

# CITY OF STEINBACH

## COUNCIL ORGANIZATIONAL MEETING

Tuesday, Nov 5th, 2024  
7:00 p.m.

### MISSION STATEMENT

*“Steinbach is a clean, safe and vibrant community that values tradition and prosperity.  
Our mission is to continue to preserve the quality of life Steinbach is known  
for while effectively managing its growth and resources.”*

# City of Steinbach

## Strategic Priorities 2022-2026

- City Relationships
- Enhanced Safety
- Infrastructure Renewal and Expansion
- Recreation and Cultural Facility Renewals

# CITY OF STEINBACH

Organization Meeting  
(Pursuant to City Organization By-Law 2025)

**Tuesday, November 5, 2024 - 7:00 p.m.**

## AGENDA

---

1. Call to order
2. The Municipal Council Conflict of Interest Act pg. 1
3. Disclosure of Personal Interests -  
Re: Conflict of Interest Act - 9 (1)  
Annual Statement of Assets and Interests  
Council to complete and give to City Clerk  
by November 29, 2024 pg. 26
4. Declaration - City Manager (voluntary) pg. 27
5. Code of Conduct By-Law 2158  
(to be reviewed annually) pg. 28
6. Deputy Mayor Appointment by Mayor Funk
7. Appointments by Mayor Funk
  - Jake Epp Library Board - citizen (re)appointments - 2 year terms
  - Jake Epp Library Board - member of council
  - Seine Rat Roseau Watershed District
  - RCMP Community Advisory Group
  - Steinbach Community Development Corporation – citizen
  - Steinbach Community Development Corporation - member of Council
  - Steinbach and R.M. of Hanover - Joint Action Committee
  - Steinbach and R.M. of La Broquerie - Joint Action Committee
8. Mayor's appointments be ratified (resolution) pg. 40
9. Resolution - Bank authorization pg. 41
10. Resolution - Signing Authority pg. 43
11. Adjournment



# MANITOBA

## THE MUNICIPAL COUNCIL CONFLICT OF INTEREST ACT

C.C.S.M. c. M255

## LOI SUR LES CONFLITS D'INTÉRÊTS AU SEIN DES CONSEILS MUNICIPAUX

c. M255 de la *C.P.L.M.*

As of 29 Oct. 2024, this is the most current version available. It is current for the period set out in the footer below.

Le texte figurant ci-dessous constitue la codification la plus récente en date du 29 oct. 2024. Son contenu était à jour pendant la période indiquée en bas de page.

**LEGISLATIVE HISTORY*****The Municipal Council Conflict of Interest Act*, C.C.S.M. c. M255**

<b>Enacted by</b> RSM 1987, c. M255	<b>Proclamation status (for provisions in force by proclamation)</b> whole Act: in force on 1 Feb 1988 (Man. Gaz.: 6 Feb 1988)
<b>Amended by</b> SM 1996, c. 58, s. 462	in force on 1 Jan 1997 (Man. Gaz.: 21 Dec 1996)
SM 2002, c. 24, s. 44	
SM 2002, c. 39, s. 528	
SM 2002, c. 48, s. 28	in force on 30 Jun 2004 (Man. Gaz.: 29 May 2004)
SM 2009, c. 35, Part 1	
SM 2010, c. 33, s. 40	
SM 2012, c. 25, s. 13	
SM 2013, c. 47, Sch. A, s. 134	in force on 20 Nov 2017 (proc: 14 Aug 2017)

**HISTORIQUE*****Loi sur les conflits d'intérêts au sein des conseils municipaux*, c. M255 de la C.P.L.M.**

<b>Édictée par</b> L.R.M. 1987, c. M255	<b>État des dispositions qui entrent en vigueur par proclamation</b> l'ensemble de la Loi : en vigueur le 1 <sup>er</sup> févr. 1988 (Gaz. du Man. : 6 févr. 1988)
<b>Modifiée par</b> L.M. 1996, c. 58, art. 462	en vigueur le 1 <sup>er</sup> janv. 1997 (Gaz. du Man. : 21 déc. 1996)
L.M. 2002, c. 24, art. 44	
L.M. 2002, c. 39, art. 528	
L.M. 2002, c. 48, art. 28	en vigueur le 30 juin 2004 (Gaz. du Man. : 29 mai 2004)
L.M. 2009, c. 35, partie 1	
L.M. 2010, c. 33, art. 40	
L.M. 2012, c. 25, art. 13	
L.M. 2013, c. 47, ann. A, art. 134	en vigueur le 20 nov. 2017 (proclamation : 14 août 2017)

## CHAPTER M255

### THE MUNICIPAL COUNCIL CONFLICT OF INTEREST ACT

#### TABLE OF CONTENTS

##### Section

- 1 Definitions
- 2 Subsidiary corporations
- 3 Application of the Act
- 4 Pecuniary interests
- 5 Disclosure of interest
- 6 Record of compliance
- 7 Reduced quorum
- 8 Voidability of transaction or procedure
- 9 Annual statement of assets and interests
- 10 Assets and interests which must be disclosed
- 11 General exemptions
- 12 Continuing disclosure
- 13 Statements available to public
- 14 Insider information
- 15 Compensation for services
- 16 Use of influence
- 17 Right to appear at meetings
- 18 Disqualification, effect on other business
- 19 Application to King's Bench
- 20 Ex parte applications
- 21 Disposition and penalty
- 22 Unknowing or inadvertent breach
- 23 Elected status not to preclude application
- 24 Application for restitution
- 25 Limitation periods
- 26 Remedy not available elsewhere
- 27 Provincial Offences Act not to apply

## CHAPITRE M255

### LOI SUR LES CONFLITS D'INTÉRÊTS AU SEIN DES CONSEILS MUNICIPAUX

#### TABLE DES MATIÈRES

##### Article

- 1 Définitions
- 2 Filiales
- 3 Application de la *Loi*
- 4 Intérêts financiers
- 5 Divulgence au cours d'une assemblée
- 6 Renseignements consignés, registre central
- 7 Quorum
- 8 Affaires ou opérations annulables
- 9 État annuel des biens et des droits
- 10 Biens et droits devant être déclarés
- 11 Exemptions générales
- 12 Déclaration répétée des dons
- 13 États mis à la disposition du public
- 14 Renseignements confidentiels
- 15 Rémunération pour services
- 16 Abus de pouvoir
- 17 Droit de défendre ses intérêts
- 18 Infraction, effet sur les affaires conclues par la municipalité
- 19 Demande par le greffier à la C.B.R.
- 20 Demande par un électeur à la C.B.R.
- 21 Décision après audition de la demande
- 22 Infraction commise inconsciemment
- 23 Demande recevable en tout temps
- 24 Ordonnance restitutoire
- 25 Prescription
- 26 Exclusion de certaines procédures
- 27 Non-application de la *Loi sur les infractions provinciales*



## CHAPTER M255

### THE MUNICIPAL COUNCIL CONFLICT OF INTEREST ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

#### Definitions

**1(1)** In this Act,

**"common-law partner"** of a person means a person who, not being married to the other person, is cohabiting with him or her in a conjugal relationship of some permanence; (« conjoint de fait »)

**"council"** means

- (a) a municipal council, or
- (b) an elected council under *The Local Government Districts Act*; (« conseil »)

**"councillor"** means a member of a council, and includes a mayor or reeve; (« conseiller »)

**"Crown agency"** means Crown agency as defined in *The Legislative Assembly Act*; (« organisme de la Couronne »)

**"dependant"** means

- (a) the spouse of a councillor,

## CHAPITRE M255

### LOI SUR LES CONFLITS D'INTÉRÊTS AU SEIN DES CONSEILS MUNICIPAUX

SA MAJESTÉ, sur l'avis et du consentement de l'Assemblée législative du Manitoba, édicte :

#### Définitions

**1(1)** Les définitions qui suivent s'appliquent à la présente loi.

« **conjoint de fait** » Personne qui vit dans une relation maritale d'une certaine permanence avec une autre personne sans être mariée avec elle. ("common-law partner")

« **conseil** » Selon le cas :

- a) conseil municipal;
- b) conseil élu en application de la *Loi sur les districts d'administration locale*. ("council")

« **conseiller** » Membre d'un conseil, y compris un maire ou un préfet. ("councillor")

« **électeur** » Personne qui a droit de vote lors de l'élection des membres d'un conseil. ("elector")

« **famille** » Fait partie de la famille le conjoint de fait. ("family")

« **filiale** » Corporation qui est une filiale au sens de l'article 2. ("subsidiary")

« **intérêt financier direct** » S'entend également de toute rémunération, reçue ou à recevoir par



(a.1) the common-law partner of a councillor, and

(b) any child, natural or adopted, of the councillor,

who resides with the councillor; (« personne à charge »)

**"direct pecuniary interest"** includes a fee, commission or other compensation paid or payable to any person for representing the interests of another person or a corporation, partnership, or organization in a matter; (« intérêt financier direct »)

**"elector"** means a person entitled to vote at an election of members to a council; (« électeur »)

**"family"** includes a common-law partner; (« famille »)

**"municipality"** includes a local government district; (« municipalité »)

**"ordinary resident"** means

(a) in the case of a matter which relates to an entire municipality, an ordinary resident of the municipality, and

(b) in the case of a matter which relates to a part of a municipality, an ordinary resident of that part of the municipality; (« simple résident »)

**"subsidiary"** means a corporation that is a subsidiary as described in section 2. (« filiale »)

### Registered common-law relationship

**1(2)** For the purposes of this Act, while they are cohabiting, persons who have registered their common-law relationship under section 13.1 of *The Vital Statistics Act* are deemed to be cohabiting in a conjugal relationship of some permanence.

S.M. 2002, c. 24, s. 44; S.M. 2002, c. 48, s. 28.

quiconque sous forme d'honoraires, de commission ou autrement, pour défendre, dans une affaire quelconque, les intérêts d'une autre personne, d'une corporation, d'une société en nom collectif ou d'une organisation. ("direct pecuniary interest")

« **municipalité** » S'entend également d'un district d'administration locale. ("municipality")

« **organisme de la Couronne** » Organisme de la Couronne au sens que lui attribue la *Loi sur l'Assemblée législative*. ("Crown agency")

« **personne à charge** »

a) Conjoint d'un conseiller qui réside avec celui-ci;

a.1) conjoint de fait d'un conseiller qui réside avec celui-ci;

b) enfants biologiques et adoptifs d'un conseiller qui résident avec celui-ci. ("dependant")

« **simple résident** » S'entend :

a) d'un simple résident de la municipalité, dans le cas d'une affaire relative à toute la municipalité;

b) dans le cas d'une affaire relative à une partie seulement de la municipalité, d'un simple résident de la partie de la municipalité. ("ordinary resident")

### Union de fait enregistrée

**1(2)** Pour l'application de la présente loi, les personnes qui ont fait enregistrer leur union de fait en vertu de l'article 13.1 de la *Loi sur les statistiques de l'état civil* sont, pendant la période où elles vivent ensemble, réputées vivre dans une relation maritale d'une certaine permanence.

L.M. 2002, c. 24, art. 44; L.M. 2002, c. 48, art. 28.

### **Subsidiary corporation**

**2(1)** A corporation is a subsidiary of another corporation where it is controlled by that other corporation.

### **Control**

**2(2)** A corporation is controlled by another corporation where

(a) securities of the controlled corporation to which are attached more than 50% of the votes that may be cast to elect directors of the controlled corporation are held, other than by way of security only, by or for the benefit of the controlling corporation; and

(b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the controlled corporation.

