, when representing a financial or business interest, or the financial interest of a not-for-profit with paid staff, communicates with a member of council or city staff with the intent of influencing a decision on governmental matters outside of the standard process.

The Integrity Commissioner's mandate includes having oversight over the Voluntary Lobbyist Registry. I am available to provide advice and interpretation with respect to how the Registry is intended to be applied.

In the first year following its creation there were 29 registrations filed by lobbyists. From April 1, 2018 to December 31, 2018, an additional 13 lobbyists registered their lobbying activities.

In 2019, an additional **10 lobbyists** registered their lobbying activities.

During this reporting period the number of questions I received from Members of Council with respect to the Registry also increased from previous years.

The Voluntary Lobbyist Registry is available for the public's review on the City's website: https://www.winnipeg.ca/clerks/LobbyistRegistry/default.stm.

XV. Going Forward

On October 24, 2019, Council authorized my office to prepare a report and recommendations for its consideration on the most appropriate way to provide guidance to Members of Council about both election-related activity and the use of social media.

Work on this project is underway and I plan to have a report prepared for Council's consideration before the end of 2020.

Sherri Walsh
January 29, 2020