

Authority Executive Committee Item 2.4, adopted as amended, by City of Toronto Council on February 5, 6, 7 and 8, 2007; and City Council Item CC16.3, adopted as amended, by City of Toronto Council on January 29 and 30, 2008
Enacted by Council: January 30, 2008

CITY OF TORONTO

BY-LAW No. 87-2008

To amend By-law No. 150-2007, “To adopt a new City of Toronto Municipal Code Chapter 140, Lobbying.”, to make technical amendments, delegate exception and revocation powers, add to Schedule A, and specify the in force date for Chapter 140.

WHEREAS City Council at its meeting held on February 5, 6, 7 and 8, 2007 adopted as amended Executive Committee Item 2.4, that included recommendations permitting the City Solicitor to submit the bills necessary in Council respecting the in force date for the Lobbying By-law, proposed Municipal Code Chapter 140, as determined by the City Manager in consultation with the Lobbyist Registrar and, in consultation with those officials, to make any necessary technical amendments and other refinements to the Lobbying By-law to reflect the final form of the lobbyist registry system; and

WHEREAS under § 169-29 of the Municipal Code the City Solicitor, in consultation with the City Clerk, may submit bills directly to Council to make technical amendments to the Municipal Code to correct technical errors; and

WHEREAS under sections 7 and 8 of the Act and the specific powers and restrictions respecting delegation in sections 20 to 24, the City may delegate its powers and duties under the Act to an officer or employee of the City, including administrative and quasi-judicial powers and legislative powers of a minor nature as provided in section 21;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 140, Lobbying, as set out in section 1 of By-law No. 150-2007, “To adopt a new City of Toronto Municipal Code Chapter 140, Lobbying.”, is amended as follows:
 - A. Section 140-1 is amended as follows:
 - (1) Subsection B(2) of the definition of “constituent” is amended by deleting the period after “(2)”.
 - (2) Subsection C of the definition of “lobby” is amended by inserting “a” before “local board”.
 - (3) The definition of “local board (restricted definition)” is deleted and the following substituted (to reflect the deletion of Subsection B):

LOCAL BOARD (RESTRICTED DEFINITION) — The same meaning as a local board (restricted definition) as defined in section 156 of the *City of Toronto Act, 2006*.

- (4) The definition of “public office holder” is amended as follows:
 - (a) By amending Subsection A by deleting “, subject to the exception in Subsection B”.
 - (b) By deleting Subsection B and renumbering Subsections C and D as Subsections B and C.
 - (5) Subsection B(5) of the definition of “senior public office holder” is amended by inserting “B” before “(1)”.
- B. Section 140-3 is amended as follows:
- (1) Subsection A(4) is amended by adding the following:
 - (a) Subsection A(4) does not apply to a municipally-controlled corporation as defined in section 223.1 of the *Municipal Act, 2001* with necessary modifications for a municipality that is not located in Ontario.
 - (2) Subsection B is amended by inserting “members, persons on the staff of the members, or officers or employees of” before “the following” in the first line.
 - (3) Subsection D is amended by inserting “of” after “employees”.
- C. Section 140-4D is amended by deleting “Appendix” and substituting “Article”.
- D. Section 140-5 is amended as follows:
- (1) Subsection A is amended by inserting a comma after “Council”.
 - (2) Subsection B is deleted and the following substituted:
 - B. A communication on an application that occurs during a public process related to the application, or a communication on a subject matter during a public meeting, hearing, consultation, presentation, open house or media event held or sponsored by the City, a local board (restricted definition) or a public office holder with respect to the subject matter.
 - (3) Subsection F(1) is amended by deleting the period after “pending application” and substituting a comma.
- E. Section 140-6C is amended by deleting “Appendix” and substituting “Article”.
- F. Section 140-9 is amended as follows:
- (1) Subsection A is amended by deleting “left the employ of” and substituting “ceased to be employed as a senior public office holder by”.

- (2) Subsection B is deleted and the following substituted:
 - B. Subsection A applies to any senior public officer holder who ceased to hold office or ceased to be employed as a senior public office holder by the City or a local board (restricted definition), or ceased to hold office as a member of the Board of Health on or after February 11, 2008.

- G. Section 140-15 is amended as follows:
 - (1) Subsection A is amended by deleting “and business address” and inserting “, business address and telephone number” after “title”.
 - (2) Subsection F is deleted and the following substituted:
 - F. If the client is funded, in whole or in part, by a government, the name of the government or government agency, as the case may be, the client’s fiscal year and the amount of funding from that government or government agency that the client:
 - (1) Received in the client’s previous fiscal year;
 - (2) Received or applied for in the client’s current fiscal year; and
 - (3) Any proposed funding for the next fiscal year.
 - (3) Subsection I is amended by deleting “subject-matter” and substituting “subject matter”.
 - (4) Subsection K is amended as follows:
 - (a) By deleting the comma after the word “Health”; and
 - (b) By inserting “, and the position title of any public office holder,” after “serves”.
 - (5) Subsection N is amended by deleting “they ceased to hold office or left the employ of” and substituting “he or she ceased to hold office or to be employed as a senior public office holder by”.

