

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017

Item 1, Report No. 37, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on October 24, 2017.

#### **1 IMPLEMENTATION OF THE MANDATORY LOBBYIST REGISTRY**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the City Clerk, dated October 10, 2017, be approved; and
- 2) That Communication C1 presentation material entitled, "*Implementation of the Mandatory Lobbyist Registry*", be received.

#### **Recommendation**

The City Clerk, in consultation with the Deputy City Manager, Legal & Human Resources, and the Integrity Commissioner, recommends:

1. That a by-law substantially in the form of Attachment #1 be enacted to establish a mandatory Lobbyist Registry for the City of Vaughan;
2. That the final by-law for a mandatory Lobbyist Registry be in force on January 1, 2018.

#### **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**

At the June 27<sup>th</sup>, 2017 Council meeting [Item 12, Report No.6 (Finance, Administration and Audit Committee)], Council approved a budget amendment in the amount of \$250,000. This budget addresses the new Office of the Lobbyist Registrar, administrative staff and website maintenance/enhancement.

#### **Communications Plan**

This report was made available on the City's website. There is a dedicated Lobbyist Registry webpage on the City's website and email address.

Implementation of a mandatory 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. A detailed communications plan, in consultation with Corporate Communications, will be developed to promote the Registry.

#### **Purpose**

The purpose of this report is to provide a framework for the establishment of a mandatory Lobbyist Registry and transition from the current voluntary Lobbyist Registry.

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### EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017

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#### **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.*

#### **Statutory Authority to Establish Lobbyist Registry**

The *Municipal Act, 2001* (the "Act") 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 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.

#### **Establishment of Voluntary Lobbyist Registry**

At the Council meeting of June 7th, 2016, Council approved the recommendation of the City Clerk [Item 9, Report No. 26, Committee of the Whole (Working Session)] to enact a by-law to establish a voluntary Lobbyist Registry for the City of Vaughan. By-law 105-2016 was passed on June 28th, 2016 and came into effect on January 1st, 2017. In approving this recommendation, Council also directed that specific mechanisms for the establishment of a mandatory lobbyist registry be developed for implementation in 2018.

A website was developed to provide access to the lobbyist registry and to allow lobbyists the opportunity to register themselves and their activities, as well as providing general information. The first registrations took place on January 3rd, 2017. To date, there have been 14 lobbyists registered, including both open and closed lobbyists. These registrations include 10 different clients, not including self-representations, and 15 different subject matters. Overall, there have been 71 issues registered.

Feedback from the lobbyists who have used the system is generally positive. They have indicated that the website is easy to use and there are no issues with it.

#### **Lobbyist Registrar**

Section 223.11(1) of the Act permits a municipality to appoint a Lobbyist Registrar; more specifically, it states that a municipality is authorized "to appoint a registrar who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the registry". For the voluntary Lobbyist Registry, the City Clerk, or their designate, was appointed as the Lobbyist Registrar.

When the lobbyist registry moves from a voluntary to a mandatory registry, it was acknowledged that the Lobbyist Registrar should have the appropriate background, skills and experience to undertake activities such as conducting inquiries, imposing sanctions, and where necessary referring inquiries to the appropriate authorities.

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Some of the qualifications include:

- background in applying investigation techniques
- ability to exercise fair, objective and equitable decision-making
- ability to provide outreach and training

With those qualifications in mind, Council at their June 27th, 2017 meeting [Item 12, Report No.6 (Finance, Administration and Audit Committee)], appointed Ms. Suzanne Craig as part-time Lobbyist Registrar, in addition to her current role as Integrity Commissioner for the remainder of the 2014-2018 Council term and for the following term of Council from 2018 – 2022. The appointment will become effective on January 1st, 2018.

**Inquiries, Sanctions and Prosecutions**

Section 223.12(1) of the *Act* permits the Lobbyist Registrar to conduct an inquiry when requested to do so by Council, a member of Council or a member of the public. The inquiry would be related to compliance with the requirements of the lobbyist registry, or the lobbyist's Code of Conduct. Inquiries must be conducted confidentially.

