ANNUAL REPORT
OF THE INTEGRITY COMMISSIONER

Sherri Walsh

January 1, 2024 – December 31, 2024

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ANNUAL REPORT OF THE INTEGRITY COMMISSIONER

JANUARY 1, 2024 – DECEMBER 31, 2024

I. Commissioner's Message

I am pleased to present my annual report for the period January 1 to December 31, 2024.

It has been 7 years since Winnipeg's City Council established a formal ethics and accountability framework to govern the conduct of its 16 members when they perform their duties of office. This framework includes:

- a code of conduct which translates high level principles into a set of practical rules (the "Code")[1]; and
- an Integrity Commissioner who performs the dual role of providing advice to Council members ("members") about how to comply with their obligations under the Code and objective scrutiny as to whether they have met those obligations.

In this report I describe the work my Office carried out in 2024 which included:

- providing advice to members about how to comply with the Code;
- receiving and assessing complaints which alleged that a member had breached the Code;
- conducting investigations of such complaints;
- recommending amendments to the Code; and
- engaging with members of the public about the expectations that are required of members, under the Code.

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[1] Code of Conduct for Members of Council, By-law No. 19/2018, Schedule A
https://www.winnipeg.ca/media/4359

The Preamble to the Code says:

> *A written code of conduct demonstrates that Members of Council share a common understanding of the ethical obligations which are essential to the fair and effective operation of government.*

By setting out specific rules of conduct and a complaint mechanism for enforcing those rules, the Code allows members to perform their duties of office in an ethical, consistent and transparent manner, ensuring that they put the public's interest before their own.

Promoting a culture of ethical behavior does not happen by accident nor is it something which can be set in stone. To be effective, an ethics framework must be capable of adapting to stay current with evolving societal and technological challenges.

In keeping with this requirement, one of the most significant tasks my Office completed in 2024 was to review and recommend updates to the Code, a process that had actually begun at the end of 2023.

This work involved engaging primarily with members of the Governance Committee followed by engaging with members of the Executive Policy Committee and then Council as a whole and culminated in Council passing an updated version of the Code on November 21, 2024.

The changes which were made to the Code are intended to strengthen its efficacy, while still maintaining all of the substantive ethical obligations which have been in place since Council first passed the Code in 2018.

As Integrity Commissioner, I take a proactive approach to promoting a culture of ethical conduct, focusing on education and advice. That is why, for example, when I dismiss a complaint that has been made about a member's conduct, I provide the member with a copy of the complaint and my dismissal letter to the complainant, so that they are aware of the nature of concerns that have been raised about their conduct and how I applied the Code to a given set of facts.

In all my dealings with members during the period covered by this report, I found them to be respectful and fully cooperative with my Office.

Based on those dealings, I am pleased to report that in the seven years since I first started in this role, members have developed a greater understanding of how to perform their duties of office in a way that complies with the ethical obligations which are essential to the fair and effective operation of government.

Sherri Walsh
Integrity Commissioner

II. Advice to Members

General Comments

The Code is a principles-based document which is applied and interpreted to a given set of facts.

The Integrity Commissioner's mandate to provide advice to members of Council is, therefore, the most effective aspect of the role when it comes to promoting a culture of integrity and members are always encouraged to seek advice from me on a proactive basis to ensure they comply with their obligations under the Code.

Advice provided to Members of Council in 2024

In the period covered by this report, I received **21 requests** from members who sought my advice on a variety of topics including issues relating to their use of influence, ability to fundraise, and whether they needed to recuse themselves from participating in a given matter because of a conflict of interest.

I responded to each request within 24 - 48 hours. My advice was provided by telephone, in writing, in person or by video conference.

As has been my practice, in this report I include anonymized examples of some of the inquiries I received from members and the advice I provided in response.

I note, however, that because my ability to provide advice on a confidential basis is essential to maintaining a relationship of trust and confidence with members, the amount of information that I can disclose about specific requests for advice is limited.

Example 1: Fundraising and Use of Influence

Request for Advice

A member was asked by a not for profit institution to provide a fundraising letter which the institution could then give to prospective donors.

The member asked me whether they could provide such a letter and if so, to give them guidance on how that letter could be worded.

