



Lobbyist Registrar's Report ACTION REQUIRED

Policy Changes to the Lobbyist Registry

Date:	June 12, 2008
To:	Executive committee
From:	Lobbyist Registrar
Reference Number:	

SUMMARY

This report proposes changes in policy for the operation of the lobbyist registry, which was implemented February 11, 2008 in compliance with Municipal Code Chapter 140.

The proposed changes will simplify lobbyist registration requirements to ensure that public office holders and the means of communication have actually occurred and to prevent inaccurate information from appearing on the public registry. The proposed changes will also simplify the registration process for disclosure of third-party funding, grassroots lobbying and committees of a business, industry, trade or professional organization. Other technical amendments will be included in a Bill to Council.

RECOMMENDATIONS

The Lobbyist Registrar recommends the following:

1. Council approve policy changes to the lobbyist registry as outlined in Schedules 1 and 2 of this report, and Municipal Code Chapter 140 be amended as necessary.
2. Executive Committee authorize implementation of necessary system changes to take effect July 7, 2008, and Council retroactively authorize the policy changes in Schedule 1 to take effect on that date.
3. The policy changes in Schedule 2 come into effect on a date to be determined by the Lobbyist Registrar.
4. The Lobbyist Registrar be authorized to temporarily close access to the lobbyist registration system as necessary to allow for system changes and migration of data to implement the policy changes in the registry.

5. The Lobbyist Registrar be authorized to migrate data in the registry system as necessary and in a manner and form that the Registrar determines appropriate, including removal of data incompatible with the new registration requirements.
6. Any data in the Lobbyist Registry that will be incompatible under the new registration requirements be disposed of under Transitory and Duplicate Records By-law No. 635.
7. The City Solicitor be authorized to introduce the necessary Bills in Council.

Implementation Points

The policy changes in Schedule 1 are of an urgent nature. Upon approval by Executive Committee, the lobbyist registry system will be closed to registrants from June 30 to July 6 to implement these changes which will be in effect starting on July 7, 2008. The policy changes in Schedule 1 require retroactive approval by Council. The policy changes in Schedule 2 will come into force on a date named by the Lobbyist Registrar.

Financial Impact

There are no financial impacts arising from this report.

DECISION HISTORY

The Lobbyist Registry was launched February 11, 2008 in compliance with Chapter 140 of the Municipal Code. The In-force date was approved by Council at its meeting on January 29 and 30, 2008 (report CC16.3, *Amendment to Municipal Code Chapter 140, Lobbying*) and reflected in By-law No. 87-2008.

At its meeting on February 5, 6, 7 and 8, 2007, Council adopted a new Municipal Code Chapter 140 (By-law No.150-2007), and requested the Lobbyist Registrar to monitor the operation of the lobbyist registry and report on any refinements (report EX 2.4, *Lobbying Control Framework*).

IMMEDIATE POLICY CHANGES – SCHEDULE 1

The policy changes that require urgent approval and are to take effect as of July 7, 2008, are set out in Schedule 1 to this report.

This is the first lobbyist registry requiring advance registration. The pre-registration requirement has led registrants to list every possible public office holder that might be contacted and all means of communication, resulting in erroneous information in the lobbyist registry.

To resolve this, it is recommended that lobbyists first register and provide their subject matter on which they intend to lobby. After they have communicated, the registered lobbyist will disclose the public office holders and specify the communication methods. This information must be entered into the Lobbyist Registry system within three days of the date of communication for the purposes of disclosure.

Current data about public office holders and communication methods would be deleted, with registrants following the new requirements for communications that take place on or after July 7, 2008. Pre-registration of lobbyists and subject matters would continue.

Grass-roots registration cannot be effectively accommodated under the current registry system. As it stands, every person with a business interest in the decision that is the subject of the grass-roots lobby would also be required to register. In a large grass-roots campaign, the Office of the Lobbyist Registrar would be unable to process such a volume of registrations.

