

**OFFICE OF THE LOBBYIST  
REGISTRAR**

**2010 OPERATING BUDGET**

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**ATTACHMENT 1: ORGANIZATION CHART AS OF DECEMBER 31, 2009 AND 2010**

## **OF THE LOBBYIST REGISTRAR**

### **Overview**

The Office of the Lobbyist Registrar promotes the transparency and integrity of City government by maintaining an online public registry of lobbyists and regulating their conduct. This is the first municipal lobbyist registry in Canada.

The Lobbying By-law, Chapter 140 of the Toronto Municipal Code, sets out the principles for the regulation of lobbying the City government's public office holders:

- (a) The City government's duty to make decisions in the public interest should not be impeded;
- (b) Open and unfettered access to City government is a vital aspect of local democracy;
- (c) Lobbying public office holders is a legitimate activity;
- (d) Public office holders and the public should be able to know who is attempting to influence City government;
- (e) Public disclosure of lobbying activity and standards of conduct for lobbyists are important to the integrity of City government decision-making; and
- (f) A system for the registration of lobbying activity and the regulation of the conduct of lobbyists should not impede access to the City government.

Chapter 140 requires lobbyists to register before they lobby public office holders, and to report their lobbying activities within three days. It also requires them to abide by the Lobbyists' Code of Conduct. Breach of Chapter 140 is a provincial offence.

The Lobbyists' Code of Conduct, which is part of Chapter 140, requires ethical conduct by lobbyists. The Code of Conduct sets out standards of behaviour and ethical and professional standards for lobbyists. Lobbyists must act with honesty and integrity, disclose identity and purpose, avoid conflicts of interest, preserve confidentiality and avoid improper influence. The Code of Conduct prohibits lobbyists from lobbying during a procurement process; offering or giving entertainment, gifts, meals, trips or favours; asking public office holders to endorse or recommend their services; and lobbying at charitable, community or civic events.

## **Responsibilities of the Lobbyist Registrar and Staff**

### **Lobbyist Registrar**

The Lobbyist Registrar is an independent Accountability Officer reporting to City Council. The powers and duties of the office of Lobbyist Registrar are set out in the *City of Toronto Act, 2006*, sections 165-169, and Chapters 3 and 140 of the Toronto Municipal Code.

In 2009, Toronto City Council adopted a policy framework<sup>1</sup> and a new by-law<sup>2</sup> for its four statutory Accountability Officers: the Auditor General, Integrity Commissioner, Lobbyist Registrar and Ombudsman. The new by-law, Chapter 3 of the Toronto Municipal Code, provides for the independence and accountability to Council of its Accountability Officers. Chapter 3 provides for the appointment, removal, reappointment and remuneration of future Accountability Officers; designates the Accountability Officers as City Officials; requires annual reports and reports respecting investigations or inquiries to be submitted directly to Council<sup>3</sup>; requires annual attest and compliance audits by external auditors; and provides for periodic mandate reviews by Council.

Accountability Officers are independent of the City administration and fully responsible for their offices. They must perform their duties in an independent manner. They submit their annual budget request to the Budget Committee for consideration and recommendation to Council. They are responsible for the application of specified City by-laws and policies, including those relating to financial control, purchasing, corporate records and other City by-laws and policies related to material and financial resources.

The duties and powers of the Lobbyist Registrar include maintaining the registry system; providing advice, opinions and interpretation of the Lobbying By-law; reviewing, verifying and approving or refusing registrations; conducting inquiries and investigations to determine whether contraventions of the Lobbying By-law have occurred; revoking, removing or suspending registrations and enforcing the by-law; advising Council on lobbying matters and recommending improvements and amendments to the Lobbying By-law; and providing an annual report, reports on investigations to Council and any periodic reports and information as the Registrar considers appropriate. The Registrar has the powers of a commissioner under the *Public Inquiries Act*, which may be used in the course of an investigation or inquiry.