Advice Provided

This request engaged Rule 3 of the Code relating to fundraising and Rule 5 of the Code relating to use of influence.

Rule 3 says that members must not solicit funds from any person or organization if doing so would constitute an improper use of their office. Rule 5 says that members must not use the influence of their office for purposes other than the proper exercise of their duties of office.

As part of their duties of office, members are encouraged to support the initiatives of community based, not for profit institutions and organizations.

In doing so, however, they must be careful not to engage in targeted fundraising efforts because doing so can give rise to an expectation of a *quid pro quo*. For example, the potential donor could view a fundraising request as a way to gain an advantage if they make a donation or alternatively could feel uncomfortable about the consequences of declining to make a donation.

Targeted fundraising efforts also have the potential to place the member in a conflict of interest if the targeted donor has a matter which comes before Council.

Accordingly, I advised the member not to draft or sign a fundraising letter.

Instead, I suggested that they could address a letter of support to the organization's Chief Executive Officer who could then use the letter to demonstrate the member's general support for the organization and its initiatives.

In this way the member would be able to write a letter of endorsement for the organization and speak about its good work, without involving themselves with issues of fundraising and potential inappropriate use of their influence.

Example 2: Gifts and Benefits

Request for Advice

In the normal course of performing their duties of office a member gave a grant from the City's Communities Fund to a performing arts organization. In return, the organization sent the member a number of tickets to performances as part of what they considered to be the member's "sponsorship package".

The member asked whether they could keep the tickets.

Advice Provided

This request engaged Rule 4 of the Code which requires that members not solicit or accept any gift or personal benefit that would, to a reasonable, well-informed person create the appearance that the donor is seeking to influence the member or gain the member's favour.

The reason for this general prohibition to which the Rule provides some exceptions, is to prevent elected officials from being inappropriately influenced in their decision-making.

As has been pointed out:

> *Officials are merely part of the government, individuals sitting in government positions at the moment. They are doing, or supposed to be doing, nothing but their government work and to be paid nothing but what the budget says they are paid. In other words officials do not personally act and should not personally benefit from what they are required to do as part of their public role. They should not be given special treatment, that is, no tickets, invitations to play golf or go on a vacation, or the like, because they should do nothing special for anyone. They should not be involved in reciprocity or feel gratitude to anyone in their role as an official.*[2]

The exceptions to the general prohibition on accepting gifts relate to such things as: gifts that are offered as an expression of protocol or courtesy; or admission to a widely attended event where the admission is offered by the organizer, is unsolicited by the member and the member is participating or attending the event in their official capacity.

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[2] Robert Weschler, Cityethics.org

In this case, I advised the member that the tickets could not be viewed as falling within any of the exceptions to the Rule's general prohibition on keeping gifts. I reminded them that they could not simply give the tickets to someone else such as their assistant or a constituent because doing so would still amount to accepting the gift whether or not they personally used it.

Example 3: Conflict of Interest

Request for Advice

I received a request from a member's Executive Assistant who wanted to let their name be considered for a position on the board of directors of a not-for-profit community based organization that provided services across the city and was physically located within the member's ward.

Advice Provided:

My first response to the assistant was to confirm, because my authority relates only to regulating the conduct of members of Council, that they were seeking my advice with the knowledge and support of the member for whom they worked. I also said that the question I could address was whether the assistant's membership on the board could give rise to a conflict of interest on the part of the member.

The assistant confirmed my understanding and the member was subsequently copied on all of our correspondence.

This request engaged Rule 2 of the Code relating to conflict of interest.

Rule 2 says that members must not act in situations in which they have a real or apparent conflict of interest, whether during a meeting of Council or Committee of Council or at any other time while performing their duties of office.

A conflict of interest exists when a member exercises their duties of office and at the same time knows that in the performance of those duties there is the opportunity to further their private interests.

A "private interest" is defined in the Code as including any personal benefit, whether or not pecuniary but does not include an interest in matters of general application or that affect a member as one of a broad class of the public.

I said that if a situation arose where Council needed to make a decision about the organization of which the assistant were a director, the question would be whether that fact gave rise to a private interest on the part of the member. Noting that each case turns on its specific facts, I said that depending on what the matter involved, the fact that the member's assistant was on the organization's board could give rise to a private interest on the part of the member such that they would need to recuse themselves from voting on the matter.