It is recommended that the grass-roots lobby be approved for a period of two weeks and, during the approved lobbying campaign period, any person will be able to communicate on that subject matter without having to register themselves. A person with a business interest would need to register to communicate on that subject matter after the approved campaign period ends.

FURTHER POLICY CHANGES – SCHEDULE 2

The policy changes set out in Schedule 2 to this report will take effect on a date to be determined by the Lobbyist Registrar.

The level of detail in the information requested for government funding is not enhancing disclosure and is proving difficult for a number of organizations. For example, a consultant lobbyist representing a hospital or a university must file extensive information on public funding. It is proposed that registrants only be asked if they are receiving government funding and from which government and section.

The level of detail required for financial contributions from private sources to fund a lobbying initiative will also be simplified.

A committee of a not-for-profit business, industry, trade or professional organization, whose members almost always serve on a voluntary basis, must have all the members registered when the committee meets with a public office holder. To streamline this process, it is recommended that those organizations be allowed to register their committee (e.g., their government relations committee) and simply list the volunteer members, when the committee meets as a committee with a public office holder.

TECHNICAL CHANGES TO CHAPTER 140

A number of technical changes to Municipal Code Chapter 140, Lobbying, are required. These are set out for information purposes in Schedule 3 to this report.

SIGNATURE

Marilyn Abraham, Lobbyist Registrar

ATTACHMENTS

Schedule 1 – Policy Changes to the Lobbyist Registry to Take Effect July 7, 2008

Schedule 2 – Policy Changes to the Lobbyist Registry to Take Effect at a Later Date

Schedule 3 – Technical Amendments to Chapter 140

Policy Changes to the Lobbyist Registry to Take Effect July 7, 2008

- 1. Change the pre-registration requirement:**
Continue to require pre-registration of lobbyists and subject matters, but only require lobbyists to disclose public officer holders after the communication has actually occurred. Require lobbyists to register the public officer holder and communication method used within 3 business days from the date of contact.
- 2. Change how public office holders and communication methods are disclosed:**
Require lobbyists to specify which communication methods were used to lobby which public office holders. For in-house lobbyists, require the Senior Officer to specify which in-house lobbyists have communicated with which public office holders and by which communication methods.
- 3. Remove incompatible data from the registry:**
Remove from the registry current data that is incompatible with the new registration requirements. Require registrants to follow the new registration requirements for communications that occur on or after July 7, 2008. Provide a grace period for registrants unable to register while the registry is closed for implementation of system changes.
- 4. Increase the time for filing updated information:**
Increase the number of business days for filing updated information from 2 to 3 business days.
- 5. Clarify the scope of grass-roots communication:**
Clarify that the definition of grass-roots communication applies to appeals to a community of interest and to members of an organization, as well as members of the general public.
- 6. Simplify registration for grass-roots communication:**
Continue to require lobbyists to pre-register their grass-roots communication campaign and the targeted public office holders. Initially approve the campaign for a maximum period of 2 weeks; provide the Registrar with discretion to extend the campaign period. Thereafter, require anyone lobbying who has a business interest in the same subject matter to register individually.

Policy Changes to the Lobbyist Registry to Take Effect at a Later Date

- 1. Simplify the registration process for a committee of an organization:**
Continue to require the Senior Officer of an organization to register if one of its committees invites public office holders to their meeting to discuss a subject matter. When the committee sits as a committee and meets with public office holders, allow the Senior Officer of the organization to register the committee meeting under a new committee registration process where only the committee and its members are disclosed. Each subject matter the committee discusses with public office holders needs to be registered.
- 2. Simplify the information required for government funding:**
If funding was received from any government by the client, person, business or organization in the fiscal year preceding the registration, report only the name of each government and the name of the particular ministry, department, branch or agency that provided the funding.
- 3. Simplify the information required for non-government funding:**
For private (non-government) financial contributors to lobbying costs, and for anybody who funded the private financial contributor, report only the name of the individual, business or organization providing the funding, name of the contact person if the contributor is a business or organization, and telephone number.
- 4. In-force provision:**
These changes will take effect on a date to be determined by the Lobbyist Registrar.

