



LOBBYIST REGISTRAR'S REPORT ACTION REQUIRED

Fees for the Lobbyist Registry

Date:	December 17, 2007
To:	Executive Committee
From:	Lobbyist Registrar
Wards:	
Reference Number:	

SUMMARY

This report is a result of a motion adopted at City Council of February 5, 6, 7 and 8, 2007.

“The new Lobbyist Registrar report on a plan to partially recover costs related to the operation of a Registry by charging lobbyists a registration fee from the beginning of the program.”

RECOMMENDATIONS

The Lobbyist Registrar recommends that:

1. there be a fee of \$150.00 for the processing of paper based applications for registration;
2. no further fees be imposed at this time with the exception of photocopy and other information as supplied through the Office of the City Clerk with the same fee structure and requirements as other similar City information being supplied under Municipal Code Chapter 441; and
3. the City Solicitor be authorized to introduce any necessary bill into Council to amend Municipal Code Chapter 441, Fees and Charges, respecting these fees.

Financial Impact

There is no material financial impact as a result of the recommendations of this report.

COMMENTS

Rationale

Principles applicable to Municipal Code Chapter 140, Lobbying

When City Council adopted Municipal Code Chapter 140, Lobbying, it did so based on a number of principles. Those principles included “that open and unfettered access to City government is a vital aspect of local democracy” and “that lobbying public office holders is a legitimate activity”.

It is generally accepted that lobbying is seen as a helpful and normal part of doing business and those lobbying have a right to access government for the purposes of communicating with a public office holder as defined in Chapter 140.

A fee to register could be considered contradictory to these principles.

Both staff and elected officials, in their respective positions, communicate to serve the public. Fees to register may or may not act as a disincentive but would put a price on that communication. A fee could foster the belief that there should be an unfettered obligation to communicate with the registrant when and by whatever means the fee payer wants. Of course public servants do their best to communicate with those who want their attention but this is not always possible and not always possible when and how the communicator and in this case a registrant may want.

Fees for Service

Fees typically are considered a “fee for service”. However the two main purposes of Chapter 140 are to establish a register that provides public disclosure of lobbying activity and to establish standards of conduct for lobbyists. The lobbyist now has a Code of Conduct and consequences to any violation of this Code and the registration requirements in Chapter 140. The lobbyist in registering must take additional steps in order to communicate as defined in the Code. These two results of Chapter 140 for registrants do not have the characteristics of providing them with a service.

Chapter 140 does however give the public the assurances that the lobbying communication will be transparent and any violation of the Code of Conduct by lobbyists will result in sanctions. The service is to the general public and under those circumstances it does not seem reasonable to charge the public to search the Registry; therefore, no fee for this service is being recommended.

Level of Fees

There is no experience on which to cost the staff time and effort to process a paper based application and no policy applied elsewhere that says all costs must be part of the fee structure which would include such costs as educational activity, legal advice, printing and print media notices, fixed monthly costs etc. However estimates of processing time and a review of other jurisdictions fees for similar services, as noted below, confirms that the recommended fee will provide for partial recovery of processing a paper based application for registration.

Experience of Other Jurisdictions

The Federal and Provincial Lobbyist Registries both charge the recommended fee for paper based applications. Consistency, especially for the professional who lobbies at these and other provincial registries seems reasonable particularly as the City Registry has no operational experience. These Registries have less than 1% of registrations paper based.

The Federal Registry also charges for photocopy and other paper based information which is provided and as stated above. In our case, this would occur through the Office of the City Clerk and is expected to be minimal as most information is available on the Registry and Internet site.

The Province of British Columbia has a registration and renewal fee structure. They have a small registrant base. The fees do not cover the cost of the system let alone any other operating costs. The renewal and therefore the renewal fees are not pursued and are therefore voluntary. That Registrar has the impression that all fees serve as a disincentive and the experience that fees are somewhat as a lost leader as the costs associated with processing the fees have not proven the fees worthwhile.

Notice

Before the Committee meeting, notice of the proposed fees discussed in this report will be given under the *City of Toronto Act, 2006* to persons who had requested notice and public notice will be given in the manner prescribed in Municipal Code Chapter, 162, Notice, Public.

The City Clerk and the Director of Elections and Registry Services have been consulted in the preparation of this report.

Periodic Review

Fees will be reviewed periodically on an ongoing basis and the Registrar will report to council on this matter as circumstances are warranted.

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SIGNATURE

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