Section 223.9(1) of the *Municipal Act* allows for a municipality, in part, to "Impose conditions for registration, continued registration or a renewal of registration" and to "Refuse to register a person, and suspend or revoke a registration". Through these tools, a municipality may develop their own sanctions or penalties when the registry by-law is contravened.

Where the Lobbyist Registrar is conducting an inquiry, and the Registrar "determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the Criminal Code", the Registrar must immediately refer the matter to the appropriate authority. The inquiry must also be suspended until any police investigation and charge is disposed of. The suspension of the inquiry must be reported to Council. This is a requirement of the *Municipal Act* and not subject to any municipal requirements.

The Registrar may report inquiry findings back to Council and any report received by Council must be made publicly available. The Ontario municipalities with a lobbyist registry by-law have assigned the powers for inquiry to their Lobbyist Registrar.

During the voluntary lobbyist registry, it was inappropriate to include any inquiry or sanction powers for the lobbyist registry. With the implementation of a mandatory registry these tools must be examined for use by the Lobbyist Registrar.

The current penalties and sanctions approved in other lobbyist registries are summarized below:

<b>Municipality</b>	<b>First Offence</b>	<b>Second Offence</b>	<b>Third Offence</b>
Toronto	Fine up to \$25,000	Fine up to \$100,000 for second or subsequent offenses	
Ottawa	1 month ban of lobbying activity	3 month ban of lobbying activity	Integrity Commissioner to determine appropriate sanction
Hamilton	1 month ban of lobbying activity	2 month ban of lobbying activity	Lobbyist Registrar to determine appropriate sanction that exceeds 2 months

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Brampton	1 month ban of lobbying activity	3 month ban of lobbying activity	Lobbyist Registrar to determine appropriate sanction
Peel	1 month ban of lobbying activity	3 month ban of lobbying activity	Lobbyist Registrar to determine appropriate sanction

For the City of Vaughan, a slightly different penalty structure is proposed. In the spirit of fostering awareness and educating lobbyists, the penalty for the first offence would be a meeting and education session with the Lobbyist Registrar. The purpose of this meeting would be to inform, and reinforce with the lobbyist, the importance and value of the lobbyist registry and their obligations under the registry, including the Lobbyist Code of Conduct.

The proposed penalty structure is:

First Offence	Prohibition of lobbying activities until an information and education meeting with the Lobbyist Registrar is held
Second Offence	3 month prohibition of lobbying activities
Third or Subsequent Offenses	Prohibition of lobbying activities as determined by the Lobbyist Registrar

As the Lobbyist Registry becomes accepted as a normal business practice when communicating with City of Vaughan Public Office Holders, the penalty structure could be re-examined to reflect to greater knowledge and use of the Registry. It may be appropriate, as use of the Registry matures, to eliminate the meeting/education session with the Lobbyist Registrar.

**Notification of Penalties**

Where the Lobbyist Registrar determines that there has been a violation, the resultant penalty must be communicated to the lobbyist, Public Office Holders and general public. Information about the lobbyist and their penalty will be published on the City’s Lobbyist Registry website and communicated to the Public Office Holders.

**Obligations of the Public Office Holders**

With the ability of the Lobbyist Registrar to conduct investigations into potential violations of the lobbyist registry by-law, there is a need to establish some obligations under the Lobbyist Registry for the Public Office Holders. The recommended obligations are:

- The Public Office Holder shall cease any lobbying related communications with a lobbyist who is prohibited from lobbying; and,
- The Public Office Holder is responsible for providing information in a timely manner to the Lobbyist Registrar with regards to an inquiry being conducted by the Registrar

**Enhancements to the Lobbyist Registry**

There are improvements to the Lobbyist Registry website that will be helpful to both the users of the website (lobbyists and the public), and to the Lobbyist Registry administrative staff. On the public-facing side of the website, a search engine that allows searching of the Registry by specific criteria (i.e. name of lobbyist, subject matter), would be useful to users looking for specific information.

The administrative side of the registry will benefit from an improved administration module that will allow for better management of the registrations. In addition, the administration module would

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allow for faster updating of the list of Public Office Holders, as an example of just one improvement.

