

Minutes – Council – September 24, 2026

Minute No. 476

Executive Policy Committee – Motions

Item No. 1 Charter Revisions – Criminal Convictions of Members of Council

Moved by His Worship Mayor Gillingham,
Seconded by Councillor Gilroy,

WHEREAS members of Council hold positions of public trust and are expected to carry out their duties in a manner that maintains public confidence in the integrity of municipal government;

AND WHEREAS the presumption of innocence is a fundamental tenet of democracies and criminal charges do not constitute a finding of misconduct or guilt;

AND WHEREAS it is prudent to balance voter confidence in public office with due process and democratic choice;

AND WHEREAS The City of Winnipeg Charter provides for forfeiture of a Council member's seat in specified circumstances following conviction of certain criminal offences, but does not provide for a temporary leave of absence from Council duties upon a criminal charge;

AND WHEREAS in 2023, the Province of Manitoba amended the Municipal Councils and School Boards Election Act to require that candidates for Councils and School Boards disclose in their nomination papers, if they have plead guilty to or been found guilty of offences under:

- A. The Criminal Code (Canada);
- B. The Controlled Drugs and Substances Act (Canada); or
- C. The Income Tax Act or the Income Tax Act (Canada),

with exceptions for youth offences and pardoned offences;

AND WHEREAS the Senior Election Official is required to publish those candidate disclosure statements on the elected authority's website;

AND WHEREAS British Columbia has established a statutory mandatory leave of absence for a council member who is charged with an offence under the Criminal Code or with an indictable offence under the Controlled Drugs and Substances Act, under which the official continues to hold office and receive remuneration and benefits but must not exercise the powers or perform the duties of office until the criminal proceeding is resolved;

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AND WHEREAS a statutory leave of absence framework would preserve an elected member's office, remuneration and benefits while providing clear, consistent, and provincially authorized rules respecting the exercise of Council powers and duties while a criminal charge is before the courts;

THEREFORE BE IT RESOLVED THAT

1. The Province of Manitoba be requested to:
 - A. Undertake a cross-jurisdictional review of how governing legislation across Canada addresses criminal charges against elected officials.
 - B. Review the list of serious criminal convictions and specified circumstances that disqualify someone from continuing to hold municipal office and modify as deemed necessary in keeping with the cross-jurisdictional scan.
 - C. Review eligibility rules for municipal and school board candidates, including whether there should be additional restrictions, safeguards or disclosure requirements for individuals facing criminal charges at the time of an election.
 - D. Amend The City of Winnipeg Charter to:
 - i. Provide flexibility, so that a member of Council who is charged with a criminal offence, may be placed on a leave of absence from Council duties, effective on the date the charge is laid and ending, as applicable, on the day after:
 - a. the charge is withdrawn or the proceedings are stayed;
 - b. the member is acquitted;
 - c. the member is discharged;
 - d. the conviction is set aside on appeal;
 - e. any other disposition prescribed by regulation;
 - ii. Ensure that if placed on a leave of absence, the member would continue to hold elected office and receive remuneration, benefits and other entitlements attached to the office.

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- iii. Prohibit the member from exercising the powers of a member of Council or carry out the duties of the office, including attending or participating in any meetings of Council, committees of Council, Council seminars, boards, commissions, or any other bodies in the member's capacity as a member of Council, while on leave.
- iv. Address consequential matters, including:
 - a. The effect of the leave on quorum, voting thresholds, Council and committee membership, and appointments to external bodies;
 - b. Authorization of absences from Council meetings for the purposes of the Charter's attendance and forfeiture provisions;
 - c. Public notice and privacy requirements;
 - d. The treatment of charges that are amended, replaced, stayed, withdrawn, or otherwise resolved;
 - e. Transitional provisions; and
 - f. Any other matter deemed necessary to maintain effective Council and committee operations;
- 2. That a leave of absence stemming from criminal charges, as per Recommendation 1.D, be subject to the approval of a two-thirds vote of all members of Council.
- 3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Required to Stand as Notice of Motion in accordance with Rule 17(1) of the Procedure By-law No. 50/2007.