I confirmed that because there is no prohibition on a member having a private interest *per se*, only on performing their duties of office when they have such an interest, if the assistant joined the organization's board, that did not automatically create a conflict for the member. It would depend on whether and in what circumstances the member was required to make a decision in their official capacity, about that organization.

Accordingly, I advised that if the assistant did join the organization's board and a matter regarding the organization came before a meeting in which the member planned to participate, the member should contact me first.

Example 4: Respectful Conduct

Request for Advice

A member of Council asked what their options were with respect to emails they were receiving from a constituent which contained content they found to be offensive. They said that there had been a number of hostile interactions with this constituent in the past.

Advice Provided

This request engaged Rule 9 of the Code regarding respectful conduct. The Rule says that all members have a duty to treat members of the public, one another and staff with respect and without abuse, harassment or intimidation.

I reviewed the sample email the member sent me and agreed that its content was offensive and went beyond, for example, simply expressing a difference of opinion.

I told the member that they did not have to respond to the message and they could put their settings to block this constituent's messages or send the messages to spam.

I reminded the member about what I had said in a bulletin I published about members' use of social media, with respect to email communications[3]:

> *Email accounts are generally not considered to be included in the colloquial definition of "social media".*
> *The notion of social media as a "public square" for the purpose of free expression is in its infancy and has not been extended to email communications to date.*
> *Compared to social media platforms, there are relatively limited options available to eliminate unwanted email interactions.*
> *Generally, this is limited to simply deleting unwanted emails, or flagging those emails as "spam" with the email provider, as opposed to being able to block a sender entirely.*

I said that a member's decision to delete emails or flag them as "spam" or "junk" will generally be considered to be a political rather than an ethical consideration and therefore not one which I would regulate as Integrity Commissioner.

I confirmed to the member that there was nothing that prevented them from setting their email to block this person's messages. They could also delete the messages and in any event did not have to respond to them, insofar as their obligations under the Code were concerned.

I also advised that they could put something on their website that said they would block emails whose content they found abusive or threatening. I confirmed that unless they communicated with a person in a way that offended the Code, for example, by being abusive, their decision not to

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[3] Advisory Bulletin – Council Members' Use of Social Media, first published 2021, updated 2025
Advisory Bulletin on Use of Social Media

"listen" to a constituent in the sense of blocking or deleting their emails did not engage their obligations under the Code.

Example 5: Conduct Concerning Staff

Request for Advice

A member sought my advice about their ability to express concerns about their professional interactions with members of the public service while both the member and staff were performing their respective duties of office.

In particular, the member said they did not feel that the information they were receiving from the public service about a matter, was responsive to their requests.

Advice Provided

This request engaged Rule 8 of the *Code* relating to conduct concerning staff.

The relationship between any municipal council and its professional public service is critical to the overall success of local government. The Rule requires that among other things, members must not use or attempt to use their authority for the purpose of intimidating, coercing or influencing staff with the intent of interfering with staff's duties. Members are also prohibited from maliciously or falsely impugning or injuring the professional or ethical reputation or the prospects or practice of staff and must at all times show respect for staff's professional capacities.

The Rule does not prohibit a member from expressing criticism of staff in a respectful way, based upon factual matters. Members must remember, however, that they have access to a public platform which members of the public service do not. Elected officials must keep this in mind in order to ensure that their conduct does not amount to intimidation or humiliation of staff.

I told the member that they could speak publicly about their concerns regarding their professional interactions with members of the public service so long as in doing so they were truthful and respectful. This included avoiding singling out an individual staff member and instead referring to their dealings with a "department", where possible.

Example 6: Private Interest – Who is a "friend"

Request for Advice

A member asked for general advice about whether a relationship with someone they called their "friend" would constitute a "private interest" that would give rise to a conflict of interest within the meaning of the Code.

Advice Provided

First, I reminded the member that while I will give general explanations about how the Code is to be interpreted, I cannot give general advice that will be binding and applicable to a specific situation. In this case, I understood the member was simply looking for some guidance as to what the *Code* meant and how it could be interpreted.