### **Subsidiary includes subsidiaries**

**2(3)** "Subsidiary" includes all subsidiaries of a subsidiary.

### **City of Winnipeg**

**3(1)** This Act applies to The City of Winnipeg.

**3(2)** [Repealed] S.M. 2012, c. 25, s. 13.

S.M. 2012, c. 25, s. 13.

### **Indirect pecuniary interest**

**4(1)** For purposes of this Act, but subject to this section, a person shall be presumed to have an indirect pecuniary interest in a matter where

(a) the person, or a nominee of the person,

(i) holds a beneficial interest in, or a share warrant or purchase option in respect of, 5% or more of the value of the issued capital stock, or

(ii) is a director or officer, of a corporation which, or a subsidiary of which, has a direct pecuniary interest in the matter; or

### **Filiales**

**2(1)** Une corporation est la filiale d'une autre corporation lorsqu'elle est contrôlée par cette autre corporation.

### **Contrôle**

**2(2)** Une corporation est contrôlée par une autre corporation lorsque :

a) d'une part, les valeurs mobilières qu'elle a émises et qui sont détenues par l'autre corporation ou au profit de celle-ci autrement qu'à titre de garantie, comportent droit de vote quant à l'élection des administrateurs et représentent à cette fin plus de 50 % des voix;

b) d'autre part, l'exercice des droits de vote rattachés à ces valeurs suffit pour élire la majorité de ses administrateurs.

### **Filiale d'une filiale**

**2(3)** « Filiale » s'entend également de toutes les filiales d'une filiale.

### **Ville de Winnipeg**

**3(1)** La présente loi s'applique à la Ville de Winnipeg.

**3(2)** [Abrogé] L.M. 2012, c. 25, art. 13.

L.M. 2012, c. 25, art. 13.

### **Intérêt financier indirect**

**4(1)** Pour l'application de la présente loi mais sous réserve du présent article, une personne est présumée avoir un intérêt financier indirect dans une affaire lorsque, selon le cas :

a) cette personne ou son nominataire :

(i) a un droit bénéficiaire sur des actions d'une corporation représentant 5 % ou plus de la valeur des actions émises de cette corporation, ou détient un droit ou une option d'achat portant sur de telles actions,

(b) the person is

(i) a partner of or employed by, or

(ii) a guarantor or surety for, or

(iii) a creditor of,

a person, corporation, partnership, or organization who or which, or (in the case of a corporation) a subsidiary of which, has a direct pecuniary interest in the matter.

(ii) est administrateur ou dirigeant d'une corporation,

et que la corporation ou une filiale de celle-ci a un intérêt financier direct dans cette affaire;

b) cette personne :

(i) est l'associée ou l'employée,

(ii) est garante ou caution,

(iii) est créancière,

d'une personne, d'une corporation, d'une société en nom collectif ou d'une organisation qui a, ou dont la filiale a, s'il s'agit d'une corporation, un intérêt financier direct dans cette affaire.

#### **Exception for indemnity or expenses**

**4(2)** For purposes of this Act, councillors shall be presumed not to have a direct or indirect pecuniary interest in any matter involving the indemnity, expenses or remuneration payable to councillors.

#### **Exception quant aux indemnités et allocations de dépenses**

**4(2)** Pour l'application de la présente loi, les conseillers sont présumés n'avoir aucun intérêt financier, direct ou indirect, dans toute affaire relative aux indemnités, allocations de dépenses ou traitements qui leur sont payables.

#### **No pecuniary interest in certain transactions**

**4(3)** For purposes of this Act, a person, corporation, partnership, or organization shall be presumed not to have a direct or indirect pecuniary interest in respect of

#### **Absence d'intérêt financier**

**4(3)** Pour l'application de la présente loi, une personne, une corporation, une société en nom collectif ou une organisation est présumée n'avoir aucun intérêt financier, direct ou indirect, relativement à :

(a) any contract into which the person, corporation, partnership or organization enters with a municipality on terms common to contracts between other persons, corporations, partnerships, or organizations and the municipality

(i) for the supply, provision, or sale to the person, corporation, partnership, or organization of a utility, service, or article of merchandise administered, provided, or sold by the municipality,

(ii) for payment of sewer or water rates or rents, or the installation by the municipality of sewer or water connections or appliances, or

(iii) for the construction for the person, corporation, partnership, or organization and

a) tout contrat qu'elle conclut avec la municipalité à des conditions couramment rencontrées dans les contrats similaires conclus avec la municipalité et ayant pour objet :

(i) la fourniture ou la vente, par la municipalité, de services ou de biens à cette personne, corporation, société en nom collectif ou organisation,

(ii) quant aux services d'eau ou d'égout, le paiement de ces services ou du coût des locations y relatives, ou l'installation par la municipalité de conduites ou d'accessoires,

other persons, corporations, partnerships, or organizations of any local improvement by the municipality;

(b) official notices or advertisements inserted by a municipality, or subscriptions held by a municipality, at normal commercial rates in or to a newspaper or other periodical publication of which the person, corporation, partnership or organization is the proprietor or in which he or it is otherwise interested;

(c) holding bonds or debentures of the municipality;

(d) reasonable compensation or expense money received for services as a volunteer firefighter or a driver or attendant of an emergency vehicle; or

(e) reasonable compensation received for providing work, goods or services to the municipality in an emergency.

(iii) des travaux d'améliorations locales, par la municipalité, pour l'usage de cette personne, corporation, société en nom collectif ou organisation, et d'autres personnes, corporations, société en nom collectifs ou organisations;

b) des avis officiels ou des annonces insérés par la municipalité, au tarif habituel, dans un journal ou un périodique dont la personne, la corporation, la société en nom collectif ou l'organisation est propriétaire ou dans lequel elle a un intérêt, ou l'abonnement de la municipalité à un tel journal ou périodique au tarif habituel;

c) la détention d'obligations ou de débentures émises par la municipalité;

d) la rémunération raisonnable ou l'indemnité de dépenses raisonnable reçues, en échange de services rendus, par un pompier volontaire, un secouriste ou un conducteur d'un véhicule réservé aux situations d'urgence;

e) la rémunération raisonnable reçue en échange d'un travail effectué pour la municipalité, ou de biens ou de services fournis à la municipalité, dans le cadre d'une situation d'urgence.

#### **Presumption of indirect pecuniary liability**

**4(4)** For purposes of this Act, but subject to this section, a person shall be presumed to have an indirect pecuniary liability to another person or to a corporation, partnership, or organization where

(a) the person, or a nominee of the person,

(i) holds a beneficial interest in, or a share warrant or purchase option in respect of, 5% or more of the value of the issued capital stock, or

(ii) is a director or officer,

of a corporation which, or a subsidiary of which, has a direct pecuniary liability to the other person or to the corporation, partnership, or organization; or

#### **Responsabilité financière indirecte**

**4(4)** Pour l'application de la présente loi, mais sous réserve du présent article, une personne est présumée avoir une responsabilité financière indirecte envers une autre personne ou envers une corporation, une société en nom collectif ou une organisation lorsque, selon le cas :

a) cette personne ou son nominataire :

(i) a un droit bénéficiaire sur des actions d'une corporation représentant 5 % ou plus de la valeur des actions émises de cette corporation, ou détient un droit ou une option d'achat portant sur des telles actions,

(ii) est administrateur ou dirigeant d'une corporation,

(b) the person is

- (i) a partner of or employed by, or
- (ii) a guarantor or surety for, or
- (iii) a creditor of,

a person, corporation, partnership, or organization who or which, or (in the case of a corporation) a subsidiary of which, has a direct pecuniary liability to the other person or to the corporation, partnership, or organization.

et que la corporation ou une filiale de celle-ci a une responsabilité financière directe envers cette autre personne ou envers cette corporation, cette société en nom collectif ou cette organisation;

b) cette personne

- (i) est l'associée ou l'employée,
- (ii) est garante ou caution,
- (iii) est créancière,

d'une personne, d'une corporation, d'une société en nom collectif ou d'une organisation qui a, ou dont la filiale a, s'il s'agit d'une corporation, une responsabilité financière directe envers cette autre personne ou envers cette corporation, cette société en nom collectif ou cette organisation.

#### **Interest or liability must be significant**

**4(5)** For purposes of this Act, and notwithstanding any other provision of this Act,

(a) where the direct or indirect pecuniary interest of any person, corporation, partnership, or organization in a matter does not exceed the pecuniary interest of an ordinary resident in the matter, the person, corporation, partnership, or organization shall be presumed not to have a direct or indirect pecuniary interest in the matter;

(b) where the direct or indirect pecuniary liability of any person to another person or to a corporation, partnership, or organization does not exceed the pecuniary liability of an ordinary resident to the same person or to the same corporation, partnership, or organization, the person shall be presumed not to have a direct or indirect pecuniary liability to the other person or to the corporation, partnership, or organization; and

(c) no person shall be presumed to have a direct or indirect pecuniary interest in any matter, or a direct or indirect pecuniary liability to another person or to a corporation, partnership, or organization, unless the value of the pecuniary interest or liability is \$500. or more.

#### **Degré d'intérêt ou de responsabilité**

**4(5)** Pour l'application de la présente loi et malgré toute autre disposition de celle-ci :

a) une personne, une corporation, une société en nom collectif ou une organisation quelconque est présumée n'avoir aucun intérêt financier direct ou indirect dans une affaire lorsque l'intérêt financier qu'elle a dans cette affaire ne dépasse pas celui d'un simple résident;

b) une personne quelconque est présumée n'avoir aucune responsabilité financière directe ou indirecte envers une autre personne ou envers une corporation, une société en nom collectif ou une organisation lorsque cette responsabilité financière ne dépasse pas celle d'un simple résident;

c) nul n'est présumé avoir d'intérêt financier direct ou indirect dans une affaire, ou avoir de responsabilité financière directe ou indirecte envers une autre personne ou envers une corporation, une société en nom collectif ou une organisation, sauf si la valeur de cet intérêt ou de cette responsabilité est de 500 \$ ou plus.

#### **Appointments**

**4(6)** For purposes of this Act, where a councillor

#### **Nomination à un organisme**

**4(6)** Pour l'application de la présente loi, lorsqu'un

is appointed to serve in his official capacity as a councillor on any commission, board or agency, the councillor shall be presumed not to have a direct pecuniary interest in the appointment and the councillor shall not be presumed, solely by virtue of that appointment, to have

(a) an indirect pecuniary interest in a matter in which the commission, board or agency has a direct pecuniary interest; or

(b) an indirect pecuniary liability to another person or to a corporation, partnership, or organization to whom or which the commission, board or agency has a direct pecuniary liability.

#### **Employees of public bodies**

4(7) For purposes of this Act, where a person is employed by

(a) the Government of Canada or a federal Crown agency;

(b) the Government of Manitoba or a Crown agency; or

(c) a school board;

the person shall not be presumed to have

(d) an indirect pecuniary interest in a matter in which his employer has a direct pecuniary interest; or

(e) an indirect pecuniary liability to another person or to a corporation, partnership, or organization to whom or which his employer has a direct pecuniary liability.

conseiller est nommé à ce titre à un poste au sein d'une commission, d'un conseil ou d'un autre organisme, ce conseiller est présumé n'avoir aucun intérêt financier direct dans sa nomination. De plus, ce conseiller n'est pas présumé pour autant :

a) avoir un intérêt financier indirect dans une affaire dans laquelle cette commission, ce conseil ou cet organisme a un intérêt financier direct;

b) avoir une responsabilité financière indirecte envers une autre personne ou envers une corporation, une société en nom collectif ou une organisation envers laquelle la commission, le conseil ou l'organisme a une responsabilité financière directe.