### **Registry Staff**

Two Lobbyist Registry Advisors promote and ensure compliance by lobbyists with the Lobbying By-law. They provide information and advice about the registry and by-law to lobbyists, public office holders and members of the public. They help members of the public and public office

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<sup>1</sup> Executive Committee Item 31.1 “A Policy Framework for Toronto’s Accountability Officers” was adopted as amended by City of Toronto Council on April 29 and 30, 2009.

<sup>2</sup> Chapter 3, Accountability Officers was enacted by Council on October 27, 2009.

<sup>3</sup> Policy-related reports shall be submitted to Council through the Executive Committee.

holders to search the registry and lobbyists to register and update their registrations. The Registry Advisors review and verify new registrations and updates, approving or refusing them on behalf of the Lobbyist Registrar. They review existing registrations for compliance with the by-law.

The Registry Advisors develop and provide training programs for lobbyists, which are offered on a regular basis throughout the year. They assist the Lobbyist Registrar with outreach programs. The Registry Advisors are actively involved in website improvements as members of the Registry's IT project team.

The Manager of Registry Operations is responsible for the daily operation, maintenance and improvement of the registry and its processes, and for supervision of Registry staff. This position has been vacant since May 2009. In the interim, the Registry Advisors report to the Lobbyist Registrar.

### **Compliance and Investigations Staff**

As noted above, the Lobbyist Registrar is responsible for enforcing the Lobbying By-law and conducting, in private, inquiries and investigations to determine whether contraventions of the Lobbying By-law have occurred. To date, the Lobbyist Registrar has met these responsibilities with the assistance of external counsel and investigators. The Lobbyist Registrar has developed Compliance Investigation Procedures<sup>4</sup>, which were reported to Council<sup>5</sup> and are posted on the website of the Office of the Lobbyist Registrar.

Hiring of inquiries and investigations staff was enabled by the 2009 budget and is required to meet the Lobbyist Registrar's statutory mandate. In 2009, the positions of Inquiries and Investigations Counsel and Investigator were created and evaluated. Hiring of an Inquiries and Investigations Counsel is now underway. The Inquiries and Investigations Counsel will be responsible for managing and conducting the Lobbyist Registrar's compliance inquiries and investigations and for developing and implementing best practices and procedures for compliance inquiries, investigations and enforcement.

### **Website**

At the heart of the mandate of the Office of the Lobbyist Registrar is its website. The website hosts the lobbyist registry, which must by law be available to the public at all reasonable times. Lobbyists register online and members of the public search the registry through the registry website.

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<sup>4</sup> [www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-18482.pdf#appendix-2](http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-18482.pdf#appendix-2)

<sup>5</sup> [www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-18482.pdf](http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-18482.pdf)

The Lobbyist Registrar received a 2009 Innovation Award at the Toronto Innovation Showcase for Creating a Lobbyist Registry. This award recognizes that Toronto has been at the forefront in creating the first online municipal lobbyist registry in Canada.

In 2009, the Office of the Lobbyist Registrar completed Phase 2 of its IT project to develop its website and started Phase 3 to complete improvements to the website. The purpose of this capital project is to improve the registry website by implementing legislative changes to the registry, improving search capacity, providing a reporting capacity and improving the look and feel of the website.

As noted above, Registry staff have participated actively in the office's IT projects. In September 2009, a Business Lead for the Registry's IT project, Phase 3, was hired on a temporary contract. This position is responsible for completion of Phase 3 on time and within budget. Our office also issued a Request for Quotation and retained a Technical Writer for this project, to rewrite the information on our website.

## **External Audit**

Chapter 3 of the Toronto Municipal Code requires the Lobbyist Registrar's Office to undergo an annual compliance audit by an external auditor appointed by and reporting to Council. The Office of the Lobbyist Registrar successfully underwent an independent compliance audit for the year 2008, which was reported to Council.

The Office of the Lobbyist Registrar is also part of the annual attest audit of the City.