An enhancement, requested by the lobbyists, is the ability to register multiple in-house lobbyists under one corporate name, rather than having to register individually. The technical capability of accommodating this request will be reviewed along with the other website improvements. Finally, the potential for sending an e-mail to the specific Public Officer Holder when they are identified in a registration is also being reviewed as part of the overall website enhancement.

Staff are working with the Office of the Chief Information Officer to implement these enhancements, but depending on availability of resources (including external contractors), some of the enhancements may not be available for the January 1, 2018 launch of the mandatory Lobbyist Registry. The current site is functioning well, provides the necessary information, and has been identified as “easy to use” by the lobbyists, so this is not seen as an obstacle to the implementation of the mandatory registry.

**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 Lobbyist Registrar was appointed on June 27, 2017 and will assume her duties on January 1, 2018 at which time the mandatory registration for lobbyists will come into force. In the months leading up to the January 2018, the appointed Lobbyist Registrar will be working with the relevant City departments to effectively communicate with Members of Council, staff and the business community to allow for a seamless transition to the new accountability regime.

**Attachments**

1. Draft Mandatory Lobbyist Registry By-law

**Report prepared by:**

Todd Coles, Deputy City Clerk, ext. 8628

(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.)

# Implementation of the Mandatory Lobbyist Registry

**Committee of the Whole (Working Session)  
October 10, 2017**

**Todd Coles  
Deputy City Clerk**



# Synopsis

## Regulation of Lobbying Activities

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.

### KEY POINTS:

- Lobbying is a positive contributor to the governing process
- Greater transparency of lobbying activities will enhance the public's perception that decisions are being made in an accountable way



# Lobbyist Registry

## Current Status

June 7th, 2016

- Council approved the recommendation of the City Clerk [Item 9, Report No. 26, Committee of the Whole (Working Session)] to enact a by-law to establish a voluntary Lobbyist Registry for the City of Vaughan

June 28th, 2016

- By-law 105-2016 passed and came into effect on January 1st, 2017

Website

- Developed to provide access to the lobbyist registry and to allow lobbyists the opportunity to register themselves and their activities, as well as providing general information.



# Lobbyist Registry

## Current Status

January 3rd, 2017

- First registrations

Current Status

- 14 lobbyists registered, including both open and closed lobbyists.
- Registrations include 10 different clients, not including self-representations
- 15 different subject matters
- 71 issues/activities registered.

# Lobbyist Registry

## Current Status

June 27th, 2017

- Council approved a budget amendment in the amount of \$250,000
- Addresses the new Office of the Lobbyist Registrar, administrative staff and website maintenance/enhancement.

Appointment of the Lobbyist Registrar

- Ms. Suzanne Craig appointed as part-time Lobbyist Registrar
- Remainder of the 2014-2018 Council term and for the following term of Council from 2018 – 2022.
- The appointment will become effective with implementation of the mandatory lobbyist registry.

# Lobbyist Registry

## Next Steps

### New Features

- Inquiries, Sanctions and Prosecutions
- Notification of Penalties
- Obligations of the Public Office Holders
- Enhancements to the Lobbyist Registry

# Lobbyist Registry

## Next Steps

### Inquiries, Sanctions and Prosecutions

- Section 223.9(1) of the Municipal Act allows for a municipality to “Impose conditions for registration, continued registration or a renewal of registration” and to “Refuse to register a person, and suspend or revoke a registration”.
- The proposed penalty structure is:
  - **First Offence** - Prohibition of lobbying activities until an information and education meeting with the Lobbyist Registrar is held
  - **Second Offence** - 3 month prohibition of lobbying activities
  - **Third or Subsequent Offences** - Prohibition of lobbying activities as determined by the Lobbyist Registrar

# Lobbyist Registry

## Next Steps

### Notification of Penalties

- Where the Lobbyist Registrar determines that there has been a violation, the resultant penalty must be communicated to the lobbyist, Public Office Holders and general public.
- Information about the lobbyist and their penalty will be published on the City's Lobbyist Registry website and communicated to the Public Office Holders.

