# REPORT OF THE INTEGRITY COMMISSIONER: PROPOSING CHANGES TO THE *CODE OF CONDUCT FOR MEMBERS OF COUNCIL*

## REVISED REPORT NO. 7 – APRIL 8, 2024

**To: Members of Council for The City of Winnipeg**

## I. INTRODUCTION

On February 22, 2018, Council for the City of Winnipeg ("Council") enacted the *Code of Conduct for Members of Council* (the "*Code*").[1] The *Code* forms an important part of the accountability framework that is designed to promote a culture of ethical behaviour at City Hall. As a piece of legislation, it is not intended to be a static document.

I repeat what I said the last time I recommended that Council make changes to the *Code*:

> *Since it is not possible to anticipate every factual situation which may engage the Code, nor all the various ways in which the Code will be interpreted and applied, the Code must necessarily be a living document – one which is capable of being amended from time to time in order to ensure it remains relevant and effective.*[2]

Council has amended the *Code* based on recommendations that I made in 2018, 2019 and 2022.[3] In each case, those recommendations were based on my experience in applying and interpreting the *Code* to specific factual situations that had occurred since it was first enacted.

Similarly, the changes that I am recommending in this report are informed by my experiences in working with the *Code* including discussions I have had with members of the public, Staff and Council about their expectations and understanding of how the *Code* should operate.

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[1] *Schedule A to By-law No. 19/2018 Members of Council Code of Conduct*

[2] Report of the Integrity Commissioner: Proposing Changes to the *Code of Conduct for Members of Council*, Report No. 6 – January 12, 2022.

[3] See reports published on March 22, 2018, September 14, 2019 and January 12, 2022 which can be found on the Integrity Commissioner's page on the City's website: https://legacy.winnipeg.ca/council/integritycommissioner/reports.stm

On November 28, 2023, I met informally with the Governance Committee to discuss the amendments I was proposing in my report dated November 20, 2023, with the intention of presenting that report to the Committee at its public meeting which was scheduled to take place later that same day.

During the course of our meeting, however, it became clear that the Committee wanted to take more time to consider the ways in which the *Code* should be amended. I therefore made further changes to the *Code* and met again with the Committee informally, on February 8, 2024. The proposed amendments which are set out in this revised report, therefore, reflect what was discussed in these meetings.

I am grateful for the time the Committee has taken to work with me in drafting proposed changes to the *Code* – both its rules and enforcement processes. I believe that these amendments will enhance Council Members' ability to perform their duties of office in a way that is responsive to their constituents' needs and at the same time meets the demands of observing high ethical standards.

## II. ATTACHMENTS TO THIS REPORT

There are three documents attached to this report:

- Attachment #1 shows all of the proposed amendments.
    - Wording which is new or changed is indicated in red.
    - Wording that has not changed but is moved to a new place in the *Code* is indicated in green.
    - Existing wording which is to be removed has a line struck through it.
- Attachment #2 sets out a clean version of the *Code* as amended.

- Attachment #3 is a chart which summarizes the results of the cross-jurisdictional analysis my Office conducted, looking at Codes of Conduct in municipalities across Canada.

## III. THE PROPOSED AMENDMENTS

### Minor Changes

For the sake of consistency, I am recommending that all imperative language in the *Code* be changed to "shall."

I am also recommending that certain existing paragraphs be reorganized to make the *Code* easier to read and understand.

Finally, some changes are necessary in order to correct typographical and grammatical errors which were contained in previous versions of the *Code*.

### No Proposed Changes to certain Parts

I am not recommending any changes be made to the following Parts of the *Code*: Part A – "Preamble"; Part B – "Application and Interpretation"; Part D – "Key Principles"; and Appendix A – "Advice Procedures".

### Part C - Definitions

### General Comments

**Part C** of the *Code* contains the definitions of certain words and phrases which are used in the *Code* and its Appendices.

As discussed below, I am proposing to add definitions for certain words which are used throughout the *Code* and which have not previously been defined, as well as a change to the definition of an existing term. The intention behind these changes is to ensure that the *Code* is applied in a clear and consistent manner.

**"Dependant"**

The term "Dependant" is defined for the purpose of its use in Rules 4 and 5, relating to Members' acceptance of gifts and use of influence, respectively. The current definition of "Dependant" mirrors the one which is contained in *The Municipal Council Conflict of Interest Act* (*MCCIA*)[4] and reads as follows:

> "**Dependant**" means:
> (a) the spouse of a Member,
> (b) the common law partner of a Member, and
> (c) any child, natural or adopted, of the Member, who resides with the Member.