## **The Statutory Accountability Officers – Working Together with the Auditor General, Integrity Commissioner and Ombudsman**

The City's four statutory Accountability Officers (the Auditor General, Integrity Commissioner, Lobbyist Registrar and Ombudsman) work together on common issues affecting their mandates, while preserving the confidentiality required of them regarding individual cases.

The Lobbyist Registrar worked with the Auditor General, Integrity Commissioner and Ombudsman in consultation with the City Manager to develop the Accountability Framework for Lobbyists and its enabling by-law, Chapter 3 of the Toronto Municipal Code, both of which were adopted by Council.<sup>6</sup> The Accountability Officers continue to work together to develop a Code of Conduct and Conflict of Interest Policy as well as protocols implementing the accountability framework and by-law.

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<sup>6</sup> [www.toronto.ca/legdocs/municode/1184\\_003.pdf](http://www.toronto.ca/legdocs/municode/1184_003.pdf)

The Lobbyist Registrar and Interim Integrity Commissioner working together with the City Clerk developed an interpretation bulletin: Donations to Council Member-Organized Community Events.<sup>7</sup>

The Lobbyist Registrar and Interim Integrity Commissioner working together in consultation with members of Council developed a Protocol on Unsolicited Written and Electronic Communications to Members of Council.<sup>8</sup>

## **2010 Challenges**

Phase 3 of the Lobbyist Registry's IT project must be completed by the second quarter of 2010 and will continue to place demands on all staff of the Office of the Lobbyist Registrar.

In order to meet the Lobbyist Registrar's statutory inquiries and investigations mandate, continued development and implementation of best practices, procedures and protocols and hiring of inquiries and investigations staff is required.

The upcoming municipal elections may result in increased demand for registrations, advice and investigations in 2010 as compared to 2008 and 2009. Protocols and advisory bulletins on municipal elections issues as they affect lobbyists need to be developed by the Lobbyist Registrar working together with the City Clerk and Integrity Commissioner.

Protocols implementing the Accountability Framework and Chapter 3 must continue to be developed by the four Accountability Officers working together.

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<sup>7</sup> [www.toronto.ca/lobbying/pdf/donations\\_to\\_member-organized\\_comm\\_events.pdf](http://www.toronto.ca/lobbying/pdf/donations_to_member-organized_comm_events.pdf)

<sup>8</sup> [www.toronto.ca/lobbying/pdf/protocol\\_written\\_comm\\_may2109.pdf](http://www.toronto.ca/lobbying/pdf/protocol_written_comm_may2109.pdf)

## 2010 BUDGET REQUEST

### Budget Request

The Office of the Lobbyist Registrar's 2010 operating budget request is as follows:

in \$000s	2009 Projected Actuals	2009 Approved Budget	2010		
			Requested Base	Reduction	Budget Request
Salaries and Benefits	536.8	802.6	970.1	(149.6)	820.5
Materials and Supplies	8.0	8.1	8.1	(3.4)	4.7
Equipment	4.2	2.7	2.7	(1.0)	1.7
Services & Rents	30.8	109.1	109.1	(34.3)	74.8
Contributions to Reserve/Res Funds	1.3	1.3	1.3		1.3
Interdivisional Charges	1.3	18.0	18.0	(14.5)	3.5
<b>Total</b>	<b>582.4</b>	<b>941.9</b>	<b>1,109.3</b>	<b>(202.8)</b>	<b>906.5</b>

The Office of the Lobbyist Registrar's 2010 Operating Budget Request of \$906.5 thousand is a reduction of 3.8% from the 2009 Approved Operating Budget of \$941.9 thousand. The majority of the Office of the Lobbyist Registrar's 2010 Operating Budget Request consists of salaries and benefits and has absorbed cost of living adjustments (COLA) and inflationary increases in non-salary items.