#### **Employés d'organismes publics**

4(7) Pour l'application de la présente loi, lorsqu'une personne est à l'emploi :

a) du gouvernement du Canada ou d'un organisme de la Couronne fédérale,

b) du gouvernement du Manitoba ou d'un organisme de la Couronne,

c) d'une commission scolaire,

cette personne n'est pas présumée avoir :

d) un intérêt financier indirect dans une affaire dans laquelle son employeur a un intérêt financier direct,

e) une responsabilité financière indirecte envers une autre personne ou envers une corporation, une société en nom collectif ou une organisation envers laquelle son employeur a une responsabilité financière directe.

### **Contribution to municipal budget**

**4(8)** For purposes of this Act, a corporation or organization shall not be presumed to have a direct pecuniary interest in a matter solely by virtue of the fact that the corporation or organization is liable to pay a portion of a municipal budget under an agreement entered into with the municipality.

### **Disclosure during meetings**

**5(1)** Where during any meeting there arises

- (a) a matter in which a councillor or any of his dependants has a direct or indirect pecuniary interest; or
- (b) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary of a corporation, partnership, or organization to whom or which a councillor or any of his dependants has a direct or indirect pecuniary liability;

the councillor shall

- (c) disclose the general nature of the direct or indirect pecuniary interest or liability;
- (d) withdraw from the meeting without voting or participating in the discussion; and
- (e) refrain at all times from attempting to influence the matter.

### **All official meetings included**

**5(2)** For purposes of subsection (1), "meeting" includes

- (a) a council meeting;
- (b) a meeting of any committee or subcommittee of a council, or any subcommittee of a committee, on which the councillor sits;
- (c) [repealed] S.M. 2002, c. 39, s. 528;

### **Contribution aux dépenses municipales**

**4(8)** Pour l'application de la présente loi, une corporation ou une organisation qui est, aux termes d'une entente conclue avec la municipalité, tenue au paiement d'une partie des dépenses budgétaires de celle-ci, n'est pas pour autant présumée avoir d'intérêt financier direct dans une affaire.

### **Divulgence au cours d'une assemblée**

**5(1)** Lorsqu'il est question, au cours d'une assemblée quelconque :

- a) d'une affaire dans laquelle un conseiller ou une personne à sa charge a un intérêt financier direct ou indirect;
- b) d'une affaire relative à l'intérêt financier direct ou indirect de toute personne, corporation, filiale d'une corporation, société en nom collectif ou organisation envers laquelle un conseiller ou une personne à sa charge a une responsabilité financière directe ou indirecte,

ce conseiller doit à la fois :

- c) divulguer sommairement la nature de son intérêt financier ou de sa responsabilité financière, directs ou indirects;
- d) se retirer de l'assemblée sans y voter ni participer aux délibérations;
- e) s'abstenir en tout temps de tenter d'influer sur le traitement de cette affaire.

### **Assemblée**

**5(2)** Pour l'application du paragraphe (1), « assemblée » s'entend également :

- a) d'une séance du conseil;
- b) d'une réunion de tout comité ou sous-comité du conseil, ou de tout sous-comité d'un comité, auquel siège le conseiller;
- c) [abrogé] L.M. 2002, c. 39, art. 528;

(d) a meeting of any commission, board or agency on which the councillor serves in his official capacity as a councillor; and

(e) a meeting of any Court of Revision or Board of Revision on which the councillor sits.

#### **Absence from meeting**

**5(3)** Where a councillor fails to comply with subsection (1) by reason of the absence of the councillor from a meeting referred to therein, the councillor shall

(a) disclose the general nature of his direct or indirect pecuniary interest or liability at the next meeting of the same body before which the matter arose; and

(b) refrain at all times from attempting to influence the matter.

S.M. 2002, c. 39, s. 528.

#### **Record of compliance**

**6(1)** Where a councillor has complied with subsection 5(1), the clerk of the meeting shall record

(a) the disclosure;

(b) the general nature of the direct or indirect pecuniary interest or liability disclosed; and

(c) the withdrawal of the councillor from the meeting;

and the clerk of the meeting shall subsequently file with the clerk of the municipality

(d) the information recorded under clauses (a), (b) and (c); and

(e) a notation indicating whether the meeting in question was open to the public, or was a closed meeting or a meeting the minutes of which are not open to the public.

d) d'une réunion de toute commission ou de tout conseil ou organisme au sein desquels le conseiller occupe un poste à ce titre;

e) d'une séance de tout tribunal ou conseil de révision auquel siège le conseiller.

#### **Absence du conseiller**

**5(3)** Lorsqu'un conseiller ne peut se conformer aux dispositions du paragraphe (1) du fait de son absence à une assemblée visée audit article, ce conseiller doit à la fois :

a) divulguer sommairement la nature de son intérêt financier ou de sa responsabilité financière, directs ou indirects, lors de l'assemblée suivante du même organisme;

b) s'abstenir en tout temps de tenter d'influer sur le traitement de l'affaire concernée.

L.M. 2002, c. 39, art. 528.

#### **Renseignements consignés**

**6(1)** Lorsqu'un conseiller se conforme aux dispositions du paragraphe 5(1), le secrétaire de l'assemblée doit consigner à la fois :

a) la divulgation;

b) la nature de l'intérêt financier ou de la responsabilité financière, directs ou indirects, que le député divulgue;

c) le fait que le conseiller s'est retiré de l'assemblée.

Le secrétaire de l'assemblée doit par la suite transmettre au greffier de la municipalité :

d) l'information consignée en application des alinéas a), b) et c);

e) une note indiquant s'il s'agissait d'une assemblée publique, ou d'une assemblée à huis clos ou dont la consultation du procès-verbal est interdite au public.



### Central record of disclosures

**6(2)** The clerk of every municipality shall keep a central record for purposes of recording information in accordance with subsections (3) and (4).

### Information disclosed at open meeting

**6(3)** Where the meeting referred to in subsection 5(1) was open to the public, the clerk of the municipality shall record

- (a) the disclosure;
- (b) the general nature of the direct or indirect pecuniary interest or liability disclosed; and
- (c) the withdrawal of the councillor from the meeting;

in the central record.

### Information disclosed at closed meeting

**6(4)** Where the meeting referred to in subsection 5(1) was a closed meeting, or a meeting the minutes of which are not open to the public, the clerk of the municipality shall record

- (a) the disclosure; and
- (b) the withdrawal of the councillor from the meeting;

in the central record.

### Central record open to public

**6(5)** The clerk of every municipality shall make the central record referred to in this section available for inspection by any person without charge during normal business hours.

### Registre central des divulgations

**6(2)** Le greffier de chaque municipalité tient un registre central dans lequel il fait les inscriptions prescrites aux paragraphes (3) et (4).

### Divulgence lors d'une assemblée publique

**6(3)** Lorsque l'assemblée prévue au paragraphe 5(1) était publique, le greffier de la municipalité consigne au registre central à la fois :

- a) la divulgation;
- b) la nature de l'intérêt financier ou de la responsabilité financière, directs ou indirects, que le conseiller divulgue;
- c) le fait que le conseiller s'est retiré de l'assemblée.

### Divulgence lors d'une assemblée à huis clos

**6(4)** Lorsque l'assemblée prévue au paragraphe 5(1) était tenue à huis clos, ou lorsqu'il est interdit au public d'en consulter le procès-verbal, le greffier de la municipalité consigne au registre central à la fois :

- a) la divulgation;
- b) le fait que le conseiller s'est retiré de l'assemblée.

### Consultation du registre

**6(5)** Le greffier de chaque municipalité doit permettre à toute personne qui désire consulter le registre central prévu au présent article de le faire, sans frais, aux heures de bureau habituelles.

L.M. 2010, c. 33, art. 40.

**Reduced quorum**

**7(1)** Where by reason of withdrawals from a meeting under subsection 5(1) the number of councillors remaining at the meeting is not sufficient to constitute a quorum, then, notwithstanding the provisions of any Act of the Legislature or any procedure or by-law of the council, the number of councillors remaining, if not fewer than two, shall be deemed to constitute a quorum for purposes of discussing and voting on any matter referred to in subsection 5(1).

**Application to Municipal Board**

**7(2)** Where in the circumstances referred to in subsection (1) there would be fewer than two councillors remaining at a meeting, the council shall apply to The Municipal Board for an order authorizing the council to discuss and vote on any matter referred to in subsection 5(1).

**Order of Municipal Board**

**7(3)** Upon hearing an application brought under subsection (2), The Municipal Board may order that

- (a) subsection 5(1) does not apply to the council in respect of the matter; and
- (b) the council may discuss and vote on the matter in the same manner as though none of the councillors or their dependants had any direct or indirect pecuniary interest or liability in or in relation to the matter;

subject only to such conditions and directions as The Municipal Board may prescribe.

**Referral to city council**

**7(4)** Notwithstanding subsections (2) and (3), where in the circumstances referred to in subsection (1) there would be fewer than two councillors remaining at a meeting of a committee or subcommittee of The City of Winnipeg, the committee or subcommittee shall refer the matter to the council of the city, and council shall discuss and vote on the matter in place of the committee or subcommittee.

S.M. 2002, c. 39, s. 528.

**Voidability of transaction or procedure**

**8** The failure of any councillor to comply with

**Quorum**

**7(1)** Malgré les dispositions de toute autre loi de la Législature, ou de toute résolution ou de tout règlement du conseil, lorsqu'il n'y a plus quorum à l'assemblée en raison du retrait prévu au paragraphe 5(1), le nombre de conseillers restants, s'ils sont au moins deux, est réputé constituer le quorum aux fins des délibérations et du vote relativement à une affaire prévue au paragraphe 5(1).

**Demande à la Commission municipale**

**7(2)** Lorsqu'il reste moins de deux conseillers à l'assemblée, dans le cas prévu au paragraphe (1), le conseil doit présenter à la Commission municipale une demande d'ordonnance autorisant le conseil à délibérer et voter relativement à une affaire prévue au paragraphe 5(1).

**Ordonnance de la Commission municipale**

**7(3)** Après audition de la demande présentée en vertu du paragraphe (2), la Commission municipale peut ordonner :

- a) d'une part, que le paragraphe 5(1) ne s'applique pas au conseil dans l'affaire en cause;
- b) d'autre part, que le conseil peut procéder aux délibérations et au vote relativement à cette affaire, comme si aucun des conseillers ou des personnes à leur charge n'y avait d'intérêt financier ou de responsabilité financière, directs ou indirects,

sous réserve seulement des conditions et des directives prescrites par la Commission municipale.

**Renvoi au conseil de la ville de Winnipeg**

**7(4)** Dans le cas prévu au paragraphe (1), lorsqu'il reste moins de deux conseillers à une réunion d'un comité ou d'un sous-comité de la ville de Winnipeg, le comité ou le sous-comité doit, par dérogation aux paragraphes (2) et (3), renvoyer l'affaire au conseil de la ville pour que celui-ci délibère et vote à sa place relativement à cette affaire.