I am proposing to replace this definition with the following definitions for the terms: "Family", "Spouse" and "Child":

> *"**Family**" means the Member's Spouse, the Member's child, the parents of the Member and the parents of the Member's Spouse;*
>
> *"**Spouse**" means a person to whom a Member is married or with whom the Member is living in a conjugal relationship outside marriage.*
>
> *"**Child**" means a child of a Member, and includes a child born within or outside of marriage, a Member's natural child, adopted child, or a person for whom a Member has demonstrated a settled intention to treat as a child of their family.*

These definitions better reflect modern society in which a spouse may not be "dependant" in a financial or traditional sense, and in which Members may live in blended families. The proposed definitions are also used in other municipalities.[5]

**"Gifts or Benefits"**

While Rule 4 of the *Code* regulates the acceptance and disclosure of "gifts or benefits", that phrase is not defined in the *Code.* Most municipalities provide a definition of what constitutes a "gift" in

[4] *The Municipal Council Conflict of Interest Act*, C.C.S.M. c. M255
[5] Attachment #3, pp.3-4

"gift" in their relevant rule.[6] I am, therefore, recommending that the *Code* be amended to add the following definition:

> *"**Gift or benefit**" means an item or service of value that is offered to a Member for their personal use or for the use of their family or staff. It includes, but is not limited to: money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates, free or subsidized meals, entertainment, participation in sport and recreation activities, and invitations to paid social functions.*

I am recommending corresponding amendments be made to Rule 4 to reflect this change.

## Part E. Rules of Conduct

Rule 1. Confidential Information

During my discussions with the Governance Committee, it was pointed out that the current definition of "confidential information", insofar as it includes information "... that the city is either prohibited from disclosing, is required to refuse to disclose, or may refuse to disclose pursuant to the provisions of the *Freedom of Information and Protection of Privacy Act* ..." is very broad and can impose an unreasonable burden upon Members, since they cannot always be expected to know whether information is or could be refused to be disclosed by the City, pursuant to that legislation.

Accordingly, I am recommending that this wording be changed to reflect the wording which is used in the City's *In-Camera By-law* (No. 21/2011). The following change will provide more specific guidance to the Members about what types of information they must keep confidential:

> ***Confidential information** is information contained in the agenda for or discussed at an in camera meeting, which may include any of the following:*
>
> - *Reports or information concerning personnel-related matters;*
> - *Reports or information which, if disclosed, could prejudice contractual or other negotiations carried on by or on behalf of the City of Winnipeg, including collective bargaining;*
> - *reports or information which, if disclosed, could be prejudicial or injurious to existing or anticipated claims or legal proceedings;*
> - *reports or information which, if disclosed, would violate solicitor-client privilege;*

[6] Attachment #3, pp.3-5

- *reports or information containing personal information which, if disclosed, would be deemed to be an unreasonable invasion of an individual's privacy under section 17 of The Freedom of Information and Protection of Privacy Act;*
- *reports or information containing information about a business, disclosure of which would be prohibited under section 18 of The Freedom of Information and Protection of Privacy Act; or*
- *reports or information containing information provided explicitly or implicitly in confidence by another government or governmental body, disclosure of which is prohibited under section 20 of The Freedom of Information and Protection of Privacy Act.*[7]

Rule 2. Conflict of Interest

I am recommending that subsection (f) which states:

> f. Where, by reason of withdrawal from a meeting because of non-pecuniary interests, there would be fewer Members remaining than are needed to meet quorum, those Members who have withdrawn by reason of a non-pecuniary interest must disclose their interest, but may still vote in respect of the matter.

be removed as Members have told me that it has proven to be unnecessary because quorum has not been an issue since the *Code* was enacted.

Rule 4. Gifts or Benefits

Rule 4 prohibits Members from soliciting or accepting gifts or benefits that are connected with the performance of their duties of office, with some exceptions.

In discussing this rule, some Members asked for a clarification of the exception found at subsection b)iv):

> "services provided without compensation by persons volunteering their time".