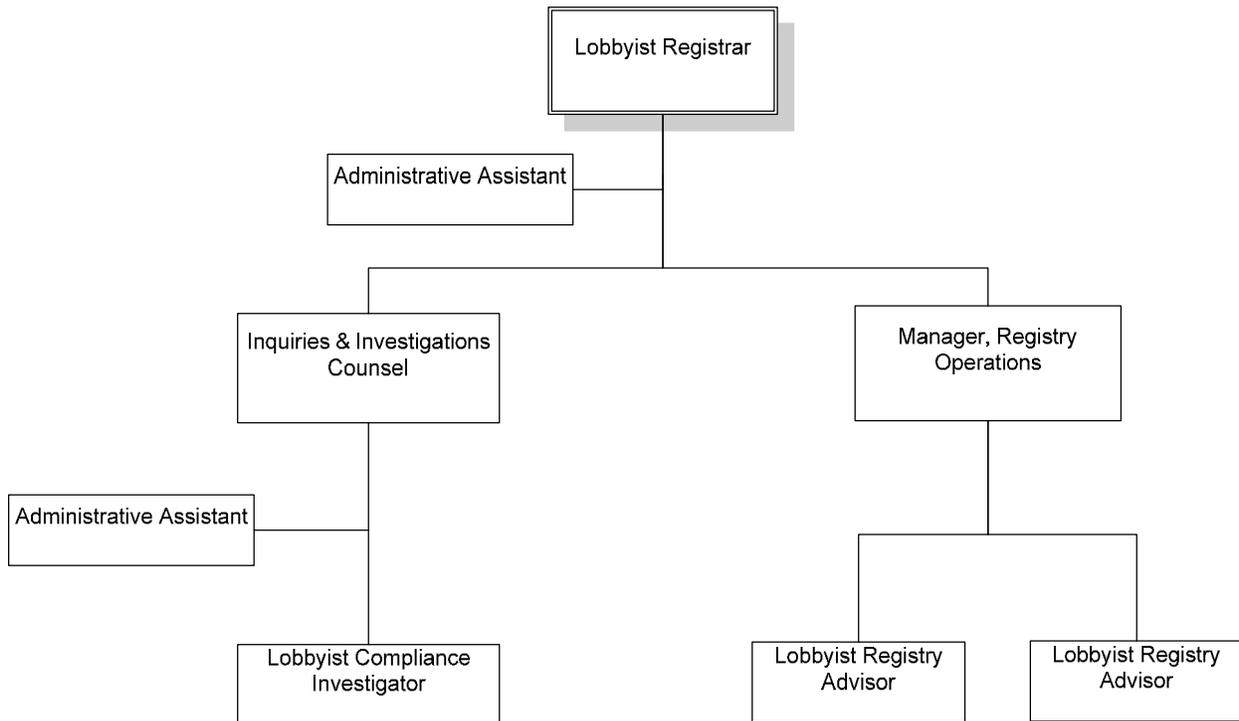
Cognizant of the City of Toronto's financial situation, the budget request includes (a) reductions related to the one-time gapping of a Lobbyist Compliance Investigator position and partial gapping of Clerical Support positions in anticipation that the workload load in 2010 will be similar to the 2009 experience; and (b) reduction in non-payroll budget as operations of the office has started to stabilize and some of the initial start-up costs are no longer needed.

The 2010 Operating Budget Request will enable the Office of the Lobbyist Registrar to continue promoting the transparency and integrity of City government by maintaining an online public registry of lobbyists and regulating their conduct while managing with less staffing and financial resources.

The variance in the 2009 budget is mainly due to the gapping of one manager position and the delay in hiring the Inquiries and Investigations Counsel position, and savings in non-salary expenditures.

**Consequence of Decrease in 2010 Operating Budget Request**

Further reductions in the Office of the Lobbyist Registrar's 2010 Operating Budget Request will impact the Office of the Lobbyist Registrar's ability to fulfil her mandates and in handling 2010 expected challenges.

**ATTACHMENT 1: ORGANIZATION CHART AS OF DECEMBER 31, 2009 and 2010**

\* There is a 0.25 FTE of temporary staff.