L.M. 2002, c. 39, art. 528.

**Affaires ou opérations annulables**

**8** Le fait qu'un conseiller enfreigne les

subsection 5(1) does not of itself invalidate

- (a) any contract or other pecuniary transaction; or
- (b) any procedure undertaken by the municipality with respect to a contract or other pecuniary transaction;

to which the failure to comply with subsection 5(1) relates, but the transaction or procedure is voidable at the instance of the municipality before the expiration of two years from the date of the decision authorizing the transaction, except as against any person, corporation, partnership, or organization who or which acted in good faith and without actual notice of the failure to comply with subsection 5(1).

#### **Annual statement of assets and interests**

**9(1)** Not later than the last day in November of each year, and in the case of The City of Winnipeg, not later than the fourth Wednesday in November of each year, every councillor shall file with the clerk of the municipality a statement disclosing assets and interests in accordance with section 10.

#### **Notification of failure to comply**

**9(2)** Where a councillor fails to comply forthwith with subsection (1), the clerk of the municipality shall forthwith notify the councillor in writing of the failure to comply, and the councillor shall, within 30 days of receiving the notification, file the statement referred to in subsection (1).

#### **Further statement after acquisition or disposal**

**9(3)** Where after the filing of a statement under subsection (1) or (2) a councillor or any dependant of a councillor acquires or disposes of any asset or interest of the kind mentioned in section 10, the councillor shall within 30 days of the acquisition or disposal file with the clerk of the municipality a further statement disclosing the acquisition or disposal.

S.M. 1996, c. 58, s. 462.

dispositions du paragraphe 5(1) ne rend pas invalides :

- a) un contrat ou une affaire d'ordre financier;
- b) une opération entamée par la municipalité relativement à un contrat ou à une affaire d'ordre financier,

auxquels est reliée l'infraction, mais ils sont annulables à la demande de la municipalité, dans un délai de deux ans à compter de la date de la décision autorisant l'affaire, sauf si la personne, la corporation, la société en nom collectif ou l'organisation intéressée a agi de bonne foi sans être avisée de cette infraction.

#### **État annuel des biens et des droits**

**9(1)** Au plus tard le dernier jour de novembre de chaque année, et dans le cas de la Ville de Winnipeg, au plus tard le quatrième mercredi de novembre de chaque année, tous les conseillers déposent auprès du greffier de la municipalité un état concernant leurs biens et leurs droits, conformément à l'article 10.

#### **Avis de contravention**

**9(2)** Lorsqu'un conseiller ne se conforme pas aux dispositions du paragraphe (1), le greffier de la municipalité l'avise immédiatement par écrit de sa contravention. Dans les 30 jours de la réception de cet avis, le conseiller doit transmettre au greffier l'état prévu au paragraphe (1).

#### **État supplémentaire**

**9(3)** Si, après la production de l'état prescrit par les paragraphes (1) ou (2), un conseiller ou toute personne à sa charge acquiert des biens ou des droits tels que ceux prévus à l'article 10 ou dispose de tels biens ou droits, ce conseiller doit, dans les 30 jours de l'acquisition ou de la disposition, transmettre au greffier de la municipalité un état supplémentaire relativement à cette acquisition ou à cette disposition.

L.M. 1996, c. 58, art. 462.

### **Assets and interests which must be disclosed**

**10** Subject to section 11, the councillor shall disclose in the statement filed under subsection 9(1)

(a) all land in Manitoba in or in respect of which the councillor or any of his dependants has any estate or interest, including any leasehold estate and any mortgage, licence, or interest under a sale or option agreement, but excluding principal residence property;

(b) where the councillor or any of his dependants holds a beneficial interest in, or a share warrant or purchase option in respect of, 5% or more of the value of the issued capital stock of a corporation, all estates and interests in or in respect of land in Manitoba held by that corporation or by a subsidiary of that corporation;

(c) the name of every corporation, and every subsidiary of every corporation, in which the councillor or any of his dependants holds a beneficial interest in 5% or more of the value of the issued capital stock, or holds a share warrant or purchase option in respect of 5% or more of the value of the issued capital stock;

(d) the name of every person, corporation, subsidiary of a corporation, partnership, or organization which remunerates the councillor or any of his dependants for services performed as an officer, director, manager, proprietor, partner or employee;

(e) bonds and debentures held by the councillor or any of his dependants, excluding bonds issued by the Government of Canada, by the government of any province of Canada, or by any municipality in Canada, and also excluding Treasury Bills;

(f) holdings of the councillor or any of his dependants in investment funds, mutual funds, investment trusts, or similar securities, excluding Retirement Savings Plans, Home Ownership Savings Plans, accounts and term deposits held in banks, credit unions, or other financial institutions, pension plans, and insurance policies;

### **Biens et droits devant être déclarés**

**10** Sous réserve de l'article 11, chacun des conseillers doit déclarer, dans le document produit en application du paragraphe 9(1) :

a) tous les biens-fonds situés au Manitoba sur lesquels lui-même ou une personne à sa charge a des droits, y compris un bail, une hypothèque, un permis ou un droit quelconque consenti dans un contrat de vente ou une option, à l'exclusion de la résidence principale;

b) tout droit que possède une corporation ou sa filiale sur des biens-fonds situés au Manitoba, lorsque le conseiller ou une personne à sa charge a un droit bénéficiaire sur des actions de cette corporation représentant 5 % ou plus de la valeur totale de ses actions émises, ou détient un droit ou une option d'achat portant sur de telles actions;

c) lorsque lui-même ou une personne à sa charge a un droit bénéficiaire sur des actions d'une corporation représentant 5 % ou plus de la valeur totale de ses actions émises, ou détient un droit ou une option d'achat portant sur de telles actions, le nom de cette corporation et de chacune de ses filiales;

d) le nom de toute personne, corporation, filiale, société en nom collectif ou organisation pour laquelle lui-même ou une personne à sa charge agit, contre rémunération, à titre de dirigeant, de directeur, de gérant, de propriétaire, d'associé ou d'employé;

e) les obligations et les débetures que lui-même ou une personne à sa charge détient, sauf les obligations émises par le gouvernement du Canada, par le gouvernement d'une province canadienne ou par une municipalité canadienne quelconque, et sauf les bons du Trésor;

(g) any interest in property in Manitoba to which the councillor or any of his dependants is entitled in expectancy under any trust, and any interest in property in Manitoba over which the councillor or any of his dependants has a general power of appointment as executor of a will, administrator of an estate, or trustee under a deed of trust;

(h) the nature, and the identity of the donor, of every gift given to the councillor or any of his dependants at any time after the coming into force of this Act, excluding

- (i) gifts from a family member,
- (ii) gifts disclosed in any previous statement filed under section 9, and
- (iii) gifts received before the councillor was first elected to the council; and

(i) the general nature of any contract or other pecuniary transaction entered into at any time after the coming into force of this Act between the municipality and

- (i) the councillor or any of his dependants, or
- (ii) any corporation referred to in clause (c), or
- (iii) any partnership in which the councillor or any of his dependants is a partner,

but excluding

- (iv) any such contract or other pecuniary transaction entered into before the councillor was first elected to the council, and
- (v) any such contract or other pecuniary transaction disclosed in any previous statement filed under section 9, and
- (vi) any transaction in which the councillor or any of his dependants is presumed under section 4 not to have a direct or indirect pecuniary interest.

f) les valeurs que lui-même ou une personne à sa charge détient dans des fonds mutuels ou des fiducies de placement, ainsi que toute autre valeur similaire, à l'exclusion des régimes d'épargne-retraite et d'épargne-logement, des comptes d'épargne et des dépôts à terme dans des banques, des caisses populaires ou toute autre institution financière, et à l'exclusion également des régimes de pension et des polices d'assurance;

g) tout droit sur des biens situés au Manitoba duquel lui-même ou une personne à sa charge est en droit de s'attendre d'être le bénéficiaire en vertu d'une fiducie, et tout droit sur des biens situés dans la province quant auquel le conseiller ou une personne à sa charge a un mandat général de désignation des bénéficiaires en sa qualité d'exécuteur testamentaire, d'administrateur d'une succession ou de fiduciaire aux termes d'une fiducie;

h) l'identité du donateur ainsi que la nature de chacun des dons faits, après l'entrée en vigueur de la présente loi, à lui-même ou à une personne à sa charge, sauf :

- (i) les dons faits par un membre de leur famille,
- (ii) les dons qui ont déjà été déclarés conformément à l'article 9,
- (iii) les dons reçus avant que le conseiller ne soit élu pour la première fois au conseil;

i) la nature de tout contrat ou de toute affaire d'ordre financier conclus après l'entrée en vigueur de la présente loi entre la municipalité et :

- (i) le conseiller ou une personne à sa charge,
- (ii) toute corporation visée par l'alinéa c),
- (iii) toute société en nom collectif dont fait partie le conseiller ou une personne à sa charge à titre d'associé,

S.M. 2012, c. 25, s. 13.

sauf :

(iv) les contrats ou affaires d'ordre financier conclus avant que le conseiller ne soit élu pour la première fois au conseil,

(v) les contrats ou affaires d'ordre financier qui ont déjà été déclarés conformément à l'article 9,

(vi) les affaires dans lesquelles le conseiller, ou une personne à sa charge, est présumé, en application de l'article 4, n'avoir aucun intérêt financier direct ou indirect.

L.M. 2012, c. 25, art. 13.

### **General exemptions**

**11** For purposes of sections 9 and 10, no councillor is required

(a) to disclose any gift worth less than \$250., unless the total value of all the gifts from the donor to the councillor and his dependants during the past year exceeded \$250.; or

(b) to disclose any other asset or interest worth less than \$500.; or

(c) to estimate the value of any asset or interest disclosed; or

(d) to disclose any asset or interest acquired by a dependant of the councillor elected to the council more than two years before the person was elected to the council for the first time.

### **Continuing disclosure**

**12** Where a councillor or any of his dependants receives as a gift any of the assets or interests referred to in clauses 10(a) to (g), the councillor shall, notwithstanding that the gift has already been disclosed in a statement filed under section 9, continue to disclose the asset or interest in every statement filed under subsection 9(1) until the councillor or his dependant disposes of the asset or interest.

### **Exemptions générales**

**11** Pour l'application des articles 9 et 10, nul conseiller n'est tenu :

a) de déclarer des dons de moins de 250 \$, pourvu que la valeur totale des dons faits au cours de l'année qui précède par le donateur au conseiller et aux personnes à sa charge ne dépasse pas 250 \$;

b) de déclarer tout autre bien ou droit de moins de 500 \$;

c) d'évaluer tout bien ou tout droit déclaré;

d) de déclarer des biens ou des droits qui ont été acquis par une personne à charge du conseiller.

### **Déclaration répétée des dons**

**12** Lorsqu'un conseiller ou une personne à sa charge reçoit, à titre de don, un bien ou un droit visé à l'un des alinéas 10a) à g), ce conseiller doit, même après l'avoir initialement déclaré en application de l'article 9, déclarer ce bien ou ce droit dans chacun des documents produits en application du paragraphe 9(1), jusqu'à ce que lui-même, ou la personne à sa charge concernée, en ait disposé.

### Statements available to public

**13(1)** The clerk of the municipality shall make every statement filed under section 9 available for inspection by any person without charge during normal business hours.

### November 2009 statements and beyond

**13(2)** Subsection (1) applies in respect of any statement required to be filed by a date in November 2009 and thereafter.

