



BILD

BUILDING A GREATER GTA
Building Industry and Land
Development Association

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COMMUNICATION
CW (WORKING SESSION)
<u>JUNE 1/16</u>
ITEM - <u>9</u>

May 26, 2016

Mayor Maurizio Bevilacqua and members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Dear Mayor and members of Council,

RE: BILD Comments – City of Vaughan Regulation of Lobbying Activities

The Building Industry and Land Development Association (BILD) is in receipt of the staff report titled *Regulation of Lobbying Activities* that will be considered at the June 1st Committee of the Whole meeting. We would like to take this opportunity to provide comments on the development and implementation of a voluntary Lobbyist Registry in the City of Vaughan.

BILD members work in good faith with staff and Council at the City of Vaughan. We are supportive of the notion of transparency that the lobbyist registry aims to achieve, by providing an accessible record of persons who lobby public office holders outside of public forums like Council and Committee meetings or public open houses.

We appreciate that the City has proposed to implement a voluntary Registry beginning in January 2017, to allow for a one year introductory and education period. BILD hopes that this period will provide an opportunity for education, training and the ability to provide feedback on what aspects of the Registry are working well and what aspects need to be re-evaluated.

Definition of Lobbying Activities

BILD recommends that as part of the City's communications plan, clear guidelines as to the definition of lobbying activity be developed and easily accessible. This should include the type of activity, the manner in which lobbying takes place (ie. e-mail, phone call, voice-mail message), and where the activity takes place should also be clearly articulated in a guideline. We appreciate that the City has provided additional clarification that both formal and informal communication is considered lobbying. In other municipalities, it is often unclear as to whether or not discussions with City officials and politicians off-site, in public/personal areas, on off-work hours and days, are considered "lobbying".

In addition, when considering the definition of "lobbying", BILD stresses that as part of a normal application approval process, our members interact with various staff levels as well as Council members, who act as the ultimate decision maker in some cases. BILD notes that our members are required to submit these applications under the *Planning Act* and *Ontario Building Code* as well as pay the associated fees to the City for their review. As such, we request that communication throughout the application review process, including communication with senior level staff and Council members to resolve complex issues, not be considered a lobbying effort and that these public office holders be considered as having a role in the processing of a planning application under the lobbying exemptions.

Lobbyist Registry Administration

We trust that the City will aim to establish a lobbyist registry that is simple to use and not an administrative burden on the end-user. Our members deal with a multitude of staff personnel from the various City departments on each of their development applications. BILD is pleased that the staff report recommends that lobbyist provide information based on subject matter. As such, we seek confirmation that it is not the intent of the City to have our members 'log' each point of contact with each staff person when addressing matters related

to their development applications. Any other means would simply result in an incredibly cumbersome and, most likely, ineffective registrar system.

The June 1st staff report suggests that anyone who wishes to lobby a Council Member or City employee outside of a public forum must register as a lobbyist within five days of lobbying commencing. In comparison to other municipal lobbyist registries, BILD acknowledges that five days provides a reasonable timeframe to log lobbyist-type activities. We also encourage the City to allow for as much administrative flexibility as possible in other scenarios as well, so as not to deter individuals from using the lobbyist registry system.

Finally, with respect to lobbyist registry administration, we are encouraged to see that the June 1st staff report references the development of an online process. Our hope is that this process will be a simple electronic process that is user-friendly. We appreciate that the intent of the voluntary lobbyist registry is to allow for the City test their electronic registry system prior to official roll-out to determine its usability. We hope that the City will establish user tutorials to avoid potential administrative challenges.

Timing of Lobbyist Registry Implementation

BILD also recommends that once implementation of the lobbyist registry system begins, that it will apply to new applications or new subject matters that commence after the onset of implementation, and that members not be required to log their business dealings in a retroactive manner.

Professional Planners & the Lobbyist Registry

Aside from residential and non-residential land developers and home builders, BILD's membership also consists of a large consultant group, many of which are Planners that are members of the Ontario Professional Planners Institute (OPPI). Also, many individuals who work for home builders and developer companies directly are professional planners, and are also members of OPPI.

In our member's conversations with OPPI, the issue has been raised as to whether a Planner acting as an independent professional bound by a Code of Conduct would be in any conflict registering as a "lobbyist." OPPI has been engaged in conversations around lobbyist registries in reaction to many of its members questioning how Planners' work fits within this regime. In reaction to a City of Toronto interpretation matter, in March 2008, OPPI issued a Member's Bulletin which clarified that a Planner communicating with the assigned planning staff at the city regarding an application does not constitute lobbying that requires registration.

As OPPI members are professionals offering independent objective opinions who practice in full compliance with the high ethical standards outlines in their Professional Code of Practice, it is our recommendation that Planners working for clients, and Planners who work directly for homebuilder and developer companies, should not technically be considered as lobbyists.

Once again, we thank you for the opportunity to submit comments on the staff report titled *Regulation of Lobbying Activities* that will be considered at the June 1st Committee of the Whole working session. As interested and effected stakeholders, we look forward to providing you with additional input as the voluntary period unfolds so that a system can be devised that works in the best interest of all those involved.

Sincerely,



Emma Barron, B.URPI, B.Sc(H)
Planning Coordinator, Policy & Government Relations

cc: Danielle Chin, Senior Manager, Policy & Government Relations, BILD
Michael Pozzebon, BILD York Chapter Chair
Todd Coles, Manager of Development Services and Secretary Treasurer to Committee of Adjustment, City of Vaughan