The Code defines "private interest" as including any personal benefit whether or not pecuniary.

In seeking guidance, the member stated that there are many people in this City who would call themselves the member's "friend".

I agreed with the member that not every relationship with someone whom they call a friend or someone who called themselves the member's friend, will give rise to a private interest within the meaning of the Code such that they would have to recuse themselves from decision making about a matter that involved that person.

Every situation must be assessed on its facts. Whether a given relationship gives rise to a private interest will be based on the nature of the relationship and the actual degree of proximity between the member and the person.

Advice Provided to all Members of Council

Example 7: Recusal Process

Over the course of the past year it came to my attention that members were not always certain about what to do when they believed they were in a conflict of interest with respect to a matter that came before them at a Council or Committee meeting.

Accordingly, I sent an email which was addressed to all members of Council, copying the Clerk's Office, to remind members that if they believe they have a conflict of interest with respect to a given matter, Rule 2 of the *Code* requires that they publicly:

a. disclose the general nature of their interest; and

b. withdraw from the meeting without voting or participating in the discussion.

I told them that it was not enough, therefore, to walk out of a meeting without putting the fact of their recusal on the record. By way of example, I advised they could say they had an interest in the matter which was of a "financial" nature or that "involved a personal relationship". I reminded them that they should not go into more detail because doing so might itself be considered an attempt to improperly influence a matter.

In this way, I said, their reason for recusal would be recorded in the minutes which would provide an important record for future reference and would demonstrate that they had a principled basis for removing themselves from the meeting.

I also reminded them that there are exceptions to the Conflict of Interest Rule. For example, if the matter being considered was something that affected them in the same way that it affected other members of the public, their neighbors, for example, then they might not be considered to have a "private interest" such that they would need to recuse themselves. I encouraged them as always to seek my advice if they have a question about whether they need to recuse themselves in a specific situation.

Individual Meetings with All Members

The enforcement section of the Code requires that each member meet with the Integrity Commissioner at least once annually in order to discuss their obligations under the Code. This requirement demonstrates to the public that the members are committed to promoting and following a culture of ethical behaviour and is consistent with the Integrity Commissioner's mandate to provide ongoing education.

I confirm that in 2024 I had an opportunity to speak individually with each member of Council and was able to engage in frank and intelligent discussions with each of them about matters relating to the Code.

III. **Complaints**

General Information

The Code allows the Integrity Commissioner to receive both formal and informal complaints.

The process for submitting a complaint is set out in the *Complaint Procedures* which are found at Appendix "B" to the Code.

Informal Complaints

Any person may follow the informal complaint process by contacting the member directly to advise that their behavior or activity appears to contravene the Code or by asking the Integrity Commissioner to assist in informal resolution of a matter.

Parties are encouraged to take advantage of the potential for the Integrity Commissioner to play a role in this regard. Complaints which are initially brought to the Integrity Commissioner's attention on an informal basis can still be submitted as a formal complaint at any time.

While the Integrity Commissioner can only consider investigating complaints which are submitted through the formal process I nonetheless respond to every complaint I receive, whether formal or informal.

Formal Complaints

Formal complaints are submitted using the form which is prescribed under the Code and located on the City's website.[4] The form must be signed and dated by the complainant. There is no fee to submit a complaint.

Whenever the Integrity Commissioner receives a formal complaint, the *Complaint Procedures* require that they conduct a preliminary assessment to determine whether they will investigate the matter.

After conducting that assessment, the *Complaint Procedures* say:

> *10. If the Integrity Commissioner is of the opinion that:*
>
> *a. the conduct described in the complaint is not within the Integrity Commissioner's jurisdiction to investigate;*
>
> *b. the complaint is frivolous, vexatious or not made in good faith;*
>
> *c. there are no grounds or insufficient grounds for an investigation, or that it is unlikely that the complaint will succeed; or*
>
> *d. an investigation would serve no useful purpose;*
>
> *the Integrity Commissioner shall not conduct an investigation and, where this becomes apparent in the course of an investigation, shall terminate the investigation.*

Conducting a preliminary assessment can include reviewing documents and communications between the complainant and the member who is the subject of the complaint, speaking with the parties and reviewing videos of public meetings.