- H. Section 140-16B is amended by inserting “business” before “days”.

- I. Section 140-19 is amended as follows:
 - (1) By deleting “Register” and substituting “Registrar”.
 - (2) By renumbering the first sentence as Subsection A and adding the following:

- B. A consultant lobbyist shall advise the Registrar that he or she is continuing an undertaking in respect of which he or she has filed a return by filing, annually or periodically as determined by the Registrar, the form required by the Registrar to indicate that the undertaking is continuing and the content of the return is up to date.

J. Section 140-21 is amended as follows:

- (1) Subsection A is deleted and the following substituted:

- A. The senior officer shall file a return with the Registrar or, if applicable, amend a return already filed with the Registrar, before:

- (1) An employee commences any duties as an in-house lobbyist; or
- (2) An individual, as described in Subsection B or C of the definition of in-house lobbyist in § 140-20, commences lobbying activities on behalf of the sole proprietorship or partnership.

- (2) Subsection B is amended as follows:

- (a) By inserting “, or lobbying activities on behalf of the sole proprietorship or partnership, as described in Subsection B or C of the definition of in-house lobbyist in § 140-20,” before “until” in the first line.
- (b) By amending Subsection B(4) by deleting “undertaking” and substituting “return”.

- (3) By deleting Subsection D and substituting the following:

- D. The senior officer shall file a return with the Registrar not later than five business days after this section comes into force if, on the coming into force of this section:

- (1) An in-house lobbyist is performing any employment duties that involve lobbying; or
- (2) An individual, as described in Subsection B or C of the definition of in-house lobbyist in § 140-20, is lobbying on behalf of the sole proprietorship or partnership.

K. Section 140-22 is amended as follows:

- (1) The first sentence in § 140-22 is amended by deleting “undertaking” and substituting “in-house lobbying activities”.
- (2) By deleting Subsection A and substituting the following:
 - A. The name and title of the senior officer.
- (3) Subsection C is amended by deleting “and business address” and inserting “, business address and telephone number” after “title”.
- (4) Subsection K is amended by deleting “subject-matter” and substituting “subject matter”.
- (5) Subsection L is amended by deleting “subject-matters” and substituting “subject matters”.
- (6) Subsection N is amended by inserting “, and the position title of any public office holder,” after “serves”.
- (7) Renumbering Subsections Q to S as R to T.
- (8) By adding the following as new Subsection Q:
 - Q. Particulars to identify any senior public office positions previously held by any in-house lobbyist with the City, a local board (restricted definition) or the Board of Health, and the latest date when he or she ceased to hold office or to be employed as a senior public office holder by the City, a local board (restricted definition) or the Board of Health.
- (9) By deleting Subsection R(2) [renumbered Q(2)] and substituting the following:
 - (2) That no communication with respect to the proposed lobbying activities has commenced before the requirements in § 140-21A have been satisfied, unless § 140-21D applies or the communication is otherwise exempt under this chapter; and

L. Section 140-23 is amended as follows:

- (1) Subsection A is amended by deleting “senor” and substituting “senior”.
- (2) Subsection B is amended by inserting “business” before “days”.

M. Section 140-26 is amended as follows:

(1) By deleting the two occurrences of “Register” and substituting in both cases “Registrar”.

(2) By renumbering the first sentence as Subsection A and adding the following:

B. The senior officer shall advise the Registrar that an in-house lobbying activity in respect of which he or she has filed a return is continuing by filing, annually or periodically as determined by the Registrar, the form required by the Registrar to indicate that the lobbying activity is continuing and the content of the return is up to date.

N. The title to Article IV is amended by adding “or Organizations (Includes Shareholders and Directors)” after “Entities”.

O. Section 140-27 is amended as follows:

(1) By adding the following definitions in alphabetical order:

EMPLOYEE — Includes an officer who is compensated for the performance of his or her duties.

ORGANIZATION (RESTRICTED DEFINITION) — An organization referred to in Subsection B of the definition of organization in § 140-1.

P. By deleting the definition of “voluntary unpaid lobbyist” and substituting the following:

VOLUNTARY UNPAID LOBBYIST:

A. An individual, corporation, organization or other person, or a partnership, who or that, without payment, lobbies or causes an employee to lobby a public office holder on behalf of or for the benefit of the interests of a for-profit entity or organization (restricted definition).

B. A director of a for-profit entity or organization (restricted definition), who is not an in-house lobbyist as defined in § 140-20, when he, she or it lobbies or causes an employee to lobby a public office holder on behalf of, or for benefit of the interests of, the for-profit entity or organization (restricted definition).