S.M. 2009, c. 35, s. 1.

### Insider information

**14** No councillor shall use, for personal gain or the gain of any other person, information which is not available to the public and which the councillor acquires in the performance of his official powers, duties and functions.

### Compensation for services

**15** No councillor shall receive or agree to receive any compensation, directly or indirectly, for services rendered or to be rendered by the councillor

(a) to any person, corporation, partnership or organization in relation to any by-law, resolution, contract, proceeding, or other matter before the council or any committee, subcommittee or community committee thereof, before any subcommittee of a committee, or before any commission, board or agency on which a councillor serves in his official capacity as a councillor; or

(b) in order to influence or attempt to influence any other councillor.

### Use of influence

**16** No councillor shall, himself or through any other person, communicate with another councillor or with an officer or employee of the municipality for the purpose of influencing the municipality to enter into any contract or other transaction, or to confer any benefit, in which the councillor or any of his dependants has a direct or indirect pecuniary interest.

### Right to appear

**17(1)** Notwithstanding anything in this Act, but

### États mis à la disposition du public

**13(1)** Le greffier de la municipalité permet à toute personne d'examiner gratuitement pendant les heures normales d'ouverture les états déposés en application de l'article 9.

### Application

**13(2)** Le paragraphe (1) s'applique aux états devant être déposés à partir de novembre 2009.

L.M. 2009, c. 35, art. 1.

### Renseignements confidentiels

**14** Nul conseiller ne peut utiliser, à son profit ou au profit de toute autre personne, des renseignements auxquels le public n'a pas accès et qu'il a obtenus dans l'exercice de ses fonctions et pouvoirs officiels.

### Rémunération pour services

**15** Nul conseiller ne peut recevoir, ni consentir à recevoir, aucune rémunération, directement ou indirectement, pour des services qu'il a rendus ou rendra

a) soit à toute personne, corporation, société en nom collectif ou organisation, concernant un arrêté, une résolution, un contrat, une instance ou toute autre affaire à l'étude devant le conseil ou un de ses comités, sous-comités ou comités communautaires, devant un sous-comité d'un comité, ou devant toute commission ou tout conseil ou organisme au sein desquels le conseiller occupe un poste à ce titre;

b) soit dans le but d'influencer ou de tenter d'influencer un autre conseiller.

### Abus de pouvoir

**16** Nul conseiller ne peut, directement ou par l'intermédiaire d'une autre personne, entrer en communication avec un autre conseiller ou avec un agent ou un employé de la municipalité, dans le but d'inciter la municipalité à conclure un contrat ou une affaire quelconque, ou à accorder un bénéfice quelconque, dans lesquels ou relativement auxquels lui-même ou une personne à sa charge a un intérêt financier direct ou indirect.

### Droit de défendre ses intérêts

**17(1)** Malgré toute disposition de la présente loi,

subject to subsection (3), a councillor has the same right as any other resident of the municipality to appear before a meeting for the purpose of representing his personal interests in

- (a) an application for a variance in a zoning by-law; or
- (b) an application for a conditional use under a zoning by-law; or
- (c) a complaint in respect of a business, realty or local improvement assessment.

### "Meeting" defined

**17(2)** For purposes of subsection (1), "meeting" includes

- (a) a council meeting;
- (b) a meeting of any committee or subcommittee of a council, or any subcommittee of a committee;
- (c) [repealed] S.M. 2002, c. 39, s. 528;
- (d) a meeting of any commission, board or agency which has jurisdiction in the matter; and
- (e) a meeting of any Court of Revision or Board of Revision.

### No right to vote

**17(3)** Where the councillor sits on any body which considers a matter referred to in subsection (1), the councillor shall not vote on the matter.

S.M. 2002, c. 39, s. 528.

mais sous réserve du paragraphe (3), un conseiller a le droit, au même titre qu'un autre résident de la municipalité, de se présenter devant une assemblée pour défendre ses propres intérêts, dans le cadre :

- a) d'une demande visant à obtenir la permission de déroger à un règlement de zonage;
- b) d'une demande d'utilisation conditionnelle en vertu d'un règlement de zonage;
- c) d'une plainte concernant une évaluation relative à la taxe d'affaires, aux taxes foncières ou aux taxes imposées à des fins d'amélioration locale.

### Définition d'« assemblée »

**17(2)** Aux termes du paragraphe (1), « assemblée » s'entend également :

- a) d'une séance du conseil;
- b) d'une réunion de tout comité ou sous-comité d'un conseil, ou de tout sous-comité d'un comité;
- c) [abrogé] L.M. 2002, c. 39, art. 528;
- d) d'une réunion de toute commission ou de tout conseil ou organisme qui a compétence dans l'affaire concernée;
- e) d'une séance de tout tribunal ou conseil de révision.

### Interdiction de voter

**17(3)** Lorsqu'un conseiller siège au sein de l'organisme qui étudie une affaire visée au paragraphe (1), il n'a pas le droit de voter relativement à cette affaire.

L.M. 2002, c. 39, art. 528.



### **Disqualification for violation**

**18(1)** A councillor who violates any provision of this Act is disqualified from office, and the councillor's seat on council becomes vacant, as of the time of the declarations referred to in clauses 21(1)(a) and 21(2)(a).

### **Disqualification for failure to file statement**

**18(2)** For purposes of subsection (1), a councillor violates subsection 9(1) only where, after receiving the notification referred to in subsection 9(2), the councillor fails to file the required statement within the time period referred to in subsection 9(2).

### **Effect on other business**

**18(3)** Subject to section 8, no decision or transaction, and no procedure undertaken by a municipality with respect to a decision or transaction, is void or voidable by reason of a violation of this Act.

### **Application by clerk to K.B.**

**19** Where it is alleged that a councillor has violated a provision of this Act, the council of which he is a member may direct the clerk of the municipality to apply by originating notice to a judge of the Court of King's Bench for a declaration that the councillor has violated a provision of this Act.

### **Application by elector to K.B.**

**20(1)** Where it is alleged that a councillor has violated a provision of this Act, and if there is no previous application outstanding or determined on the same facts, an elector may apply ex parte to a judge of the Court of King's Bench for authorization to apply for a declaration that the councillor has violated a provision of this Act.

### **Affidavit and security for application**

**20(2)** An elector who files an ex parte application under subsection (1) shall

- (a) file an affidavit showing details of the alleged violation; and
- (b) pay into court the sum of \$300. as security for the application.

### **Infraction rendant inhabile**

**18(1)** Le conseiller qui enfreint une disposition quelconque de la présente loi est inhabile à occuper son poste et son siège au conseil devient vacant à partir du moment des déclarations prévues aux alinéas 21(1)a) et 21(2)a).

### **Infraction au paragraphe 9(1)**

**18(2)** Pour l'application du paragraphe (1), un conseiller n'enfreint le paragraphe 9(1) que lorsqu'il ne transmet pas au greffier l'état de ses biens et droits dans le délai prescrit au paragraphe 9(2), après avoir reçu l'avis prévu par ce paragraphe.

### **Effet sur les affaires conclues par la municipalité**

**18(3)** Sous réserve de l'article 8, une infraction à la présente loi ne rend ni nulles ni annulables une décision ou une affaire quelconque, ou une opération entamée par la municipalité relativement à une décision ou à une affaire quelconque.

### **Demande par le greffier à la C.B.R.**

**19** Lorsqu'un conseiller est soupçonné d'avoir enfreint une disposition de la présente loi, le conseil dont il fait partie peut ordonner au greffier de la municipalité de demander à un juge de la Cour du Banc du Roi, par avis introductif d'instance, de rendre une ordonnance déclaratoire portant que le conseiller a enfreint une disposition de la présente loi.

### **Demande par un électeur à la C.B.R.**

**20(1)** Lorsqu'un conseiller est soupçonné d'avoir enfreint une disposition de la présente loi, un électeur peut demander ex parte à un juge de la Cour du Banc du Roi l'autorisation de présenter une demande d'ordonnance déclaratoire portant que le conseiller a enfreint une disposition de la présente loi, pourvu que les mêmes faits n'aient encore fait l'objet d'aucune demande.

### **Affidavit et garantie**

**20(2)** Un électeur qui présente une demande ex parte en vertu du paragraphe (1) doit à la fois :

- a) produire un affidavit énonçant les faits qui constituent l'infraction reprochée;
- b) consigner au tribunal la somme de 300 \$, à titre de garantie relativement à la demande.

**Summary dismissal or authorizing of application**

**20(3)** Upon hearing the ex parte application, the judge may

- (a) dismiss the application and order forfeiture of all or part of the security referred to in clause (2)(b); or
- (b) authorize the applicant to apply to another judge of the Court of King's Bench for a declaration that the councillor has violated a provision of this Act.

**Disposition after hearing**

**21(1)** Upon hearing any application for a declaration that a councillor has violated a provision of this Act and such evidence as may be adduced, the judge may

- (a) declare that the councillor has violated a provision of this Act; or
- (b) refuse to make the declaration;

and in either case, with or without costs.

**Penalty for violation**

**21(2)** Where the judge declares that the councillor has violated a provision of this Act, the judge

- (a) shall declare the seat of the councillor vacant; and
- (b) may, where the councillor has realized pecuniary gain in any transaction to which the violation relates, order the councillor to make restitution to any person, including the municipality, affected by the pecuniary gain.

**Rejet sommaire ou autorisation**

**20(3)** Après audition de la demande ex parte, le juge peut :

- a) soit rejeter la demande et ordonner la retenue de tout ou partie de la garantie prévue à l'alinéa (2)b);
- b) soit autoriser le demandeur à présenter à un autre juge de la Cour du Banc du Roi une demande d'ordonnance déclaratoire portant que le conseiller a enfreint une disposition de la présente loi.

**Décision après audition de la demande**

**21(1)** Après avoir entendu une demande d'ordonnance déclaratoire portant qu'un conseiller a enfreint une disposition de la présente loi, ainsi que l'ensemble de la preuve invoquée, le juge peut :

- a) soit déclarer que ce conseiller a enfreint une disposition de la présente loi;
- b) soit refuser de rendre l'ordonnance déclaratoire,

avec ou sans dépens dans les deux cas.

**Peine pour infraction à la présente loi**

**21(2)** Lorsque le juge déclare que le conseiller a enfreint une disposition de la présente loi :

- a) il doit déclarer vacant le siège du conseiller;
- b) il peut, si le conseiller a réalisé un profit d'ordre financier dans le cadre d'une affaire à laquelle est reliée l'infraction, en ordonner la restitution à quiconque en a subi préjudice, y compris la municipalité.

### **Unknowing or inadvertent breach**

**22** Notwithstanding anything in this Act, where a judge finds that a councillor violated a provision of this Act unknowingly or through inadvertence, the councillor is not disqualified from office, and the judge shall not declare the seat of the councillor vacant, in consequence of the violation.

### **Election not to preclude application**

**23** An application for a declaration that a councillor has violated a provision of this Act may be brought notwithstanding that the councillor against whom the declaration is sought resigned or did not seek re-election, or was not re-nominated, or was re-elected or defeated subsequent to the alleged violation of this Act.

### **Application for restitution**

**24** Notwithstanding anything in this Act, where any person, whether the person is or was a councillor or not, has realized pecuniary gain in any transaction to which a violation of this Act relates, any person affected by the pecuniary gain, including any municipality, may apply to a court of competent jurisdiction for an order of restitution against the person who has realized the pecuniary gain.