There are also time limits within which complaints must generally be filed.

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[4] Complaints process | City of Winnipeg

If the Integrity Commissioner decides not to investigate a complaint they send the complainant a detailed dismissal letter which outlines the review that they undertook and their reasons for not conducting an investigation.

The Code also requires that the Integrity Commissioner provide the member who was the subject of the complaint with copies of both the complaint and the dismissal letter.

The reason for providing this information to the member is two-fold: to inform the member about the nature of a concern which has been raised about their conduct; and to show the member how the Integrity Commissioner applied and interpreted the Code in a given set of circumstances.

Unless it is necessary to disclose the identity of the complainant for reasons of procedural fairness or because their identity is otherwise clear from the factual underpinnings of the complaint, the complainant's name is removed from both the complaint form and the dismissal letter, before those are sent to the member.

Complaints Received in 2024

In 2024, I received a total of **25 complaints: 14 formal and 11 informal**.

Of the 14 formal complaints, one was clearly on its face outside my jurisdiction and I dismissed it summarily. Five were dismissed on the basis that there were no grounds for conducting an investigation.

I dismissed another complaint because the conduct which was the subject of the complaint was activity about which the Respondent member had previously sought and relied on my advice, on a proactive basis.

The Code says that any written advice given by the Integrity Commissioner to a member binds the Commissioner in any subsequent consideration of the member's conduct in the same matter, as long as the facts presented by the member to the Commissioner were accurate and complete.

This provision in the Code encourages members to seek advice from the Integrity Commissioner on a proactive basis.

Six of the formal complaints that I received related to the same incident and were resolved informally when the member, on their own initiative, publicly apologized for their conduct.

Finally, one complaint was accepted for investigation, which will be completed in 2025.

Complaints Addressed by the Acting Integrity Commissioner

In my Annual Report for the period ending December 31, 2023 I reported that 4 of the formal complaints I received that year arose out of litigation where, it was a matter of public record, lawyers in the firm of which I was at that time a member, had acted for one of the parties and I therefore retained the services of the Integrity Commissioner for the City of Edmonton (the "Acting Integrity Commissioner") to address those complaints.

I indicated that I had no involvement with how each of those matters would be resolved other than to note that once the Acting Integrity Commissioner had dealt with the complaints, they would advise me of the outcome so that I could report on them in my next Annual Report.

With respect to those complaints, the Acting Integrity Commissioner has advised that in 2024:

- One was dismissed on the ground that there was insufficient evidence to warrant conducting an investigation;

- One resulted in an investigation which found that the member had breached the Code. The Investigation Report for that matter was published on the agenda for Council's meeting of November 21, 2024. Council did not complete its deliberations with respect to the report until January 2025. The matter will, therefore, be reported on in next year's Annual Report; and

- The two remaining complaints are being kept in abeyance pending the outcome of related litigation.

Complaints from 2023 completed in 2024

I completed work on six complaints which were outstanding at the end of December 31, 2023. Two of those complaints involved investigations which I completed in 2024. Following the preliminary assessment of the other 4 complaints, I determined that an investigation was not warranted under the Code and I sent dismissal letters explaining my decision to each of the respective complainants, before December 31, 2024.

Investigations

In the Annual Report I submitted in 2023 I said that I would be investigating 2 formal complaints that had been submitted that year and that I expected to complete the investigations in 2024.

Both investigations were completed by the end of June of 2024. One of them resulted in a determination that the member's conduct had not contravened the Code. The other resulted in a determination that the member had breached the Code.

The Code says that where the Integrity Commissioner determines that the Code has not been breached, they do not report publicly to Council about the matter expect in an anonymous way in their Annual Report and the investigation report is given only to the parties.

Investigation Report – No Breach of the Code

The complaint alleged that the member had misused their influence in breach of Rule 5 of the Code and/or was in a conflict of interest in breach of Rule 2 of the Code.

The matter arose from an altercation that allegedly happened between the complainant and another individual, both of whom were the member's constituents.