C. A shareholder of a for-profit entity, when he, she or it lobbies or causes an employee to lobby a public office holder on behalf of, or for benefit of the interests of, the for-profit entity.

Q. Section 140-28 is deleted and the following substituted:

§ 140-28. Duty to file return.

- A. A voluntary unpaid lobbyist shall comply with the registration requirements of this section, if the voluntary unpaid lobbyist intends to commence lobbying a public office holder:
- (1) On behalf of a for-profit entity or for the benefit of the interest of a for-profit entity; or
 - (2) On behalf of an organization (restricted definition) or for the benefit of the interest of an organization (restricted definition).
- B. Unless Subsection D applies, the individual undertaking the lobbying shall comply with the provisions of Article II and the other provisions of this chapter that apply to a consultant lobbyist with necessary modifications.
- C. In addition to the requirements under § 140-15:
- (1) The return shall identify that the return is being filed by or on behalf of a voluntary unpaid lobbyist.
 - (2) In the case of an employee as described in Subsection A of the definition of voluntary unpaid lobbyist in § 140-27, both the employee and the employer shall be identified as a voluntary unpaid lobbyist.
- D. In the case of an individual undertaking the voluntary lobbying activities as part of his or her duties as an in-house lobbyist as defined in § 140-20 or otherwise as an employee, a director or shareholder, the Lobbyist Registrar may permit the senior officer as defined in § 140-20 to register the individual as an in-house lobbyist under Article III, and Article III applies with necessary modifications.
- E. If Subsection D applies, the individual shall also comply with the other provisions of this chapter that apply to an in-house lobbyist with necessary modifications.
- F. If Subsection D applies, in addition to the requirements under § 140-22, the return shall also include the name and business address of the for-profit entity or organization (restricted definition) as described in Subsection A.

R. Section 140-30 is amended as follows:

(1) By deleting the title and substituting the following:

“§ 140-30. Form of returns; exemptions; manner of filing.”

(2) By renumbering Subsection B as Subsection C and inserting the following as new Subsection B:

B. The Registrar may permit exceptions from the requirements in §§ 140-15 and 140-22 for reasons of safety, harassment or similar matters.

(3) By adding the following subsection:

D. Returns must be updated, annually or periodically as determined by the Registrar, to indicate that the undertaking or lobbying activity is completed or continuing and the content of the return is up to date.

S. Section 140-35(B) is amended by deleting “the system of registration in this chapter or with the Code of Conduct” and substituting “this chapter”.

T. Section 140-36 is amended as follows:

(1) Subsection A is amended by deleting “statements” and substituting “a statement”.

(2) By renumbering Subsection C as Subsection D.

(3) By deleting Subsection B and substituting the following:

B. The Registrar may suspend or revoke a return or other document submitted to the Registrar under this chapter that is subsequently found to not comply with the requirements of this chapter or to contain information or a statement that is inaccurate or no longer accurate.

C. If the Registrar refuses to accept, suspends or revokes a return or other document under Subsection A or B, the Registrar shall inform the individual who submitted it of the refusal, suspension or revocation and the reason for the refusal, suspension or revocation in the manner that the Registrar determines.

U. Section 140-46 is deleted and the following substituted:

§ 140-46. Offences.

Every person who contravenes a provision of this chapter is guilty of an offence.

V. Schedule A is deleted and the following substituted:

SCHEDULE A TO CH. 140
EXEMPTED MUNICIPAL LEVEL CORPORATIONS AND OTHER BODIES
§ 140-3C(2)

- A. Board of Trustees of the Metro Toronto Pension Plan.
 - B. Board of Trustees of the Metro Toronto Police Benefit Fund.
 - C. Canadian National Exhibition Association.
 - D. Clean Air Partnership.
 - E. Enwave Energy Corporation.
 - F. Toronto Association of Business Improvement Areas.
 - G. Toronto Civic Employees' Pension and Benefit Fund Committee.
 - H. Toronto Coach Terminal Inc.
 - I. Toronto Community Housing Corporation.
 - J. Toronto Economic Development Corporation.
 - K. Toronto Fire Department Superannuation & Benefit Fund Committee.
 - L. Toronto Hydro Corporation.
 - M. Toronto Police Services Board.
 - N. Toronto Public Library Board.
 - O. Toronto Transit Consulting Ltd.
 - P. Toronto Waterfront Revitalization Corporation.
 - Q. TTC Insurance Company Limited.
 - R. York Employees' Pension and Benefit Fund Committee.
- W. Item T of Schedule B is amended by inserting a period after "Association".
2. Section 2 of By-law No. 150-2007 is amended by deleting "a day to be determined and to be specified in an amending by-law" and substituting "February 11, 2008".

3. This by-law comes into force on February 11, 2008.

ENACTED AND PASSED this 30th day of January, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)