# Lobbyist Registry

## Next Steps

### Obligations of the Public Office Holders

- The Public Office Holder shall cease any lobbying related communications with a lobbyist who is prohibited from lobbying; and,
- The Public Office Holder is responsible for providing information in a timely manner to the Lobbyist Registrar with regards to an inquiry being conducted by the Registrar

# Lobbyist Registry

## Next Steps

### Enhancements to the Lobbyist Registry

- search engine that allows searching of the Registry by specific criteria (i.e. name of lobbyist, subject matter)
- improved administration module
- ability for lobbyists to register multiple in-house lobbyists under one corporate name
- e-mail to the Public Officer Holder when they are identified in a registration
- Training/testing site

# Lobbyist Registry

## Next Steps

### Office of the Lobbyist Registrar Working Group

- The OLR Working Group will assist the Lobbyist Registrar for the Mandatory Lobbyist Registry to identify and develop information and education tools to facilitate understanding the purpose and role of the Office and the rules, application and enforcement of the Mandatory Lobbyist Registry.
- Membership includes:
  - Chief Financial Officer and City Treasurer
  - Chief Corporate Initiatives and Intergovernmental Relations
  - Chief Information Officer
  - Chief Human Resources Officer
  - City Clerk and Deputy City Clerk
  - With support from the City Manager and City Solicitor



# Lobbyist Registry Questions



**IMPLEMENTATION OF THE MANDATORY LOBBYIST REGISTRY**

**Recommendation**

The City Clerk, in consultation with the Deputy City Manager, Legal & Human Resources, and the Integrity Commissioner, recommends:

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**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**

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**Synopsis:**

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For the City of Vaughan, a slightly different penalty structure is proposed. In the spirit of fostering awareness and educating lobbyists, the penalty for the first offence would be a meeting and education session with the Lobbyist Registrar. The purpose of this meeting would be to inform, and reinforce with the lobbyist, the importance and value of the lobbyist registry and their obligations under the registry, including the Lobbyist Code of Conduct.

The proposed penalty structure is:

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### **Notification of Penalties**

Where the Lobbyist Registrar determines that there has been a violation, the resultant penalty must be communicated to the lobbyist, Public Office Holders and general public. Information about the lobbyist and their penalty will be published on the City's Lobbyist Registry website and communicated to the Public Office Holders.

### **Obligations of the Public Office Holders**

With the ability of the Lobbyist Registrar to conduct investigations into potential violations of the lobbyist registry by-law, there is a need to establish some obligations under the Lobbyist Registry for the Public Office Holders. The recommended obligations are:

- The Public Office Holder shall cease any lobbying related communications with a lobbyist who is prohibited from lobbying; and,
- The Public Office Holder is responsible for providing information in a timely manner to the Lobbyist Registrar with regards to an inquiry being conducted by the Registrar

### **Enhancements to the Lobbyist Registry**

There are improvements to the Lobbyist Registry website that will be helpful to both the users of the website (lobbyists and the public), and to the Lobbyist Registry administrative staff. On the public-facing side of the website, a search engine that allows searching of the Registry by specific criteria (i.e. name of lobbyist, subject matter), would be useful to users looking for specific information.

The administrative side of the registry will benefit from an improved administration module that will allow for better management of the registrations. In addition, the administration module would allow for faster updating of the list of Public Office Holders, as an example of just one improvement.

An enhancement, requested by the lobbyists, is the ability to register multiple in-house lobbyists under one corporate name, rather than having to register individually. The technical capability of accommodating this request will be reviewed along with the other website improvements. Finally, the potential for sending an e-mail to the specific Public Officer Holder when they are identified in a registration is also being reviewed as part of the overall website enhancement.

Staff are working with the Office of the Chief Information Officer to implement these enhancements, but depending on availability of resources (including external contractors), some of the enhancements may not be available for the January 1, 2018 launch of the mandatory Lobbyist Registry. The current site is functioning well, provides the necessary information, and has been identified as "easy to use" by the lobbyists, so this is not seen as an obstacle to the implementation of the mandatory registry.