As a result of the altercation, members of the City of Winnipeg Police went out to speak with the complainant. The complainant alleged that the member had directed the Police to pursue them, thereby misusing their influence and that the member was motivated to do so because of a pre-existing relationship they had with the other constituent, which gave rise to a conflict of interest.

In the investigation the member advised that they had received an email from a constituent who said they had been subjected to certain behavior by the complainant. The member's executive assistant asked the constituent whether they had reported the incident to the police and offered to forward the email to the police on the constituent's behalf.

Once the assistant did that, neither they nor the member had any further communications with the police. The member and their executive assistant described to me the procedure they said they regularly followed to deal with "service requests" from constituents including where a matter appeared to be suitable for police investigation which, they said, was the procedure they followed in this matter.

The police inspector who received the assistant's email said that receiving this type of contact from the member's office was typical of the type of communications he received from elected officials at all levels of government.

It was clear from the evidence I reviewed that the member's executive assistant simply passed the constituent's email on to the police inspector without giving any instructions or requests.

The inspector said he felt he had the discretion to decide whether or not to investigate the matter, free from any influence from the member or their assistant.

In the circumstances, I was satisfied that the member treated the constituent's concern as a relatively routine matter of case work that involved what appeared to be an allegation of threats of physical violence and thus suitable for referring to the police for follow up.

There was no evidence that the member or their assistant pressured the police or attempted to guide the police investigation in any way.

Based on the totality of the evidence, therefore, I found that the member did not misuse the influence of their office when they referred the constituent's concern to the police and that in all of the circumstances their use of influence was consistent with the proper exercise of their duties of office.

I also found no evidence of any personal or business relationship between the member and the constituent. Accordingly, I found the allegation that the member had a pre-existing relationship with the constituent that would give rise to a conflict of interest to be unsubstantiated.

For all of those reasons I found that the member's conduct did not contravene the Code.

Investigation Report – Breach of the Code

On June 19, 2024, I submitted an Investigation Report to Council in which I found that a member had breached the Code.

The complaint arose out of the member's participation in a public meeting (the "Committee Meeting"), regarding a proposed development.

It alleged that by virtue of the member's personal relationship with a proponent of the development, (the "Proponent") they were in a conflict of interest when they participated in a vote about the development during the Committee Meeting.

The facts in the matter were not in dispute. The focus of my inquiry was primarily on the nature of the relationship between the member and the Proponent who were long standing friends. The Proponent was also the member's campaign manager when the member first ran for election and was their official agent when they ran for re-election.

Rule 2 of the Code requires members to refrain from acting in situations in which they have a real or apparent conflict of interest. The relevant portion of the Rule says:

> **1. Conflict of Interest**
>
> a. Members must not act in situations in which they have a real or apparent conflict of interest, whether during a meeting of Council or Committee of Council or at any other time while performing their duties of office.
>
> i. A conflict of interest exists when a Member exercises their duties of office and at the same time knows that in the performance of those duties there is the opportunity to further their private interests.

A "private interest" is defined in the Code as follows:

> "**Private Interest**" includes any personal benefit, whether or not pecuniary, but does not include an interest:
>
> (a) in matters of general application;
> (b) in matters that affect a Member as one of a broad class of the public;
> (c) that concerns the remuneration and benefits of the Member as a Member of Council; or
> (d) that is trivial.
>
> (emphasis added)

A non-pecuniary interest may arise where, for example, a member has a close relationship with another person and that person has a private interest in a matter before Council or a Committee of Council. The closeness of a relationship is determined by considering the relationship in its totality having regard to factors such as the:

a) nature of the friendship or business relationship;

b) frequency of contact; and

c) duration of the relationship.

A conflict of interest can occur because of past or present personal relationships that have the potential to influence a member's judgment through emotion, loyalty or lack of proper perspective.

In this case I found that the nature of the member's friendship with the Proponent, including the fact that they had known each other for 15 years, played golf together on a semi-regular basis and of particular significance, the fact that the member had relied on the Proponent to play a prominent role in both of their election campaigns, showed a relationship of sufficient proximity to give rise to a "private interest" within the meaning of the Code.

I pointed out in the Investigation Report that it is important to recognize that not every relationship with a person who is described as a member's friend, whether by that person or by the member, will necessarily give rise to a private interest such that the member will need to recuse themselves from influencing or discussing a matter which relates to that person.