The purpose of this exception is to allow Members to receive volunteer assistance from individuals, when they are performing their duties of office. At the Committee's request, I am

[7] For reference to the definitions used for "confidential information" in other jurisdictions see Attachment #3, pp.1-2

recommending the following change to the subsection, to confirm the type of volunteer services that Members may receive:

> *iv. services provided without compensation by persons volunteering their time to further the interests of the City or the Member's ward;* (emphasis added)[8]

Rule 5. Use of Influence

While I had originally proposed making a change to the wording of this rule to give more guidance about the rule's intention, upon reflection, I do not believe any change is needed. I do want to remind Members that the annotated *Code* provides guidance on how to interpret the rule and they are always encouraged to seek my advice on a case by case basis.

Rule 7. Election-Related Activity

I am recommending that the *Code* be amended pursuant to the Resolution that Council passed on March 24, 2022,[9] the purpose of which was to restrict the funding announcements Members can make during an election year. In the Resolution, Council asked that the Integrity Commissioner propose an amendment to the *Code* to reflect the Resolution's intention. After conducting a cross-jurisdictional scan to look for similar provisions in other municipalities, [10] my proposed addition to Rule 7 reads as follows:

> *d. Members shall not make any form of public funding announcement, including but not limited to press conferences, media releases and social media statements, pertaining to expenditures from the Land Dedication Reserve, Community Incentive Grants, Per Capita grants and/or the Mayor's Civic Initiative's fund in the sixty (60) day period prior to an election.*

Although other municipalities restrict funding announcements during an election in different ways, it appears that no municipality has articulated a restriction that is as specific as what is proposed in Council's Resolution – whether in a Code of Conduct or election-related legislation and policies. Generally, other municipalities focus on restricting access to municipal resources (use of staff time,

[8] This exception is similar to one contained in the Codes for Edmonton, Calgary and Saskatoon –Attachment #3, p.5
[9] See Council Minutes, March 24, 2022, Item No. 5
[10] Attachment #3, pp. 6-11

municipal property, etc.) during an election period. I believe that the existing Rule 7.b. is broad enough to deal with that concern, and the specific intention of the Resolution that Council asked me to implement is achieved through the proposed wording of Rule *7.d.*, set out above.

Rule 9. Respectful Conduct

When the *Code* was first drafted in 2018, Council specifically asked me to include a rule which would regulate Members' conduct towards each other, Staff and the public. The previous *Code of Conduct* which had been passed in 1994, did not impose a respectful conduct obligation of any sort. Rule 9 was therefore considered to be an important development in regulating Members' behaviour. The changes to the rule that I am proposing here are intended to bring the wording of the rule more in line with the current legal and social frameworks that surround issues relating to respectful conduct. Note, these proposed amendments do not change Members' existing obligations under the *Code* but they provide greater clarity as to how the rule is interpreted and applied.

The first change I am proposing to Rule 9(a) is to include the following specific reference to the term "sexual harassment" in the definition of what constitutes harassment under the *Code:*

> ***Harassment** includes:*
>
> *i) Any behaviour, whether a single incident or a course of conduct that is unwelcome or that a reasonable person would know is unwelcome and that is inappropriate because it is demeaning, humiliating, intimidating or otherwise offensive; and*
>
> *ii) **Sexual harassment**, which is behaviour of a sexual nature, whether a single instance or a course of conduct, that is committed, threatened or attempted and that is unwelcome or that a reasonable person would know is unwelcome. It includes behaviour that is directed to or about an individual because of their sexuality, sexual orientation, gender identity or expression.*

The wording of this proposed amendment is informed by definitions used by the: Manitoba Human Rights Commission; Supreme Court of Canada; and City of Toronto.[11]

[11] Attachment #3, pp.15-16

The amended rule will also stipulate that the Integrity Commissioner shall interpret Rule 9 consistent with the *Manitoba Human Rights Code.*

I am also recommending the addition of a subsection to the rule which says that the Integrity Commissioner will generally not accept complaints about Members' conduct during Council and Committee meetings where the conduct has already been addressed by the Speaker or Presiding Officer. This reflects the practice I have been following from the outset, as described in the annotated *Code of Conduct*[12] and is intended to highlight the Speaker or Presiding Officer's paramount role in maintaining decorum at Council and Committee meetings consistent with the provisions of the City's *Procedure By-law*, 50/2007.