**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 Lobbyist Registrar was appointed on June 27, 2017 and will assume her duties on January 1, 2018 at which time the mandatory registration for lobbyists will come into force. In the months leading up to the January 2018, the appointed Lobbyist Registrar will be working with the relevant City departments to effectively communicate with Members of Council, staff and the business community to allow for a seamless transition to the new accountability regime.

**Attachments**

1. Draft Mandatory Lobbyist Registry By-law

**Report prepared by:**

Todd Coles, Deputy City Clerk, ext. 8628

Respectfully submitted,

Barbara A. McEwan  
City Clerk

**ATTACHMENT #1**

***THE CITY OF VAUGHAN***

***BY-LAW***

**BY-LAW NUMBER XXX-2017**

**A By-law to permit the establishment of a Lobbyist Registry;**

WHEREAS Council desires to establish and maintain a Lobbyist Registry and appoint a Lobbyist Registrar to provide transparency about persons who lobby the City of Vaughan's public office holders;

AND WHEREAS section 223.9 of the *Municipal Act, 2001* authorizes the City of Vaughan to establish and maintain a Lobbyist Registry in which shall be kept registrations and returns filed by persons who lobby the City of Vaughan's public office holders;

AND WHEREAS section 223.11 of the *Municipal Act, 2001* authorizes the City of Vaughan to appoint a Lobbyist Registrar who is responsible for performing in an independent manner the functions assigned by the City of Vaughan with respect to the Lobbyist Registry;

AND WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Vaughan to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 2 of subsection 10(2) authorizes by-laws respecting the accountability and transparency of the municipality and its operations;

NOW THEREFORE the Council of the City of Vaughan enacts as follows:

## 1) Definitions

- a) "City" – means the corporation of the City of Vaughan
- b) "Code of Conduct" - means the Lobbyist Code of Conduct, attached as Schedule "A" to the Lobbyist Registry By-law.
- c) "communication" - means any form of expressive contact including, but not limited to, a meeting, email, or other electronic messaging, facsimile transmission, letter, phone call or meaningful dialogue or exchange that materially advances a matter that is defined as lobbying, whether in a formal or in an informal setting.
- d) "lobby" - means any communication with a public office holder by an individual who represents a business or financial interest with the goal of trying to influence any legislative action, including, but not exclusively, development, introduction, passage, defeat, amendment or repeal of a bylaw, motion, resolution or the outcome of a decision on any matter before Council or a Committee of Council, or staff member acting under delegated authority.
- e) "lobbyist" – means:
  - (1) **Consultant Lobbyist** - an individual who lobbies for payment on behalf of a client (another individual, company, partnership or organization). If the consultant lobbyist arranges for a meeting between a public office holder and a third party, that is lobbying.
  - (2) **In-House Lobbyist** - an individual who is an employee, partner or sole proprietor and who lobbies on behalf of their own employer, business or organization. If the in-house lobbyist arranges for a meeting between a public office holder and a third party, that is lobbying.
  - (3) **Voluntary Unpaid Lobbyist** - an individual who lobbies without payment on behalf of an individual, business or other organization for the benefit of the interests of the individual, business or other organization. If the voluntary unpaid lobbyist arranges a meeting between a public office holder and a third party, that is lobbying.
- f) "Lobbyist Registrar" – means the person appointed as Lobbyist Registrar under section 223. 11 of the *Municipal Act, 2001*.
- g) "Lobbyist Registry" – means a system of registration in which shall be kept registrations (returns)



of persons who lobby public office holders and which shall include such information as determined by the Lobbyist Registrar.

h) “local board” – means has the same meaning as the definition of a local board in section 223. 1 of the *Municipal Act, 2001*.