Every situation must be assessed on its specific facts.

I also said that my findings in the specific matter were not intended to deter members from interacting with people in the community or from socializing or being photographed with members of the public.

I noted that it is important to understand that having a private interest which gives rise to a conflict is not in itself a problem. What matters is what the elected official does about that interest.

In this case, because of their relationship with the Proponent, I found that the member ought to have recused themselves from participating in any aspect of the Committee Meeting which related to the agenda item involving the Proponent's development.

By failing to recuse themselves and by participating in the vote pertaining to the development, I found the member had acted in a situation in which they had a conflict of interest, in breach of Rule 2 of the Code.

The member candidly admitted that they failed to turn their mind to whether they were in a conflict of interest when they participated in the Committee Meeting and they fully acknowledged responsibility for this failure.

I recommended that the member make a public apology at the Council meeting where the Investigation report was considered. In making that recommendation I pointed out that although a breach of the Conflict of Interest rule is a serious matter, the contravention in this case was a single occurrence, the member had never previously been found to have contravened the Code, they had readily acknowledged their mistake and had expressed genuine regret for their error.

Council received the Investigation Report on June 27, 2024 and accepted my recommendation that the member be required to issue a public apology.

The publication of the report provided an opportunity for all members to pay closer attention to situations where a matter that comes before Council involves someone with whom they have a close personal relationship.

IV. Communications with the Public

In 2024 I was contacted on **17 occasions by members of the public** who sought information about a variety of topics relating to the role of the Integrity Commissioner or the Code.

Many of the communications came from people who had participated in or watched Council or Committee meetings and had general questions about how the Code operated.

I note that while I will not comment about whether a member has breached the Code except in the context of a formally submitted complaint, I am available to provide general information about the Code and how it applies to members when they perform their duties of office.

V. Website

As part of my mandate to provide education about the work of my Office, I make a range of information available on the Integrity Commissioner's page on the City's website. In the period covered by this report, I made a number of updates to that website page.

Among other things I highlight that an updated, annotated version of the Code is now available on that site: Annotated Code[5]

I want to express my thanks to Kate McMillan in the Clerk's Office for her gracious assistance with all matters relating to the website.

VI. Amendments to the Code

As I said in the Message I wrote at the beginning of this report, maintaining ethical standards requires vigilance. To that end, I have assisted Council with reviewing and revising the Code on a number of occasions since the Code was first passed in 2018, in order to ensure that it continues to be relevant and effective.

[5] https://www.winnipeg.ca/media/4359

The most recent process of amending the Code which began in November of 2023 was completed in November of 2024.

The changes that were made to the Code and the rationale for doing so are detailed in the report I submitted to Council: Report No. 7 – "Proposing Changes to the Code of Conduct for Members of Council", dated April 8, 2024.[6]

I want to thank the members of the Governance Committee for their diligence and commitment in working with me on this task over the past year.

The majority of the amendments that were passed make the Code more accessible and easier to follow.

Some of the changes were necessary in order to keep the Code current with other City rules and obligations with which members must comply, such as changes involving election-related activity. Changes were also made to the *Complaint Procedures* in order to enhance confidentiality surrounding investigations.

As I said in my Message, however, the amendments did not change the substantive ethical obligations that have governed members' conduct for the last 7 years.

VII. **Other Meetings**

Meetings with City Directors

In June of 2024, I attended a meeting with the Directors of Legal Services and Information Services and the City Clerk to discuss how the City responds to requests for information which are made under *The Freedom of Information and Protection of Privacy Act* regarding communications from my Office. At the meeting, it was confirmed that the *Act* does not apply to communications between Council members and the Integrity Commissioner. This supports the Integrity

[6] https://clkapps.winnipeg.ca/DMIS/ViewDoc.asp?DocId=25507&SectionId=749235&InitUrl=

Commissioner's ability to provide advice to members on a confidential basis, thereby encouraging them to seek advice proactively.

Presentations to Post-Secondary Institutions

In June of 2024, I was invited to give a presentation about the role of Winnipeg's Integrity Commissioner and the City of Winnipeg's ethics and accountability framework, to a graduate studies course on Ethics and Advocacy at Seneca College of Applied Arts and Technology School of Media, in Toronto.