### **Limitation period for declaration**

**25(1)** No application for a declaration that a councillor has violated a provision of this Act shall be brought more than six years after the date of the alleged violation.

### **Limitation period for order of restitution**

**25(2)** No application for an order of restitution under section 24 shall be brought more than six years after the date of the transaction which results in the alleged pecuniary gain.

### **Infraction commise inconsciemment ou par inadvertance**

**22** Malgré toute autre disposition de la présente loi, lorsqu'un juge conclut qu'un conseiller a enfreint une disposition de la présente loi inconsciemment ou par inadvertance, ce conseiller ne devient pas pour autant inhabile à occuper son poste, et le juge ne peut déclarer son siège vacant.

### **Demande recevable en tout temps**

**23** Une demande d'ordonnance déclaratoire portant qu'un conseiller a enfreint une disposition de la présente loi peut être présentée lors même que, suite à l'infraction qu'on lui impute, le conseiller visé a démissionné, n'a pas tenté de se faire réélire, n'a pas été présenté de nouveau comme candidat, ou lors même qu'il a été réélu ou qu'il a été défait.

### **Ordonnance restitutoire**

**24** Malgré toute autre disposition de la présente loi, lorsqu'une personne, qu'il s'agisse ou non d'un conseiller, a réalisé un profit d'ordre financier dans le cadre d'une affaire à laquelle est reliée une infraction à la présente loi, quiconque en a subi préjudice, y compris la municipalité, peut demander à un tribunal compétent de rendre une ordonnance restitutoire contre la personne qui a réalisé ce profit.

### **Prescription quant à l'ordonnance déclaratoire**

**25(1)** La demande d'ordonnance déclaratoire portant qu'un conseiller a enfreint une disposition de la présente loi se prescrit par six ans à compter de la date de l'infraction reprochée.

### **Prescription quant à l'ordonnance restitutoire**

**25(2)** La demande d'ordonnance restitutoire prévue à l'article 24 se prescrit par six ans à compter de la date de la conclusion de l'affaire dont résulte le profit d'ordre financier reproché.

**No other proceedings**

**26** Proceedings to declare the seat of a councillor vacant, or for an order of restitution, in consequence of a violation of this Act shall be had and taken only under the provisions of this Act, and not by way of application for a writ of quo warranto or by a proceeding under any other Act of the Legislature or otherwise.

**Provincial Offences Act not to apply**

**27** No violation of any provision of this Act is an offence for purposes of *The Provincial Offences Act*.

S.M. 2013, c. 47, Sch. A, s. 134.

**Exclusion du quo warranto et d'autres procédures**

**26** Les procédures judiciaires visant à faire déclarer vacant le siège d'un conseiller ou à obtenir une ordonnance restitutoire suite à une infraction à la présente loi ne peuvent être intentées que conformément aux dispositions de la présente loi, à l'exclusion de la demande en quo warranto et de toute procédure judiciaire à cet effet découlant d'une autre loi de la Législature ou de toute autre source.

**Non-application de la *Loi sur les infractions provinciales***

**27** Une infraction à la présente loi ne constitue pas une infraction au sens de la *Loi sur les infractions provinciales*.

L.M. 2013, c. 47, ann. A, art. 134.

CITY OF STEINBACH

Annual Statement of Assets and Interests  
Pursuant to The Municipal Conflict of Interest Act

I, \_\_\_\_\_, declare the following to be an accurate account of my assets and interests, in accordance with the provisions of The Municipal Conflict of Interest Act:

1. Real Estate:
  
  
  
  
  
  
  
  
  
  
2. Personal Financial Interests  
(no financial detail required - nature of holding only)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Member of Council

*This document may be presented to the public for viewing, upon request.*

## VOLUNTARY DECLARATION

I, Troy Warkentin, City Manager of the City of Steinbach, in Manitoba, hereby voluntarily declare that:

1. I am the joint-owner, with my spouse, of land more particularly described as Lot 11, Block 3, Plan 22520, in the City of Steinbach, being our principal residence.

Submitted to the City of Steinbach Council on November 5th, 2024.



---

Troy Warkentin

CITY OF STEINBACH  
CODE OF CONDUCT FOR COUNCIL MEMBERS

By-law No. 2158

**BEING A BY-LAW OF THE CITY OF STEINBACH TO ESTABLISH AND REGULATE A CODE OF CONDUCT FOR MEMBERS OF COUNCIL**

**WHEREAS** under *The Municipal Act* a council must establish, by by-law, a code of conduct that applies to the members of council;

**AND WHEREAS** under *The Municipal Act* a council must establish the process for dealing with contraventions to the code, including the procedures for receiving reports of contraventions;

**AND WHEREAS** under *The Municipal Act* a council must set out the sanctions that may be imposed on a member or the remedial measures that a member may be required to take if they are found to have contravened the code;

**AND WHEREAS** under *The Municipal Act* a council must comply with the requirements of provincial regulations concerning codes of conduct;

**AND WHEREAS** the public is entitled to expect the highest standards of conduct from the members that it elects to council for the City of Steinbach;

**AND WHEREAS** the City of Steinbach recognizes that public confidence and public trust are essential to good governance, and to promote public confidence and trust, the City of Steinbach is committed to fostering and maintaining the highest standards of professionalism and ethical conduct among its council members;

**AND WHEREAS** Council members are held to a high standard as leaders of the city and representatives of a municipal corporation; they are expected to become well informed on all aspects of municipal governance, administration, planning and operations; and carry out their municipal duties in a fair, impartial, transparent, ethical, fiscally responsible and professional manner.

**AND WHEREAS** the City of Steinbach deems this by-law to be advisable, in the public interest and aligned with municipal purposes of promoting good government.

**THEREFORE BE IT RESOLVED** that the council of the City of Steinbach, in open meeting assembled, enacts as follows:

**SHORT TITLE**

1. This By-law may be cited as the "Code of Conduct for Members of Council By-law".
2. THAT the City of Steinbach Municipal Council Conflict of Interest Policy annexed to this By-law and marked as "Appendix 1" forms an integral part of this By-law in all respects.

**DEFINITIONS**

3. In this by-law,
  - a. "**Act**" or "**Municipal Act**" means *The Municipal Act* of Manitoba, C.C.S.M. c. M225, and associated regulations, as amended;
  - b. "**administration**" means the administrative and operational arm of the city, comprised of the various departments and business units and including all employees;
  - c. "**city**" means the City of Steinbach; and
  - d. "**City Manager**" means the City Manager of the city, or their delegate;
  - e. "**complainant**" means the person who commences a complaint or on whose behalf a complaint was commenced;

- f. “**council**” means the elected council of the City
- g. “**employees**” means any person employed by the city, and includes the City Manager, designated officers, full-time, part-time, contract, or casual employees, including volunteers;
- h. “**inappropriate behaviour**” means disrespectful behaviour, sexual harassment, harassment, bullying and/or violence;
- i. “**investigator**” means a committee of council or a third party appointed by council to investigate a complaint and recommend sanction(s);
- j. “**member(s)**” means the councillor(s), including the head of council;
- k. “**respondent**” means the person against whom a complaint is commenced.

## **PRINCIPLES**

- 4.1 The council has a duty to consider the well-being and best interests of the city as a whole. All members must conduct themselves in such a way as to promote public trust and public confidence in the council and the city.
- 4.2 It is each member’s individual responsibility to uphold both the letter and the spirit of this code of conduct By-law.

## **PURPOSE**

- 5. The purpose of this code of conduct By-law is to establish:
  - a. the standards and values that council members must uphold in carrying out their duties under *The Municipal Act* or any other relevant legislation;
  - b. the application and enforcement of those standards and values;
  - c. the sanctions available to address code of conduct violations; and
  - d. procedures for updating the code of conduct.

## **RULES FOR INTERPRETATION**

- 6. This code of conduct By-law is intended to supplement any other legal duties imposed on members of council by an enactment of the Parliament of Canada and the Legislature of Manitoba, by-laws, including but not limited to:
  - a. The Municipal Act;
  - b. The Municipal Council Conflict of Interest Act; C.C.S.M. c. M255
  - c. The Human Rights Code; C.C.S.M. c. H175
  - d. The Freedom of Information and Protection of Privacy Act; C.C.S.M. c. F175;
  - e. The Workplace Safety and Health Act; C.C.S.M. c. W210 and
  - f. The Criminal Code of Canada, R.S.C., 1985, c. C-46.

## **APPLICATION**

- 7.1 This code of conduct By-law applies to all members of the council, and their interactions in and outside of the council chambers, including those with:
  - a. other council members;
  - b. municipal employees; and
  - c. members of the public.
- 7.2 This code of conduct By-law applies to behaviour that:
  - a. reflects negatively on the city;
  - b. affects the council member’s ability to perform their duties effectively;
  - c. affects the ability of other council members or employees of the city to perform their duties effectively; and/or
  - d. restricts the council or administration’s ability to meet operational requirements.
- 7.3 This code of conduct By-law applies within the council chambers, but also to all behaviours and actions connected to the city, including but not limited to:
  - a. conferences, travel and public events;
  - b. online and social media interactions, including but not limited to emails, text messages, Facebook, Twitter and LinkedIn profiles and posts, or
  - c. any activities including those occurring outside of the city.



## **RULES GOVERNING MEMBER CONDUCT**

**8.1** Council has a responsibility to create and maintain an environment that is respectful and free of all forms of harassment, including sexual harassment and bullying.

### **Integrity**

**8.2** Council members will demonstrate strong ethical principles, working together to further the best interests of the city in a consistent, truthful and honourable way.

### **Leadership and Collaboration**

**8.3** Council members are expected to:

- a. demonstrate an ability to lead, listen to, and positively influence others;
- b. demonstrate respect and value the distinct roles and responsibilities others play in creating an accountable and transparent municipal government;
- c. commit to fostering positive working relationships with other council members, employees, and the public; and
- d. recognize that debate is an essential part of the democratic process, participate in constructive conversation, and encourage other members and staff to provide their perspectives on relevant issues.

### **Accountability**

**8.4** Council members must:

- a. demonstrate accountability, individually and as part of council as a whole, by accepting responsibility for actions and decisions, including acts of commission and acts of omission; and
- b. ensure the appropriate use of municipal resources.

### **Responsibility**

**8.5** Council members must:

- a. demonstrate responsibility by acting in accordance with the enactments of the Parliament of Canada and the Legislature of Manitoba, including *The Municipal Act*; and
- b. demonstrate responsibility by acting in accordance with the by-laws, resolutions, policies and procedures of the city.

### **Respect**

**8.6** Council members must:

- a. demonstrate respect towards other council members, municipal employees and the public;
- b. seek to include rather than exclude;
- c. treat every person with courtesy, dignity, and fairness;
- d. foster an environment of trust by showing consideration for every person's values, beliefs and contributions, and supporting and encouraging others to participate in council activities;
- e. demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning;
- f. demonstrate respect for the decision-making processes of the city, accepting that a decision of council is a decision of council as a whole and making every effort to accurately communicate that decision;
- g. demonstrate respect for the professional capacities of municipal employees, including employees' responsibility to provide unbiased and objective advice without undue influence from any individual member or faction of council;
- h. not attempt to require an employee to undertake personal or private tasks on behalf of a member or council; and
- i. not use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any employee with the intent of interfering with that person's duties, including the duty to disclose improper activity.