i) “public office holder” – means

- (1) A member of Council and any person on his or her staff
- (2) An employee of the City who is a member of the City’s Corporate Management Team
- (3) Employees in management positions that can influence programs and services
- (4) Employees who are not in management positions but have direct contact with members of Council and whose work includes providing advice to Council
  - (a) including advice on legal, financial, personnel, policy advice
  - (b) including employees who provide planning, building, licensing, inspection and purchasing services
- (5) Employees who have direct contact with Council in the operation of Council and Committees
- (6) Employees who work on municipal elections in a supervising role
- (7) An accountability officer appointed under the *Municipal Act, 2001*, including, but not limited to:
  - (a) Auditor General
  - (b) Integrity Commissioner
  - (c) Lobbyist Registrar
  - (d) Ombudsman
  - (e) Closed Meeting Investigator

## **2) Establishment of a Voluntary Lobbyist Registry**

- a) The Lobbyist Registry is established pursuant to Section 223.9 of Part V.1 of the *Municipal Act, 2001*.
- b) The Lobbyist Registry shall be available for public inspection through electronic, web-based access at all reasonable times.

### 3) Exemptions for Specific Persons

- a) This by-law does not apply to the following persons when acting in their public capacity:
  - i) government or public sector, other than the City of Vaughan,
    - (a) Members of the Senate or House of Commons of Canada, legislative assembly of a province, the council or legislative assembly of a territory, or persons on the staff of those members;
    - (b) members of a First Nation council as defined in the *Indian Act* or of the council of an Indian band established by an Act of the Parliament of Canada, or persons on the staff of the members;
    - (c) employees or consultants retained by the Government of Canada, the government of a province or territory, a First Nation council, a federal or provincial crown corporation or other federal or provincial public agency;
    - (d) members of a council or other statutory body, including a local board, charged with the administration of the civil or municipal affairs of a municipality in Canada other than the City, persons on staff of the members, or officers or employees of the municipality or local board, and
    - (e) members of a national or sub-national foreign government, persons on the staff of the members, or officers, employees, diplomatic agents, consular officers or official representatives in Canada of the government.
  - ii) Officials and employees of the City and other municipal bodies, including
    - (a) Public office holders;
    - (b) officers, directors or employees of a local board of the City and acting in their public capacity;
    - (c) a member of an Advisory Committee, acting in their public capacity and appointed by City Council
  - iii) Persons communicating on behalf of the local school boards
  - iv) Persons communicating on behalf of healthcare institutions

#### 4) Exemptions for Specific Activities

- a) This by-law does not apply to the following activities:
  - i) Communication that is a matter of the public record
  - ii) occurs during a meeting of Council or a Committee of Council;
  - iii) Communication that occurs during a public process such as a public meeting, hearing, consultation, open house or media event held or sponsored by the City or a public office holder or related to any application;
  - iv) Communication restricted to a request for information;
  - v) Communication restricted to compliments or complaints about a service or program;
  - vi) Communication with a public office holder by an individual on behalf of an individual, business or organization regarding:
    - (a) the enforcement, interpretation or application of any Act or by-law by the public office holder and with respect to the individual, business or organization;
    - (b) the implementation or administration of any policy, program, directive or guideline by the public office holder and with respect to the individual, business, organization A personal matter;
    - (c) a personal matter of the individual, business or organization unless it is communication that is in respect of a matter that falls under the definition of lobbying, that is for the special benefit of the individual, business or organization;
  - vii) communication by an applicant, an interested party or their representatives with respect to an application for a service, grant, planning approval, permit or other license or permission:
    - (a) with an employee of the City or a Member of Council if the communication is restricted to providing general information on an application, including a proposed or pending application, or to inquire about the application review process,
    - (b) with an employee of the City if the communication is part of the normal course of the approval process,

- (c) with respect to planning and development applications, if the communication is with an employee of the City who has a role in the processing of a planning application during the formal pre-application consultation, the filing of the application and the application review process, including the preparation of development agreements;
- viii) submitting a bid proposal as part of the procurement process and any communication with designated employees of the City as permitted in the procurement policies and procurement documents of the City;
- ix) communication with a public office holder by an individual on behalf of an individual, business or organization in direct response to a written request from the public office holder;
- x) communication to a Member of Council by a constituent of the Member of Council, or an individual on behalf of a constituent of the Member of Council on a general neighbourhood or public policy issue;
- xi) communications directly related to those City-initiated consultative meetings and processes where an individual is participating as a stakeholder;
- xii) communication is by a voluntary unpaid lobbyist on behalf of a not-for-profit group or organization

## **5) Prohibitions**

- a) No person, on whose behalf another person undertakes lobbying activities, shall make a payment for the lobbying activities that is in whole or in part contingent on the successful outcome of any lobbying activities.
- b) No person who lobbies a public office holder shall receive payment that is in whole or in part contingent on the successful outcome of any lobbying activities.
- c) No former public office holder shall engage in lobbying activities for a period of twelve (12) months after ceasing to be a public office holder at the City.