It also reflects the Integrity Commissioner's limited role in "refereeing" political speech and debate in the Chamber – something which has been articulated by the Supreme Court of Canada:

> *"... Freedom of expression, like freedom of religion, serves to anchor the very essence of our democratic political and societal structure...Hence, the justification for the widest freedom of political speech stems not only from some abstract search for truth, but also from the tangible goal of preserving democracy...I find that the Integrity Commissioner has a very limited role in relation to the 'freewheeling debate on matters of public interest...'"* (emphasis added)[13]

Generally, the public's remedy for addressing its disapproval of a Member's political speech and activity is at the ballot box during a municipal election, unless the conduct otherwise rises to a breach of the *Code.*

Rule 10. Adherence to Council Policies and Procedures

This Rule says:

> **10. Adherence to Council Policies and Procedures**
> Members must adhere to all By-laws, policies and procedures adopted by Council.

[12] https://legacy.winnipeg.ca/council/integritycommissioner/pdfs/CodeofConduct_Commentary.pdf
[13] *Committee for the Commonwealth of Canada v Canada*, [1991] 1 S.C.R. 139

I am recommending that Council remove this Rule from the *Code*, as it has proven to be impractical to enforce and in my view, has no real utility. Other than with respect to the 11 rules contained in the *Code*, the Integrity Commissioner can not and should not be the referee of Members' conduct during their time in office.

Communications about Decisions of Council

I had initially proposed a new rule which would require Members to ensure that their communications about decisions of Council are accurate. The proposed rule would not require Members to agree with decisions of Council because Members are entitled, and in some circumstances may be expected, to disagree with such decisions. Rather the purpose of the rule was to deter Members from making false or misleading statements about Council's decisions, in keeping with the goal of promoting public confidence in Council's work. The proposed Rule read as follows:

> *10. Communications about Decisions of Council*
>
> *a. Members shall ensure that all communications relating to Council business or decisions of Council are accurate and shall not issue any such communication that the Member knows, or ought to know, is false.*
>
> *b. Subject to subrule (a), nothing in this Rule prevents Members from disagreeing with a decision made by Council.*

Most other municipalities have similar rules.[14]

However, in my discussions with members of the Governance Committee they pointed out that it is not always clear and obvious whether a statement is inaccurate or false, and that Members should be free to engage in political speech without fear of a complaint. I agree with these concerns and recognize that the proposed rule would have invited an inappropriately subjective analysis from the Integrity Commissioner who, as I said earlier, should not become the "referee" of political speech.

[14] Attachment #3, pp.17-18

Accordingly, I am no longer recommending the addition of what would have become a new Rule 10, relating to communications about decisions of Council.

Rule 11 (Reprisals and Obstruction) will become Rule 10 if my recommendation to remove the current Rule 10 relating to Adherence to Council Policies and Procedures, is accepted.

**Part F: Enforcement – s.1**

A critical aspect of the Integrity Commissioner's role is its educational mandate.

The *Code* currently requires that Members meet with the Integrity Commissioner at least once annually to discuss their obligations under the *Code.* To date I have considered this obligation to be satisfied if a Member attends an education session that I make available to all Members.

These education sessions are typically interactive and allow for discussion between Members and the Integrity Commissioner about how Members should perform their duties of office in an ethical manner.

At the Committee's request, and to encourage Members to attend these sessions, I am recommending amending this section to specifically articulate that a Member's annual meeting requirement will be satisfied if the Member attends an education session offered by the Integrity Commissioner during the calendar year.

**Appendix B, Part A: Informal Complaint Procedure**

The Informal Complaint Procedure provides a method by which a complaint can be resolved without the need for a full investigation, including having the Integrity Commissioner act as a mediator to conclude a matter.

An informal resolution can allow for the Member to be educated about their ethical obligations under the *Code*, and for the Complainant to feel that their concerns have been addressed without the need to expend public resources on an investigation and report.

Section 3 of the Informal Complaint Procedure requires that both the Member and the Complainant must agree in order to attempt information resolution:

> 3. With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal complaint resolution process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a complaint.

In keeping with the intention that the *Code* be applied in a remedial rather than a punitive manner, I am proposing to remove this requirement in order to give the Integrity Commissioner discretion to pursue informal resolution even if one or both parties would prefer to have a formal investigation conducted. Of course, any attempts at informal resolution through the efforts of mediation, will still require that both parties willingly consent to participate in such a process.

I therefore propose to amend this section as follows:

> *3. The Integrity Commissioner may at any time after receiving a formal complaint attempt to resolve the complaint through an informal complaint resolution process. The Integrity Commissioner may act as a mediator/conciliator of issues relating to a complaint.*

**Appendix B, Part B: Formal Complaint Procedure**

Limitation Period for submitting Complaints

The Formal Complaint Procedure currently requires that complaints must generally be made: (a) within 60 days after the date of conduct giving rise to the complaint; or (b) within 60 days after the Complainant becomes aware of the conduct giving rise to the complaint.