### **Harassment**

**8.7** Council members must not harass or bully other members of council, municipal employees or members of the public.

- a. Harassment may be written, verbal, physical, online or electronic, a gesture or display, or any combination of these. Harassment may happen only once, but often happens repeatedly.
- b. Harassment includes objectionable conduct and bullying.
- c. Objectionable conduct includes behaviours that create a risk to the health of a council member, municipal employee and/or the public.
- d. Objectionable conduct may be based on any of the following: race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry or place of origin
- e. Bullying behaviours include severe conduct that adversely affects a person's psychological or physical well-being.
- f. Conduct is considered severe if it is:
  - i. repeated humiliation or intimidation that adversely affects a person's psychological or physical well-being; or
  - ii. A single instance so serious that it has a lasting, harmful effect on a person.

### **Sexual Harassment**

- 8.8** Council members must not engage in harassment based on sex, gender, gender identity or expression, or sexual orientation.
- a. Sexual harassment can be sexual in nature, but can also include any form of harassment based on sex, gender or sexual orientation.
  - b. Sexual harassment can also refer to behaviour that creates or permits a sexualized or sexually charged, or a negative/poisoned atmosphere.
  - c. Sexual harassment may be written, verbal, physical, online or electronic, a gesture or display, or any combination of these.

### **FORMAL COMPLAINT RESOLUTION PROCESS**

- 9.1** A council member may file a code of conduct complaint, in an approved form, with the City Manager if:
- a. A council member believes that another council member has contravened this code of conduct; and
  - b. An informal resolution of the complaint was initiated by the council member, but the complaint could not be resolved informally.
- 9.2** A completed code of conduct complaint form must be filed with the City Manager not later than 30 days after the date the council member became aware of the conduct giving rise to the complaint unless that complaint involves allegations of sexual harassment.
- 9.3** Despite clause 8.1(b) an informal resolution of the complaint does not need to be initiated by the complainant prior to filing a code of conduct complaint form with the City Manager, if the complaint involves allegations of sexual harassment.
- 9.4** A completed code of conduct complaint form that involves allegations of sexual harassment must be filed with the City Manager not later than 90 days after the date the complainant became aware of the conduct giving rise to the complaint.

### **Complaint Initial Assessment**

- 9.5** Within seven days of receiving a completed code of conduct complaint form, the City Manager must:
- a. Forward the completed code of conduct complaint form to a provincially approved third party reviewer for initial assessment; and
  - b. Notify the respondent and provide them with a copy of the code of conduct and the completed code of conduct complaint form.
- 9.6** The third party reviewer must conduct an initial assessment of the complaint and determine whether the complaint is accepted or whether to recommend the complaint be dismissed.

- 9.7** The third party reviewer may recommend the dismissal of complaints that are frivolous, vexatious, or outside of the scope of the code of conduct.
- 9.8** The third party reviewer must within seven days of his or her receipt of the complaint, notify the City Manager, the complainant and the respondent in writing, with reasons, of his or her initial assessment decision.
- 9.9** If a third party reviewer's decision is to accept the complaint, it must proceed to the next phase of the formal complaint resolution process.
- 9.10** If a third party reviewer's decision is to recommend dismissing the complaint, the initial assessment decision and reasons must be put before council to review at the closed (in camera) portion of the next scheduled council meeting, where council must resolve in a public meeting to:
- Accept the third party reviewer's recommendation to dismiss the complaint and close the file; or
  - Decline the third party reviewer's recommendation to dismiss the complaint and permit the complaint to proceed to the next phase of the formal complaint resolution process.
- 9.11** Costs of the initial assessment conducted by a third party reviewer are the responsibility of and must be paid by the city.

### **Mediation**

- 9.12** Upon a complainant's complaint being accepted the City Manager must inform the complainant and the respondent of the option to proceed to mediation to try to resolve the complaint.
- 9.13** Mediation is a voluntary process. If both the complainant and the respondent agree to proceed to mediation to resolve the complaint, the parties must jointly select a mediator. If the parties cannot agree on the choice of mediator or if the selected mediator is not available to commence the mediation within 30 days, the City Manager must select a mediator from a provincially provided list of mediators based on provincially provided criteria.
- 9.14** Costs of the mediation process are the responsibility of and must be paid by the city.
- 9.15** If the mediator concludes at any time that a mediated resolution of the complaint is not possible, the mediator must return the file to the City Manager for the complaint to proceed to investigation. The mediator will not provide any report or assessment on the issue.
- 9.16** If a complaint is settled on terms satisfactory to the complainant and the respondent, the complaint file is closed.

### **Investigation**

- 9.17** If the complainant and the respondent to a complaint do not agree to mediation or a mediated resolution is not possible, the complaint must proceed to investigation.
- 9.18** Subject to section 8.19 a committee of council or a third party may conduct a code of conduct complaint investigation.
- 9.19** If either the complainant or the respondent indicates that they want a third party to conduct the investigation, a third party must conduct a code of conduct complaint investigation.
- 9.20** If a third party investigator is used, the complainant and respondent must jointly select one. If the parties cannot agree on the choice of third party investigator or if the selected investigator is not available to commence the investigation within 30 days, the City Manager must select a third party investigator from a provincially provided list of investigators based on provincially provided criteria.

**9.21** Costs of an investigation are the responsibility of and must be paid by the city.

**9.22** The investigator must provide the City Manager, the complainant and the respondent with a report summarizing the findings of their investigation into contraventions of the code of conduct and in accordance with section 10, recommend sanction(s), where appropriate.

### **COUNCIL REVIEW AND VOTE**

**10.1** Council must review and consider an investigation report at the closed (in camera) portion of the next scheduled council meeting after receiving the investigation report.

**10.2** When the review is finished, council must re-open the meeting to the public and hold a vote to determine if the member breached the code of conduct and the appropriate sanction(s), if any.

### **SANCTIONS**

**11.1** Council must consider the following factors when determining to impose a sanction on a member:

- a. The nature of the code of conduct contravention;
- b. The length or persistence of the code of conduct contravention;
- c. If the member knowingly contravened the code of conduct;
- d. If the member took steps to mitigate or remedy the code of conduct contravention;
- e. If the member previously contravened the code of conduct.

**11.2** Council may impose only the following potential sanctions:

- a. Censuring the member;
- b. Reprimanding the member;
- c. Requiring the member to issue a letter of apology within 30 days after being directed to do so;
- d. Requiring the member to attend training as directed by council;
- e. Suspending or removing the member's presiding duties under subsection 83(2) of The Municipal Act, if applicable;
- f. Suspending or removing the member as the deputy head of the council, if applicable;
- g. Suspending or removing the member as chair of a committee, if applicable;
- h. Suspending or removing the member from any or all council committees or bodies on which the member serves;
- i. Suspending the member from carrying out a power, duty or function as a member for a period not exceeding 90 days;
- j. Reducing or suspending the member's compensation for the duration of any suspension imposed under clause (i);
- k. Imposing a fine of not more than \$1,000, to be paid within 30 days after being imposed.

**11.3** If sanctions are imposed, a sanctioned member must be provided with a copy of the resolution authorizing the sanction as soon as practicable after the council meeting at which the resolution was passed.

**11.4** A council member who does not comply with or complete a sanction in the time period required by the council, the council member may not carry out a power, duty or function as a member until they do so.

### **APPEALS**

**12.1** A council member may appeal a sanction solely on the basis that their conduct did not contravene the code of conduct.

**12.2** To appeal a sanction, a council member must file a Notice of Appeal form, include a statement setting out the reasons for the appeal and an optional written submission (five pages maximum) with the Appeals Director.

- 12.3** Appeals must be filed using the standardized Notice of Appeal form within 30 days after the sanction is imposed. The filing of an appeal stays the sanction pending the resolution of the appeal.
- 12.4** In responding to an appeal, council is required to follow the steps prescribed in the Council Members' Codes of Conduct Regulation, in effect November 1, 2020.
- 12.5** The council member may provide to the Appeals Director a written response to the city's submission within 15 days after receiving it. The member's response must address only the matters raised by the city in its submission.
- 12.6** As soon as practicable after receiving all possible submissions from the parties, the Appeals Director will make a written decision and provide the parties with a copy of the decision.
- 12.7** When deciding an appeal, the Appeals Director may confirm the council's sanction or quash it.
- 12.8** A decision made by the Appeals Director is final and is not subject to appeal.

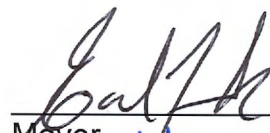
### **REVIEW AND REVISION OF THE CODE**

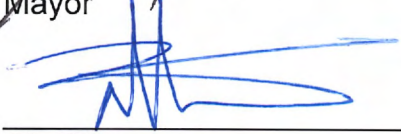
- 13.** Council must review this code of conduct By-Law annually to ensure it effectively meets its needs.
- 14.** The proper officers of the City of Steinbach are hereby directed and empowered and authorized to do all things necessary to give effect to this By-law.
- 15.** By-Law 1999 of the City of Steinbach is hereby repealed.

### **SEVERABILITY**

- 16.** If any provision of this by-law is held to be invalid by any court of competent jurisdiction, the remaining provisions of the by-law shall not be invalidated.

**DONE AND PASSED** as a by-law of the City of Steinbach at Steinbach in the Province of Manitoba this 20th day of October, 2020.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Manager

Read a first time this 6th day of October, 2020.  
Read a second time this 20th day of October, 2020.  
Read a third time this 20th day of October, 2020.

**“APPENDIX 1” to CITY OF STEINBACH BY-LAW 2158**

**CITY OF STEINBACH MUNICIPAL COUNCIL  
CONFLICT OF INTEREST POLICY**

**PART I – OBJECT AND GENERAL PRINCIPLES**

**OBJECT**

1. The object of this Policy is to maintain and enhance public confidence in the integrity of all members of council and the decision-making process of council
  - (a) while encouraging experienced and competent persons to seek and accept public election;
  - (b) while facilitating interchange between the private and public sector;
  - (c) by council recognizing that only the highest ethical behaviour of councillors is expected and demanded by council and the public;
  - (d) by establishing clear rules of conduct for councillors respecting conflicts of interest;
  - (e) by minimizing the possibility of conflicts arising between the private interests and public duties of councillors while recognizing that conflicts must be resolved in favour of the public interest, should they arise;
  - (f) by fostering an environment in which the highest standards of ethical behaviour is the proper means by which councillors are to conduct themselves;
  - (g) by indicating to the public that the council is seriously concerned about and responsible for the conduct of councillors;
  - (h) by providing the means to increase ethical judgment and strengthen support to try to “do the right thing”.

**GENERAL PRINCIPLES**

2. Each member of council shall conform to the following principles during his or her term in office as a councillor of the city.
  - (a) If a conflict does arise between the private interests of a councillor and the official duties and responsibilities of that councillor, the conflict shall be resolved in favour of the public interest.
  - (b) Councillors shall respect the administration of this Policy.
  - (c) Councillors shall act with honesty and uphold the highest ethical standards so that public confidence and trust in the integrity, objectivity and impartiality of council are conserved and enhanced.
  - (d) Councillors shall not directly or indirectly use or allow the use of city property of any kind, including property leased to the city, for anything other than officially approved activities.
  - (e) Councillors shall avoid any interest or activity which is in conflict with a councillor’s official duties or responsibilities.

