

EX19.7 Report on Congruence between Lobbying By-law and Obligations under Members Code of Conduct

(March 18, 2008) Report from the Lobbyist Registrar and Integrity Commissioner

Committee Recommendations

The Executive Committee recommends that Council approve the following amendments to Articles XIII and IV of the Members Code of Conduct:

1. Substitute the following for existing Article XIII:

XIII. CONDUCT RESPECTING LOBBYISTS:

Lobbying of public office holders is a permissible but regulated activity in the City of Toronto. Lobbying is defined and regulated by Municipal Code Chapter 140, Lobbying (the City's lobbying by-law inclusive of the Lobbyist Code of Conduct).

Members of Council and Local Boards (Restricted Definition), and their staff are public office holders. As a matter of general principle as public office holders, members of Council and Local Boards (Restricted Definition) should be familiar with the terms of this lobbying by-law inclusive of the Lobbyist Code of Conduct (Chapter 140).

Specifically, members of Council and Local Boards (Restricted Definition) should not engage knowingly in communications in respect of the list of subject matters contained in the definition of "Lobby" as set out in Chapter 140 with a person who is not registered as required by Chapter 140.

Members of Council and Local Boards (Restricted Definition) should also not knowingly communicate with a registered lobbyist who is acting in violation of Chapter 140.

If a member of Council or Local Board (Restricted Definition) is or at any time becomes aware that a person is in violation of Chapter 140, that member should either refuse to deal with the lobbyist or, where appropriate, either terminate the communication with the lobbyist at once or, if in the member's judgment it is appropriate to continue the communication, at the end of the communication, draw that person's attention to the obligation imposed by Chapter 140.

A member should report any such violation or attempted violation of Chapter 140 to the Lobbyist Registrar unless the member believes in good faith that the violation in communicating or attempting to communicate with the member was inadvertent or insignificant.

2. Substitute the following for the existing fourth paragraph of Article IV:

Except for category (c) (political contributions allowable by law), these exceptions do not apply where such gifts or benefits are provided by lobbyists or their clients or employers (as defined or described in Municipal Code Chapter 140, Lobbying). For these purposes, a lobbyist is an individual, organization or business that:

- i. is lobbying or causing the lobbying of any public office holder at the City, a local board (restricted definition) or the board of health;
- ii. the member knows is intending to lobby, having submitted or intending to submit a registration to the Lobbyist Registrar for approval to communicate on a subject matter; or
- iii. is maintaining an active lobbyist registration with the City even though not having a current active subject matter registered with the lobbyist registry.

Financial Impact

This report will have no financial impact.

Summary

This report addresses the issue of the relationship between the Lobbying By-law and the Code of Conduct for Members of Council and Local Boards (Restricted Definition) (“Members Code of Conduct”). It provides information on the current operating protocols of the offices of the Lobbyist Registrar and the Integrity Commissioner with respect to the responsibilities of members of Council and Local Boards (Restricted Definition) in engaging with lobbyists. It also proposes various amendments to the Members Code of Conduct to ensure greater clarity in the obligations of members of Council and Local Boards (Restricted Definition) in dealings with lobbyists.

Background Information

Report on Congruence between Lobbying By-law and Obligations under Members Code of Conduct

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-11779.pdf>

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