## **6) Lobbyist Registrar**

- a) Ms. Suzanne Craig is appointed the Lobbyist Registrar in accordance with Section 223.11 of the

*Municipal Act, 2001.*

- b) The Lobbyist Registrar is independent of the City administration.
- c) The Lobbyist Registrar is responsible for the following:
  - (1) overseeing the administration of the lobbyist registration system;
  - (2) providing advice, opinions and interpretations pertaining to the administration and application of this by-law;
  - (3) advising Council on lobbying matters and recommending improvements and amendments to this by-law;
  - (4) providing to Council any periodic reports and information as the Registrar considers appropriate;
  - (5) making the Lobbyist Registry available for public inspection through electronic, web-based access at all reasonable times and in a manner that the Lobbyist Registrar may determine; and,
  - (6) performing other duties as may be assigned by Council.

## **7) Registrations**

- a) A person with the intent to lobby may voluntarily register as a lobbyist prior to the first lobbying communication with a public office holder and shall do so no later than five (5) business days after the lobbying communication takes place.
- b) The lobbyist be required to set out in the registration the following information:
  - (1) Name, title, and business address (where applicable);
  - (2) Whether the lobbyist is a consultant lobbyist, in-house lobbyist or voluntary unpaid lobbyist;
  - (3) The name of the individual, client or other organization, including all business names under which the individual, client or other organization is operating, on whose behalf the lobbyist is lobbying; and
  - (4) Such further information as the Lobbyist Registrar may require.
- c) The lobbyist be required to set out in the registration the subject matter in respect of which the lobbyist intends to lobby the public office holder on:

- (1) Each subject matter that the lobbyist will lobby on;
  - (2) Description of the issue being lobbied, including particulars of any relevant City proposal, by-law, motion, resolution, policy, program, directive, grant, or guideline;
  - (3) Date on which the lobbying will start and finish, with the date on which the lobbying finishes being no more than twelve (12) months after the date on which the lobbying starts;
  - (4) Names of public office holders being lobbied; and
  - (5) Such further information as the Lobbyist Registrar may require.
- d) A lobbyist shall update any changes to his or her registration within ten (10) business days of the change taking place.
  - e) The subject matter shall be closed once lobbying is complete or within twelve (12) months of lobbying commencing, whichever is sooner.
  - f) The lobbyist shall close the subject matter registration he or she has filed not later than thirty (30) days after the completion or termination of the lobbying activity.
  - g) A subject matter registration may be extended beyond twelve (12) months at the sole discretion of the Lobbyist Registrar.
  - h) The Lobbyist Registrar will approve or refuse the registration in accordance with the requirements of the Lobbyist Registry By-law.

## **8) Investigations**

- a) The Lobbyist Registrar has the authority to conduct inquiries in respect of a request made by Council, a member of Council or by a member of the public about compliance with the Lobbyist Registry By-law of the Lobbyist Code of Conduct, as set out under section 223.12 of the *Municipal Act, 2001*.
- b) In accordance with section 223.12(7) of the *Municipal Act, 2001*, if the Lobbyist Registrar determines, when conducting an inquiry, that there are reasonable grounds to believe that there has been a contravention of any other Act or of the Criminal Code (Canada), the Lobbyist Registrar shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report

the suspension to Council.