- (f) A councillor shall not use his or her position of office to assist any private group, organization, corporation or persons where this would result in preferential treatment to any such group, organization, corporation or person.
- (g) A councillor shall not knowingly take advantage of, or benefit from, information that is obtained in the course of his or her official duties and responsibilities and that is not generally available to the public.
- (h) A councillor shall not directly or indirectly solicit funds from any person, group, organization or corporation where such fundraising could place the councillor in a position of obligation incompatible with his or her public duties and responsibilities.
- (i) A councillor has an obligation to perform his or her official duties in a manner that will bear the closest public scrutiny.
- (j) A councillor, in fulfilling his or her official duties and responsibilities, shall make decisions in the public interest and with regard to the merits of each circumstance.
- (k) A councillor and his or her family shall accept transfers of economic benefit only in accordance with *The Municipal Council Conflict of Interest Act*, as amended from time to time.

## **PART II – MUNICIPAL STAKEHOLDERS**

3. All stakeholders in municipal matters represent a significant and broad base of interests, considerations, positions and concerns which require fair and open attention, adjudication and disposition.
4. To assist in interacting effectively with stakeholders, each councillor promises and declares that they shall carry out the following public duties and responsibilities (as prescribed in the oath of office), including, but not limited to:
  - (a) subscribing to the principles and requirements of *The Municipal Council Conflict of Interest Act*, as amended from time to time;
  - (b) learning and following the City of Steinbach Procedural By-law for council and its committees;
  - (c) reading understanding and adhering to the provisions of *The Municipal Act* and *The Planning Act*, as amended from time to time; and
  - (d) reading, understanding and striving to further the objectives articulated in the City of Steinbach Development Plan.
5. This Policy has been prepared for each councillor's personal review and reference so as to
  - (a) augment communication to the public with respect to the role and integrity of council and councillors;
  - (b) provide present and future councillors with additional assistance and guidelines as they perform their elected duties and responsibilities; and

- (c) assist councillors in providing leadership by example.
6. Members of council fundamentally understand, acknowledge and agree that
- (a) the proper operation of democratic and representative municipal government requires that they be independent, impartial and responsible to stakeholders;
  - (b) there are open and proper channels for decision making and policy approval;
  - (c) conflicts between private interests and public responsibilities are unacceptable and shall be avoided; and
  - (d) as leaders of the city, councillors will be held to the highest standards of behaviour and conduct.

### **PART III – CONFLICT OF INTEREST GUIDELINES**

7. Although areas of ethical exposure are generally consistent and understood in municipal governance, the following areas and guidelines have been specifically identified as significant areas of considerations in the city as being paramount to the municipal political process of the city:
- (a) Roles and Obligations;
  - (b) Use of Information;
  - (c) Communications and Media Relations;
  - (d) Relationships with Staff and Councillors;
  - (e) Provincial Legislation;
  - (f) Use of Property;
  - (g) Transparency and Openness in Decision Making; and
  - (h) Public Input.

Accordingly this Policy outlines the policies and guidelines for a councillor to adhere to in his or her capacity as a representative and leader of the city.

#### **(a) Roles and Obligations**

Councillors recognize their mandate incorporates tasks which include:

- (i) fairly representing the diversity of community views in developing an overall strategy for the future of the city;
- (ii) achieving sound financial management, planning and accountability;
- (iii) being aware of and conversant with the statutory obligations imposed on council as a whole, as well as each councillor, and fully adhering to such obligations.



**(b) Use of Information**

In their decision making process, councillors are sometimes privy to information which may be confidential or controversial, such as, but not limited to, "In Camera" meetings; it is expected that a councillor will

- (i) use "insider" information appropriately, so as not to be used to his or her personal advantage;
- (ii) use confidential information (matters respecting city personnel, legal advice or property acquisition) appropriately so as not to cause detriment or benefit to others;
- (iii) respect the status of confidential information until the matter ceases to be confidential as determined by council;
- (iv) understand that he or she enjoys the same access rights to municipal information as any other member of the city unless it is specifically relevant to a matter before the council, as contemplated by Section 152(3) of *The Municipal Act*, amended from time to time;
- (v) only release information pursuant to the provisions of *The Freedom of Information and Protection of Privacy Act*, as may be amended from time to time, and in accordance with any requirement of the City Privacy Officer.

**(c) Communications and Media Relations**

A councillor will accurately and adequately communicate the attitudes and decisions of council, so that

- (i) there is respect for the decision making processes of council even though a councillor may disagree with the majority of council;
- (ii) information concerning adopted policies, procedures and decisions of the council is conveyed openly and accurately;
- (iii) confidential information will be communicated only when and after determined by council in accordance with the provision of *The Municipal Act*, as amended from time to time.

**(d) Relationships with Staff and Councillors**

A councillor will

- (i) read and respect the guidelines contained in "The City of Steinbach Employee Code of Conduct";
- (ii) acknowledge that only the City Manager has the capacity to direct staff members to carry out specific tasks or functions as outlined in the latest revised City Management By-Law;

- (iii) refrain from using his or her position to improperly influence members of staff in their duties or functions;
- (iv) refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility.

**(e) Provincial Legislation**

A councillor will recognize his or her obligation to follow and respect both the letter and spirit of all provincial and federal legislation, including but not limited to the provisions of *The Municipal Act* and *The Municipal Council Conflict of Interest Act*, as amended from time to time.

**f) Use of Property**

Councillors will only use city property, equipment, supplies or services of consequence, for activities connected with the discharge of official duties or associated city activities having the sanction of council or its committees.

**(g) Transparency and Openness in Decision Making**

Councillors will endeavour to conduct and convey council business in an open and public manner (other than as mandated by *The Municipal Act*, as amended from time to time) so that stakeholders can determine the process, logic and rationale used to reach conclusions or decisions.

**(h) Public Input**

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

**PART IV – IMPLEMENTATION**

- 8. At the beginning of each term of office, each council member shall sign two (2) copies of this Policy (one for themselves and one for the City Manager) to convey to each other and stakeholders that they have read, understand, and accept it.
- 9. This Policy will be included as part of the orientation workshop for each new councillor and each new council.
- 10. Each councillor is expected to review his or her adherence to the provisions of this Policy pursuant to the requirements of this By-Law or when so requested by council.

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

RESOLVED that the Mayor's appointments be ratified.

Moved By \_\_\_\_\_

Seconded By \_\_\_\_\_

RESOLVED:

City of Steinbach (the customer),  
225 Reimer Avenue, Steinbach, Manitoba, R5G 2J1

1. That Royal Bank of Canada (the “Bank”) is appointed banker for the Customer.
2. That any one of: Mayor or Deputy Mayor and any one of: City Manager, City Clerk, Senior Manager, Finance or Manager, Corporate Services (two signatures are needed).

Are authorized on behalf of the Customer from time to time:

- (a) to withdraw or order transfers of funds from the Customer’s accounts by any means including the making, drawing, accepting, endorsing or signing of cheques, promissory notes, bills of exchange, other orders for the payment of money or other instruments or the giving of other instructions;
- (b) to sign any agreements or other documents or instruments with or in favour of the Bank, including the Bank’s general financial services agreement and contracts relating to products or services provided by the Bank to the Customer; and
- (c) To do, or to authorize any person or persons to do, any one or more of the following:
  - (i) to receive from the Bank any cash or any securities, instruments or other property of the Customer held by the Bank, whether for safekeeping or as security, or to give instructions to the Bank for the delivery or other transfer or any such cash, securities, instruments or other property to any person named in those instructions;
  - (ii) To deposit with or negotiate or transfer to the Bank, for the credit of the Customer, cash or any security, instrument or other property, and for those purposes to endorse (by rubber stamp or otherwise) the name of the Customer, or any other name under which the Customer carries on business, on any security or instrument;
  - (iii) To instruct the Bank, by any means, to debit the accounts of third parties for deposit to the credit of the Customer;
  - (iv) To receive statements, instruments and other items (including paid cheques) and documents relating to the Customer’s accounts with or any service of the Bank (including any revisions to the Bank’s rules and manuals of operation), and to settle and certify the Customer’s accounts with the Bank, and
  - (v) To receive from the Bank any software and any security devices, including security cards, codes, and passwords, relating to electronic banking services or electronic communications between the Customer and the Bank, and to determine and set the levels and limits of authority applicable to individual security devices.

3. That the provisions contained in the Bank's general financial services agreement including, without limitation, the provisions concerning the binding effect of electronic communications received by the Bank from or in the name of the Customer, are expressly approved.

4. That all instruments, instructions, agreements and documents made, drawn, accepted, endorsed or signed (under the corporate seal or otherwise) as provided in this Resolution and delivered to the Bank by any person, shall be valid and binding on the Customer, and the Bank is hereby authorized to act on them and give effect to them.

5. That the Bank be furnished with:

- (a) a copy of this Resolution; and
- (b) a list of the names of the persons authorized by this Resolution to act on behalf of the Customer, and with written notice of any changes which may take place in such list from time to time, and with specimens of the signatures of all such persons; each certified by the (1) mayor or deputy mayor and (2) City Manager or City Clerk or Senior Manager, Finance or Manager, Corporate Services of the Customer; and
- (c) in writing, any authorization made under paragraph 2(c) of this Resolution.

6. That any document furnished to the Bank as provided for in paragraph 5 of this Resolution shall be binding upon the Customer until a new document repealing or replacing the previous one has been received and duly acknowledged in writing by the branch or agency of the Bank where the Customer has its account.

Moved By \_\_\_\_\_

Seconded By \_\_\_\_\_

BE IT RESOLVED that Troy Warkentin, City Manager OR Amanda Dubois, City Clerk OR Brian Hrehirchuk, Senior Manager, Finance, OR Adam Thiessen, Manager, Corporate Services of the City of Steinbach (hereinafter called the “corporation”), be and are hereby authorized for and on behalf of the corporation to negotiate with, deposit with, or transfer to the Royal Bank of Canada (hereinafter called the “Bank”), (but for the credit of the corporation’s account only), all or any cheques and other orders for the payment of money, and for the said purpose to endorse the same or any of them on behalf of the corporation either in writing or by rubber stamp.

THAT all cheques of the corporation be drawn in the name of the corporation and be signed on its behalf by Earl Funk, Mayor; or \_\_\_\_\_, Deputy Mayor; and signed/countersigned by Troy Warkentin, City Manager, or Amanda Dubois, City Clerk, or Brian Hrehirchuk, Senior Manager, Finance or Adam Thiessen, Manager, Corporate Services.

THAT Troy Warkentin, City Manager, or Brian Hrehirchuk, Senior Manager, Finance, be and are hereby authorized for and on behalf of the corporation from time to time to receive from the said Bank, a statement of the account of the corporation together with all relative vouchers and all unpaid bills lodged for collection by the corporation and all items returned unpaid and charged to the account of the corporation, and to sign and deliver to the said Bank, the Bank’s form of verification, settlement of balance and release.

THAT Troy Warkentin, City Manager, or Brian Hrehirchuk, Senior Manager, Finance, be and are hereby authorized for and on behalf of the corporation to obtain delivery from the said Bank of all or any stocks, bonds and other securities held by the said Bank in safekeeping or binding receipts therefor.

THAT this resolution be communicated to the said Bank and remain in force until written notice to the contrary shall have been given to the Manager for the time being of the branch of the said Bank at which the account of the corporation is kept, and receipt of such notice duly acknowledged in writing.