Minutes – Council – October 24, 2024

Minute No. 522
Report – Governance Committee of Council – October 10, 2024

Item No. 1 Amendment to the Members of Council Code of Conduct By-law 19/2018

COUNCIL DECISION:

Council concurred in the recommendation of the Governance Committee of Council and adopted the following:

1. That the proposed changes to the Members of Council Code of Conduct By-law No. 19/2018, which are outlined in revised Attachment 1 and revised Attachment 2, be adopted, subject to the following amendments:

    A. In section 7.d. Election Related Activity, add the words "Communities Fund" after "Per Capita grants";

    B. In Appendix B, Part B, section 22, add the words "Except for the purposes of obtaining legal advice," immediately prior to "All parties and witnesses".

    C. In section E. Rules of Conduct, delete section 1.a. and replace with the following:

        1. a. Members shall not disclose and shall only use confidential information as required for their duties of office.

            Confidential information is defined as 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;
            - 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;

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COUNCIL DECISION (continued):

- 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; and
- 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."

2. That the Director of Legal Services/City Solicitor be directed to prepare and submit directly to Council amendments to the Members of Council Code of Conduct By-law No. 19/2018, in accordance with Recommendation 1.

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

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DECISION MAKING HISTORY:

Moved by Councillor Eadie,

That the recommendation of the Governance Committee of Council be adopted.

Carried

Councillor Wyatt asked to be recorded as having voted against the item in accordance with Rule 47(7) of the Procedure Bylaw.

Councillor Mayes was absent from the vote on the above motion.

David Grant submitted a communication with respect to the matter.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 16, 2024, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council and submitted the matter to Council.

David Grant submitted a communication in opposition to the matter.

COMMITTEE RECOMMENDATION:

On October 10, 2024, the Governance Committee of Council recommended to Council that the May 22, 2024, recommendation of the Executive Policy Committee be concurred in, with the following amendment:

- Add the following new Recommendation 1.C.

  "1.C. In section E. Rules of Conduct, delete section 1.a. and replace with the following:

  1. a. Members shall not disclose and shall only use confidential information as required for their duties of office.

     Confidential information is defined as 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;

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DECISION MAKING HISTORY (continued):

COMMITTEE RECOMMENDATION (continued)

- 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;
- 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; and

- 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."

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

David Grant submitted a communication with respect to the matter.

COUNCIL DECISION:

On July 18, 2024, Council granted an extension of time of 60 days for the Governance Committee of Council to provide a recommendation on the following:

1. That the proposed changes to the Members of Council Code of Conduct By-law No. 19/2018, which are outlined in revised Attachment 1 dated May 14, 2024 and revised Attachment 2 dated May 17, 2024, be adopted, subject to the following amendments:

   A. In section 7.d. Election Related Activity, add the words "Communities Fund" after "Per Capita grants";

   B. In Appendix B, Part B, section 22, add the words "Except for the purposes of obtaining legal advice," immediately prior to "All parties and witnesses".

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

2. That the Director of Legal Services/City Solicitor be directed to prepare and submit directly to Council amendments to the Members of Council Code of Conduct By-law No. 19/2018, in accordance with Recommendation 1.

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

On July 18, 2024, Council concurred in the recommendation of the Governance Committee of Council.

David Grant submitted a communication with respect to the matter.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2024, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council and submitted the matter to Council.

COMMITTEE RECOMMENDATION:

On July 8, 2024, the Governance Committee of Council recommend to Council:

1. That in accordance with Section 16(4) of the Procedure By-law No. 50/2007, an extension of time of up to 60 days be granted for the Governance Committee of Council to submit a recommendation to Council on the matter.

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

David Grant submitted a communication with respect to the matter.

COUNCIL DECISION:

On May 30, 2024, Council referred the matter back to the Governance Committee of Council.

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DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 22, 2024, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council, with the following amendment,

- Add the following new Recommendation 1.B.:

    "B. In Appendix B, Part B, section 22, add the words "Except for the purposes of obtaining legal advice," immediately prior to "All parties and witnesses"

and submitted the matter to Council.

On April 18, 2024, the Governance Committee of Council concurred in the recommendation of the Integrity Commissioner, with the following amendment:

- Delete Recommendation 1 and replace with the following:

    1. That the proposed changes to the Members of Council Code of Conduct By-law No. 19/2018, which are outlined in revised Attachments 1 and 2, be adopted, subject to the following amendment:

        A. In section 7.d. Election Related Activity, add the words "Communities Fund" after "Per Capita grants".

    2. That the Director of Legal Services/City Solicitor be directed to prepare and submit directly to Council amendments to the Members of Council Code of Conduct By-law No. 19/2018, in accordance with Recommendation 1.

    3. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

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

David Grant submitted a communication in opposition to the matter.

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DECISION MAKING HISTORY (continued):

COMMITTEE DECISION:

On February 8, 2024, the Governance Committee of Council laid over the matter for up to 60 days.

On November 28, 2023, the Governance Committee of Council laid over the matter for up to 60 days.