

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016

Item 3, Report No. 14, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on March 22, 2016.

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LOBBYING CODE OF CONDUCT

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the City Clerk, dated March 7, 2016, be approved; and
- 2) That the presentation by the Manager of Development Services & Secretary Treasurer to the Committee of Adjustment and Communication C2, presentation material titled "*Lobbyist Code of Conduct*" dated March 7, 2016, be received.

Recommendation

The City Clerk, in consultation with the Deputy City Solicitor, recommends:

1. That the draft Lobbying Code of Conduct (Attachment #1) be approved and be used for facilitating public consultation in the development of the lobbying activity regulations.

Contribution to Sustainability

A strong accountability and transparency framework contributes to effective governance by ensuring that the City is accountable to the public for its actions, and by clearly defining the manner in which its governance practices will be made transparent to the public.

Economic Impact

There is no economic impact directly through the implementation of a Lobbyist Code of Conduct. The implementation of other forms of lobbying regulation, including the establishment of a lobbyist registry, will involve economic impacts that will be reported at a later stage.

Communications Plan

This report will be made available on the City's web site. Implementation of a Lobbying Code of Conduct as a component of a Lobbyist Registry will require that the Registry be promoted through the media and City channels, including the website. Information sessions will be used to educate potential lobbyists as to their roles and responsibilities and to address any questions they may have.

Purpose

The purpose of this report is to provide a draft Lobbying Code of Conduct as approved by Council on December 15, 2015 (Item 2, Report No. 46, Committee of the Whole (Working Session)).

Background - Analysis and Options

Synopsis:

Lobbying conducted by interested parties is in many respects a positive contributor to debate and is an important part of the governing process. The lobbying of Members of Council and staff on municipal issues can enhance the deliberative process by providing the perspective of stakeholders that might otherwise be lost. Greater transparency of that process, however, will enhance the public's perception that decisions are being made in an accountable way.

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This report addresses the first step in implementing lobbying regulation, the introduction of a Lobbying Code of Conduct. The Code of Conduct will provide direction for the steps to follow in developing a registry.

Statutory Authority to Establish Lobbyist Code of Conduct

The *Municipal Act, 2001* authorizes municipalities to establish lobbyist registries and appoint lobbyist registrars. The City of Toronto is obliged to establish a registry, but it is optional for other municipalities.

In particular, Section 223.9(1) of the *Municipal Act* allows for a municipality “to establish and maintain a registry in which shall be kept such returns as may be required by the municipality that are filed by persons who lobby public office holders.” Sections 9, 10 and 11 (General Municipal Powers) provide flexibility to municipalities to adopt other approaches to regulate lobbying.

Section 223.9(2) outlines a list of activities that a municipality might undertake in implementing a lobbyist registry. The list is not mandatory and effectively sets out options available to the municipality. Any, or all, of the available options can be considered or implemented by the municipality. The *Act* gives specific authority, in part, to the municipality to “provide for a system of registration of persons who lobby public office holders and to do the following things:

6. Establish a code of conduct for persons who lobby public office holders.”

The Code of Conduct is just one component of the regulation of lobbying activities. At this point in the development of a lobbyist registry, the establishment of a Code of Conduct, even a draft one, will provide guidance for the remainder of the process.

What is the Purpose of the Code of Conduct?

In general terms a Code of Conduct is a “set of rules outlining the social norms and rules and responsibilities of, or proper practices for, an individual, party or organization.” A Code of Conduct establishes a common understanding of the standards of behaviour expected, in this case from lobbyists.

It is equally important to understand what the Code of Conduct is not. It is not a detailed or exhaustive list of what lobbyists are to do, or not to do. It is to provide a broad framework that is to assist in decision-making by the lobbyist and sets out the expectations of lobbyists.

Within the context of municipal government, the Code should instill confidence that when lobbying takes place that it is done ethically and to the highest standards. The Code should enhance confidence with the public that the integrity of decision-making is preserved.

Principles

A review of existing Lobbyist Codes of Conduct was undertaken to determine best practices. In particular, the existing Codes for Ontario municipalities (Toronto, Ottawa and Brampton), the federal Lobbyists' Code of Conduct, provincial codes and even international (Australia) codes of conduct were reviewed. In reviewing these Codes there are a number of common principles that reoccur frequently. The common principles are:

- **Honesty** – lobbyists are expected to conduct themselves with honesty and integrity.
- **Openness** – lobbyists are to be open and frank about their activities.
- **Disclosure of Identity and Purpose** – lobbyists must disclose the identities of the person(s) or organization they are acting on behalf of. They shall register their activities in accordance with the Lobbyist Registry requirements.

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- **Information and Confidentiality** – Lobbyists must inform their employer, client or organization of their obligations under the Lobbyist Registry. They must also only provide factual information to public office holders, and not knowingly mislead anyone. Confidential information shall remain confidential unless they receive prior permission of their client, and must never use information to the disadvantage of their client.
- **Competing Interests** – Lobbyists must not represent competing or conflicting interests without receiving permission of those different parties. Lobbyists may also not lobby on a matter regarding which they have also provided advice to the City.
- **Improper Influence** – Lobbyists must avoid the appearance of, and reality of, impropriety. They may not knowingly place public office holders in a conflict of interest, or breach of their own code of conduct.
- **Restriction on Communication** – Lobbyists shall not engage in lobbying activities where they have been prohibited from doing so.

Using these principles the draft Lobbyist Code of Conduct (Attachment #1) has been developed.

Next Steps

Public consultation with various stakeholders, including residents, lobbyists and Council, will be undertaken to solicit input on the definition of lobbying, the list of lobbying activities (to be included and excluded) and identification of the public office holders to be included. The draft Code of Conduct will serve as a starting point for discussion.

From the public consultation the definitions, list of activities and Public Officer Holders will be presented to a Committee meeting in June, 2016 for consideration and approval. Any revisions to the draft Code of Conduct as a result of this broad consultation may also be incorporated into the final Code of Conduct, which will include the passing of a lobbyist registry by-law. It is expected that the Code of Conduct will be an attachment to that by-law.

An online portal for both lobbyists and residents will be developed. Exploring the options for appointing a Lobbyist Registrar, along with associated costs, will be reviewed and reported on to Council. In accordance with Council's direction this will occur in June, 2016.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the goals established by Council in the Term of Council Service Excellence Strategy Map by facilitating the establishment of a lobbyist registry, a specified priority of Council in the Term of Council Service Excellence Strategy Map (2014-2018).

Regional Implications

None

Conclusion

The development of a Lobbyist Code of Conduct is an important step towards the implementation of a lobbyist registry. The Code will help to further discussions with Council, ratepayers, staff and residents.

Attachment

1. Draft Lobbyist Code of Conduct

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Report prepared by:

Todd Coles, Manager of Development Services and
Secretary Treasurer to Committee of Adjustment, ext. 8332

Jeffrey A. Abrams, City Clerk, ext. 8281

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)