



LOBBYIST REGISTRAR'S REPORT ACTION REQUIRED

Report on an Inquiry: Lobbying about Zip-Lines in Earl Bales Park

Date:	October 1, 2013
To:	City Council
From:	Lobbyist Registrar
Wards:	All
Reference Number:	

SUMMARY

In December 2011 and January 2012, media reported that officials of ArborTrek Canopy Adventures, LLC (ArborTrek), a for-profit corporation based in Vermont, discussed an unsolicited proposal with a councillor to build and operate zip-lines, canopy tours and aerial-trekking courses at Earl Bales Park.

After these communications, the unsolicited proposal was submitted to the Toronto Office of Partnerships (TOP). TOP administers the City's unsolicited proposals process, which is a procurement process. TOP evaluated the ArborTrek proposal and rejected it.

The Lobbying By-law, § 140-10, requires lobbyists to be registered before they lobby. They must also report their lobbying activities within three business days after lobbying. The Registrar conducted an inquiry to determine whether unregistered lobbying or any other breach of the Lobbying By-law had occurred.

The Registrar's inquiry determined that the President of ArborTrek was an unregistered in-house lobbyist. This individual was required to register by § 140-10 and ARTICLE III of the Lobbying By-law before lobbying public office holders.

Another individual who communicated on behalf of ArborTrek with the councillor before the submission of the proposal was a voluntary lobbyist acting for a for-profit entity. He was required to register by § 140-10 and ARTICLE IV of the Lobbying By-law before lobbying public office holders.

Subsection § 140-41A of the Lobbying By-law prohibits lobbying about a procurement process except as permitted by applicable procurement policies and documents:

- A. *Lobbyists shall not communicate in relation to a procurement process except as permitted by applicable procurement policies and procurement documents*

The Registrar found that communications by the lobbyists with the councillor before the submission of the unsolicited proposal to TOP were prohibited by the applicable procurement document, *Process for Receiving and Reviewing Unsolicited Quotations and Proposals*.

The Registrar found that the lobbyists' communications with TOP about the unsolicited proposal complied were permitted under the applicable procurement document. In addition, these communications were not required to be registered, since they are exempt under § 140-5G.

The Registrar permitted the lobbyists to register, cautioned them to comply with the Lobbying By-law and requested that they attend training sessions provided by her office.

RECOMMENDATIONS

The Lobbyist Registrar recommends that:

1. City Council receive the findings in the attached report.

Financial Impact

This report has no financial impact.

DECISION HISTORY

The Toronto Municipal Code, Lobbying, § 3-7B, provides that the Lobbyist Registrar reports directly to Council on investigations and inquiries conducted by her.

CONTACT

Linda L. Gehrke, Lobbyist Registrar
lgehrke@toronto.ca; Tel. 416-338-5858; Fax: 416-338-5859
Stephen Littlejohn, Inquiries and Investigations Counsel
slittle@toronto.ca; Tel.: 416-338-6620; Fax: 416-338-5859

SIGNATURE

Linda L. Gehrke, Lobbyist Registrar

ATTACHMENTS

Report to Council on an Inquiry: Lobbying about Zip-Lines in Earl Bales Park