It also gives the Integrity Commissioner the discretion to accept a complaint that is filed after the expiry of the time limit, where the Integrity Commissioner is satisfied that:

> a. the delay was incurred in good faith;
>
> b. it is in the public interest to conduct an investigation, or give consideration to whether or not to conduct an investigation; and

c. no substantial prejudice will result to any person because of the delay.[15]

As I discussed in the Annual Report I published for 2022, I had discussions with the Manitoba Ombudsman about the time limits for filing a complaint because the issue was raised with that Office on one occasion by a member of the public.

Limitation periods for filing complaints in other large Canadian municipalities vary. Some but not all jurisdictions allow the Integrity Commissioner to exercise discretion to waive the time limit.[16]

The primary reason for requiring that complaints be filed on a timely basis is that it allows for an assessment and investigation of the matter while the information is still fresh in the parties' minds and promotes preservation of the evidence. Plus, the public interest is best served when concerns about Members' ethical conduct are addressed at the earliest possible opportunity.

I am proposing that the definition of the time limit be simplified by stating that: "*complaints shall generally be made within 60 days after the date of conduct giving rise to the complaint*" and removing the alternative "*60 days after the complainant became aware of the conduct*".

I note that the Integrity Commissioner can still exercise their discretion to accept a complaint that is filed outside the 60 day time limit based on certain criteria and I am recommending that that list of criteria be expanded to add the following additional criteria:

- *the date that the complainant became aware of the conduct giving rise to the complaint;*
- *whether the complainant knew or ought to have known about the conduct giving rise to the complaint at an earlier date;and*
- *whether the complainant has unreasonably delayed in filing the complaint.*

[15] Complaint Procedure, Part B, Formal Complaint Procedure, sections 4 and 5
[16] Attachment #3, pp. 19-21

Preliminary Assessment and Decision not to Conduct Investigation

I am recommending the addition of the following paragraph:

> *6. Upon receipt of a formal complaint, the Integrity Commissioner shall perform a preliminary assessment of the matters alleged in the complaint to determine if they will conduct an investigation of the complaint.*

While this preliminary assessment has always been understood to be a necessary part of the complaint process, it is helpful to specifically articulate it.

Replies from the Complainant

Currently, the Formal Complaint Procedure gives a Complainant the option to file a written reply once the Member has submitted their written response to the formal complaint.[17] I have found that this option to file a reply does not serve a useful purpose and potentially causes unnecessary delay to the investigative process. Therefore, I am recommending that the option be removed. The Complainant's views and comments about the Member's response will still be considered by the Integrity Commissioner when they meet with the Complainant to obtain particulars about the complaint.

Confidentiality around the Complaint Process

The issue of confidentiality around the complaint process came up during 2022. As I noted in the Annual Report I published for that year:

> *One informal complaint I received, where the complainant sought my assistance in resolving a matter with the Member on an informal basis, became a matter of public record.*
>
> *The Code requires the Integrity Commissioner and any person acting under the Integrity Commissioner's jurisdiction to preserve confidentiality around the investigation process, except as required by law and as required by the Complaint Procedures themselves.*

[17] Appendix B, Part B, s.14(e)

*There is no clear requirement in the Code, however, which prohibits anyone else from speaking publicly about either a complaint or an investigation.*

*When the matter became public, I received comments from both the public and the Public Service about whether the Code should be amended to allow for more specific confidentiality provisions regarding the complaint process.*

*This is a topic which I intend to explore in more detail with Members in the coming year.*

During 2023, therefore, I looked more closely at the issue of confidentiality as it relates to the complaint process. As the result of that study, I am proposing changes which will clarify the parties' expectations about confidentiality surrounding the complaint process generally and a specific requirement that all participants, whether parties or witnesses, maintain confidentiality over the investigation process itself.

Some of the proposed changes are similar to recent amendments to Calgary's Code of Conduct.[18]

The Complainant's Identity

In particular, I am recommending that wording be added to specify that the identity of the complainant will only be made known to the respondent Member where fairness requires such disclosure. This practice has always been in place and is noted on the Complaint Form itself.

I am also proposing that a Member be obliged to keep the complainant's identity confidential where the complaint includes allegations that the Member has breached Rule 9 regarding respectful conduct, unless the information becomes public for other reasons.