In September I gave a similar presentation to third year students at the University of Manitoba's Faculty of Law.

Engagement with Colleagues from other Jurisdictions

In November of 2024, the Integrity Commissioners for Western Canada held a virtual conference to discuss a number of issues relating to our work, in which I participated.

Throughout the reporting period I engaged in regular dialogue and consultation with municipal Integrity and Ethics Commissioners from jurisdictions across Canada.

I am grateful for the opportunity to participate in this collegial network of ethics professionals who willingly share best practices and advice.

Through this network I continue to hear that the provisions of Winnipeg's Code and its related practices are often looked to with approval by municipalities and ethics professionals in other jurisdictions.

VIII. **Budget**

For the period covering January 1 - December 31, 2024, Council established a budget for the Integrity Commissioner's office of $120,000.00. This represented a $5,000.00 reduction from the

budget which was in place from 2019 to 2023 and was prompted by a request that the City Clerk's Office received to make cuts to all of its budgets for 2024-2027.

The expenditure for this reporting period was as follows:

Budget utilized: $111,141.50

Hours Associated with professional services: 488.30

This expenditure included the services which were provided by the Acting Integrity Commissioner as outlined earlier in this report and which were provided at the same hourly rate that my office has been charging, since 2017.

IX. Voluntary Lobbyist Registry

The Integrity Commissioner's role includes having oversight over the Voluntary Lobbyist Registry.

Lobbying is an important and legitimate aspect of public life in a liberal democracy. The right of individuals, businesses and interest groups to make representations to government, and the need for government to discuss policy proposals with those who might be affected, is essential.

However, in order to enhance the public's confidence in the integrity of its elected officials and public service, lobbying activity must not be associated with secrecy and undue influence.

That is why a lobbyist registry, even a voluntary one, is an important component of a municipality's ethics and accountability framework.

The Voluntary Lobbyist Registry's page on the City website states:

> *Lobbyists are not required by legislation to register their activities; however registration on a voluntary basis is encouraged in order to enhance the transparency and integrity of business conducted.*[7]

A "lobbyist" is defined as:

> *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 public official with the intent of influencing a decision on governmental matters outside of the standard process.*[8]

A "standard process" is any meeting open to the public in which individuals, organizations or businesses can attend to discuss policy processes or decisions.

If an individual is speaking on the public record during a Council or Committee of Council meeting or during a public process such as a public meeting or open house, therefore, they are not considered to be a lobbyist.

I am available to provide advice to members of Council, staff and the public with respect to how the registry works.

History of Registrations

In the first year following its creation, there were **29 registrations** filed to the Voluntary Lobbyist Registry.

[7] https://legacy.winnipeg.ca/clerks/LobbyistRegistry/default.stm
[8] https://legacy.winnipeg.ca/clerks/LobbyistRegistry/default.stm

Additional registrations are as follows:

- from April 1, 2018 to December 31, 2018, **13 lobbyists** registered their activities;
- in 2019, **10 lobbyists** registered their lobbying activities;
- in 2020, **7 lobbyists** registered their lobbying activities;
- in 2021, **6 lobbyists** registered their lobbying activities;
- in 2022, **5 lobbyists** registered their lobbying activities;
- in 2023, **5 lobbyists** registered their lobbying activities; and
- **in 2024, 5 lobbyists** registered their lobbying activities relating to both members of Council and members of the public service.

X. Conclusion

I started this report by talking about the commitment which the members of Winnipeg's City Council have made to maintaining high ethical standards in public life.

That commitment is reflected in their ongoing engagement with the work of my Office as described in this report.

Enforcing and upholding ethical standards requires vigilance not only from members of Council but also from members of the public and the public service.

I therefore want to thank all of the individuals – members of Council, the public service and the public who engaged with my Office during the last year.

I also want to thank the City Clerk, Carlos Gameiro and the Deputy Clerk, Andrew Poitras and their staff, for the generous assistance they gave me throughout the year. I am grateful for the relationship of trust and respect that has developed between our respective Offices.

Respectfully submitted,

Sherri Walsh
March 26, 2025