## **9) Penalties and Sanctions**

- a) The Lobbyist Registrar may impose penalties on communication in accordance with the following scheme if the Lobbyist Registrar finds that the requirements of this by-law have not been met:
  - i) First Offence: Prohibition of lobbying activities until an information and education meeting with the Lobbyist Registrar is held;
  - ii) Second Offence: 3 month prohibition of lobbying activities; and
  - iii) Third Offence: Prohibition of lobbying activities as determined by the Lobbyist Registrar.
- b) If the Lobbyist Registrar decides to impose a temporary ban on communication, the Lobbyist Registrar shall inform the individual of the suspension and the reason for the suspension in writing and provide the reason for the suspension in a manner determined by the Lobbyist Registrar.
- c) If the Lobbyist Registrar imposes a temporary ban on lobbying, the Lobbyist Registrar shall notify all Public Office Holders in a manner determined by the Lobbyist Registrar.
- d) The Lobbyist Registrar may remove a registration or return from the Lobby Registry if the individual who filed the registration or return is found by the Lobbyist Registrar to have not complied with the requirements of this by-law.
- e) When a registration is removed from the Lobbyist Registry, the individual who filed it shall be deemed, for the purposes of his or her existing and future obligations under this by-law, not to have filed the registration.

## **10) Responsibilities of the Lobbyist**

- a) All lobbyists are responsible for complying with the requirements of the Lobbyist Registry By-law;
- b) Lobbyists shall disclose if they have held a public office holder position at the City and the date the individual ceased to hold the position;
- c) Lobbyists shall disclose if they hold a position on a local board of the City; and,
- d) Lobbyists shall adhere to the Code of Conduct, attached as Schedule "A" to the Lobbyist Registry By-law, during the conduct of lobbying activities with public office holders.

## 11) Responsibilities of the Public Office Holders

- a) The Public Office Holder is responsible for:
  - i) Ceasing lobbying-related communication with a lobbyist who is prohibited from lobbying; and,
  - ii) Responding and providing information in a timely manner to Lobbyist Registrar with regards to an inquiry conducted under Section 8(a) of the Lobbyist Registry By-law.

## 12) General

- a) This by-law shall be known as the Lobbyist Registry By-law.
- b) The Lobbyist Code of Conduct is attached hereto as Schedule "A".
- c) This by-law shall come into effect on January 1, 2018.

Enacted by City of Vaughan Council this      day of      , 2017.

\_\_\_\_\_  
Hon. Maurizio Bevilacqua, Mayor

\_\_\_\_\_  
Barbara A. McEwan, City Clerk

Authorized by Item No. \* of Report No. \*\*  
of the Committee of the Whole (Working Session)  
Adopted by Vaughan City Council on \*\*\*\*\* , 2017.



## **Schedule "A"**

### **Lobbyist Code of Conduct**

#### **1. Honesty**

- a. Lobbyists shall conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

#### **2. Openness**

- a. Lobbyists shall be open and frank about their lobbying activities, while respecting confidentiality.

#### **3. Disclosure Of Identity and Purpose**

- a. Lobbyists communicating with a public office holder shall disclose the identity of the individual, corporation, organization or other person, or the partnership, on whose behalf they are acting, as well as the reasons for the communication.
- b. Lobbyists communicating with a public office holder on a duly registered and disclosed subject matter shall not use that opportunity to communicate on another subject matter, unless first having registered as required and disclosing the identity and purpose.

#### **4. Information and Confidentiality**

- a. Lobbyists shall inform their client, employer or organization of the obligations under this Code of Conduct
- b. Lobbyists shall provide information that is accurate and factual to public office holders.

- c. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.
- d. Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.
- e. Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

## **5. Competing Interests**

- a. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- b. Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.
- c. Lobbyists shall not lobby public office holders on a subject matter for which they also provide advice to the City.

## **6. Improper Influence**

- a. Lobbyists shall avoid both the deed and the appearance of impropriety.

- b. Lobbyists shall not knowingly place public office holders in a conflict of interest or in breach of the public office holders' codes of conduct or standards of behaviour.

## **7. Restriction on Communication**

- a. Lobbyists shall not communicate in relation to a procurement process except as permitted by the City's procurement policies and procurement documents.
- b. Lobbyists shall not engage in lobbying activities where the Lobbyist Registrar has prohibited them from lobbying for a specified time period.