

Authority: Executive Committee Item 42.3, adopted as amended, by City of Toronto Council on June 10, 11, 12 and 13, 2014

CITY OF TORONTO

BY-LAW No. 1008-2014

To amend City of Toronto Municipal Code Chapter 140, Lobbying, to require City employees involved in the City's procurement processes to report breaches of the Lobbying By-law to the Lobbyist Registrar for investigation and resolution.

Whereas under sections 7 and 8 of the *City of Toronto Act, 2006* (the "Act") and the specific powers in sections 165 to 169 of Part V, Accountability and Transparency, of the Act, the City may pass by-laws to regulate lobbying activities, including the appointment of a Registrar; and

Whereas Council has enacted a by-law that prohibits lobbyists from communicating in relation to a procurement process except as permitted by applicable procurement policies and procurement documents; and

Whereas Council wishes to clarify the application of the prohibition on lobbying during a procurement process;

The Council of the City of Toronto enacts:

1. The City of Toronto Municipal Code Chapter 140, Lobbying, is amended as follows:

A. By adding the following definitions to the definitions contained in § 140-1 in alphabetical order:

AWARD - Has the same meaning as Chapter 195, Purchasing.

CALL - Has the same meaning as Chapter 195, Purchasing.

CO-OPERATIVE PURCHASING - Has the same meaning as Chapter 195, Purchasing.

COMMITMENT - Has the same meaning as Chapter 195, Purchasing.

PURCHASING INVOLVED EMPLOYEE - any City employee who is involved in or participates in a purchasing process including where applicable any senior public office holder but shall not include, the Auditor General, Integrity Commissioner, Lobbyist Registrar or Ombudsman appointed by Council under Part V, Accountability and Transparency, of the *City of Toronto Act, 2006*.

PURCHASING PROCESS - A call, co-operative purchasing or solicitation that is issued with the expectation of a commitment or award and shall continue from the issuance of the call, co-operative purchasing or solicitation until the commitment or an award is made or the call, co-operative purchasing or solicitation is rescinded or revoked.

SOLICITATION - Has the same meaning as Chapter 195, Purchasing.

B. By adding the following as a new § 140-9.1.

§ 140-9.1. Duty to report for employees involved in a purchasing process.

- A. This section applies to any purchasing involved employee with respect to all activities occurring during the time period the purchasing involved employee is involved in or participates in a purchasing process.
- B. A purchasing involved employee upon having reasonable grounds to believe that a breach of this chapter has occurred or will occur, shall as soon as reasonably practicable:
- (1) report the breach to the Lobbyist Registrar for investigation and resolution, by providing the basis for the belief that a breach of this chapter has occurred, or may occur; and
 - (2) provide the Lobbyist Registrar with any documents, information, or other evidence which the purchasing involved employee believes are or may be relevant to the breach.

2. This by-law shall come into force on December 31, 2015.

Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)