Technical Amendments to Chapter 140

Amend Chapter 140, Lobbying, substantially as follows:

1. § 140-1 LOBBY: in the first line delete the words “on the following” and insert the words “on a subject matter”.
2. § 140-3A(4)(a): delete and insert 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* and, with necessary modifications, a municipally-controlled corporation for a municipality that is not located in Ontario.”
3. § 140-4: delete “not-for profit” in the heading and insert “not-for-profit”.
4. § 140-4E: delete and insert the following:

“Subsection A does not apply if the not-for-profit corporation or other not-for-profit organization is communicating with public office holders with respect to a grant application, award or other financial benefit outside of the established administrative review, approval or appeal processes for the grant application, award or other financial benefit, and Article III must be complied with.”
5. § 140-5A: delete and insert the following:

“A communication that occurs as part of a meeting of Council, a local board (restricted definition), the Board of Health or their committees, for example:

 - (1) A written communication that is filed with the meeting administrator (for example the City Clerk) before or during the meeting, and includes a communication received after the meeting that is processed for consideration at another meeting.
 - (2) An oral communication to Council, a board or a committee that in the case of the City is usually referred to as a “deputation”.”
6. § 140-5B: delete and insert the following:

“A communication on a subject matter that is submitted to or occurs during a public process related to the subject matter as follows:

- (a) A public meeting, hearing, consultation, presentation, open house or media event held or sponsored by the City, a local board (restricted definition), the Board of Health or a public office holder with respect to the subject matter.
 - (b) A public meeting, hearing, consultation, presentation, open house or media event that is part of the administrative review process with respect to an application or approval under § 140-5F.”
- 7.** § 140-5F: delete paragraphs (1) and (2) and insert the following:
- “(1) With an employee of the City, a local board (restricted definition) or the Board of Health, or a member of Council or a board, 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.
 - (2) With an employee of the City, a local board (restricted definition) or the Board of Health, if the communication is for the purposes of filing an application or part of the administrative review process for an application.”
- 8.** § 140-5G: delete and insert the following:
- “Submitting a bid or proposal as part of the procurement process, and any communication with designated employees of the City, a local board (restricted definition) or the Board of Health, as permitted in the procurement policies and procurement documents of the City, local board (restricted definition) or the Board of Health.”
- 9.** § 140-6A: capitalize “Council” throughout paragraph.
- 10.** § 140-14A: renumber Subsections A to C as B to D and add a new Subsection A as follows:
- “A. Under § 140-10 (Registration requirement), a consultant lobbyist must file a return with the Registrar and otherwise comply with the requirements of this Article to communicate with a public office holder on a subject matter unless the communication is otherwise exempt under Article I or Article II .”
- 11.** § 140-21A: renumber Subsections A to D as B to E and add a new Subsection A as follows:

“A. Under § 140-10 (Registration requirement), the senior officer must file a return with the Registrar and otherwise comply with the requirements of this Article for an in-house lobbyist to communicate with a public office holder on a subject matter unless the communication is otherwise exempt under Article I or Article III.”

- 12.** § 140-28A: renumber Subsections A to F as B to G and add a new Subsection A as follows:

“A. Under § 140-10 (Registration requirement):

(1) If [renumbered] Subsection C applies a voluntary unpaid lobbyist must file a return with the Registrar and otherwise comply with the requirements of this Article to communicate with a public office holder on a subject matter unless the communication is otherwise exempt under Article I or Article II.

(2) If [renumbered] Subsection E applies, the senior officer must file a return with the Registrar and otherwise comply with the requirements of this Article for a voluntary lobbyist to communicate with a public office holder on a subject matter unless the communication is otherwise exempt under Article I or Article III.”

- 13.** Schedule B, item D: delete “Local 2298” and insert “Local 2998”.

- 14.** Schedule B, item E: delete “parking employees” and insert “Exhibition Place”.