The reason for this last amendment is that allegations about a Member's conduct may involve information about the complainant which is of a private and sensitive nature, for example, where the complainant is alleging they were sexually harassed by a Member. While fairness requires that the Member know the complainant's identity so that they are able to fully respond to the allegation, there is no reason to make the complainant's identity public. Indeed, doing so could cause them unnecessary harm. Any possible reason why the public might want to know this information is

[18] Attachment #3, p.23

outweighed by concern for the complainant's privacy. To do otherwise, in my view, will have a chilling effect on individuals coming forward with such complaints.

The Investigation Process

Imposing a requirement to maintain confidentiality around the investigation process itself is necessary to ensure the integrity of the process because it prevents participants, whether parties or witnesses, from being influenced by each other's evidence or by public opinion. The proposed requirement also identifies consequences for the parties if either of them breaches the requirement.

Based on all of the changes, I am proposing the confidentiality provisions will read as follows:

***Confidentiality***

19. *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 by these Procedures.*

20. *If the identity of a Complainant is to be disclosed to the Member during the investigation, the Integrity Commissioner shall notify the Complainant of the disclosure in advance.*

21. *Where a complaint includes allegations that a Member has breached Rule 9, the Member is required to keep the Complainant's identity confidential. A Member's failure to keep the Complainant's identity confidential may result in an adverse finding against the Member.*

22. *All parties and witnesses involved in an investigation shall maintain confidentiality over the investigation process. This obligation extends to any information or document they receive as a result of participating in the investigation process.*

23. *If a party to an investigation or anyone acting on their behalf fails to maintain confidentiality over the investigation, the Integrity Commissioner shall take that into account in conducting the investigation and may dismiss the complaint or may make an adverse finding against the party.*

24. *For greater certainty, neither the Complainant nor the Member has to keep the existence of a complaint, confidential.*

25. *The Integrity Commissioner has discretion over whether and to what extent the identity of the Complainant is to be kept confidential when publishing a report to Council.*

Complaints about Members who are no longer in Office

The Complaint Procedure currently contains the following provision about investigations of Members who are not re-elected:

> 29. Following the election, investigations or reports concerning the conduct of a former Member while that individual was still a Member, will only be commenced or continued at the request of Council, by resolution.

I am proposing to amend this provision in order to recognize that there may be other circumstances where a Member is no longer in office, after an investigation about their conduct has begun, for example, because they have resigned or have been removed from office by court order under the *The Municipal Council Conflict of Interest Act*. No mechanism currently exists to deal with investigating ongoing complaints in those situations. I am therefore recommending the following amendments to the Complaint Procedure:

> ***Former Member***
>
> *37. The Integrity Commissioner shall not commence an investigation and shall suspend an ongoing investigation if, before the investigation is commenced or completed, the Member whose conduct is the subject of the investigation resigns, is not re-elected following an election, or is otherwise removed from office.*
>
> *38. Suspended investigations may only be continued if the Integrity Commissioner is of the opinion that it is in the public interest to do so.*

## IV. FOR INFORMATION PURPOSES ONLY – SANCTIONS IN OTHER JURISDICTIONS

When Council enacted the *Code* in 2018, it was aware that it had not included any sanction which would have a significant financial impact on a Member.

At the time the *Code* was first enacted, Council expressed its view that the reputational impact of being publicly found to have breached the *Code* was a sufficiently strong deterrent to enforce compliance with the *Code* without the need to impose significant monetary sanctions.

I am not proposing any changes be made to the existing sanctions but given this opportunity for Council to review the *Code*, I wanted to advise that since the *Code* was first enacted, all

municipalities in Manitoba other than the City of Winnipeg are now required by law to include in their respective Codes of Conduct, the ability to impose monetary sanctions, following a finding that a Member has breached the municipality's Code of Conduct. [19] Municipal Councils in Ontario have similar authority.[20]

Based on my discussions with the City's Legal Department going back to 2017, my understanding is that if Council at any point wishes to explore amending the *Code* to include similar sanctions, it will need to ask the Province to make the appropriate amendments to *The City of Winnipeg Charter*.

## V. RECOMMENDATION

That Council adopt the proposed changes to the *Code* which are shown on Attachments #1 and #2 to this Report.



Sherri Walsh
April 8, 2024

[19] *The Municipal Act*, C.C.S.M c. M225, s.84.1(2.1)
[20] Attachment #3, p.26