

Office of the Lobbyist Registrar – 2017 Operating Budget Request

Date: December 2, 2016
To: Budget Committee
From: Lobbyist Registrar
Wards: All

SUMMARY

This report seeks Budget Committee's recommendation for City Council to approve the Office of the Lobbyist Registrar's 2017 Operating Budget Request of \$1,154.0 thousand gross and net.

RECOMMENDATIONS

The Lobbyist Registrar recommends that:

1. Budget Committee recommend to Executive Committee that City Council approve the Lobbyist Registrar's 2017 Operating Budget Request of \$1,154.0 thousand gross and net.

FINANCIAL IMPACT

The financial impact of adopting the recommendation in this report will be an inclusion of the annual budget of the Office of the Lobbyist Registrar at \$1,154.0 thousand gross and net in the City of Toronto's 2017 Approved Operating Budget.

DECISION HISTORY

In accordance with the *City of Toronto Act, 2006* and Chapter 3 of the Toronto Municipal Code, the Lobbyist Registrar, as one of the City's four Accountability Officers, is

independent and accountable to City Council. Section 3-10C requires each Accountability Officer to submit an annual budget request to the Budget Committee for consideration and recommendation to City Council. Therefore, this report is submitted directly to Budget Committee for consideration and recommendation to City Council. (Reference: *City of Toronto Act, 2006*, s. 168(1); Chapter 3 of Toronto Municipal Code, s. 3-10C)

COMMENTS

Mandate of the Office of the Lobbyist Registrar (OLR)

The OLR promotes and enhances the transparency and integrity of City government decision-making through public disclosure of lobbying activities and regulation of lobbyists' conduct. The OLR is responsible for: oversight of the lobbyist registration system, provision advising on Chapter 140, Lobbying, of the Toronto Municipal Code, conducting inquiries and investigations and enforcing compliance with Chapter 140, Lobbying (Lobbying By-law), and advising City Council on lobbying matters.

The OLR is one of the four independent Accountability Offices appointed by and reporting to Toronto City Council with responsibilities, powers and duties as set out in the *City of Toronto Act, 2006* (COTA). The accountability provisions in COTA are vital to the effectiveness of the City's accountability framework and to strengthen public trust in government. COTA requires the City to maintain a lobbyist registry and empowers the City to appoint a Registrar.

Duties of the Lobbyist Registrar

The Lobbyist Registrar is required by the *City of Toronto Act, 2006* and Chapter 3 of the Toronto Municipal Code to execute the following duties:

1. The independent carriage of the duties and responsibilities of the office as set out in Part V of the *City of Toronto Act, 2006* and Toronto Municipal Code Chapter 3, Accountability Officers;
2. Oversight of the lobbyist registration system and Lobbying By-law (the By-law), which includes interpretation and application of the By-law;
3. Review and assessment of registrations to guarantee compliance with the By-law;
4. Decision-making with respect to the refusal, acceptance, suspension or revocation of a registration;
5. Investigation of complaints regarding alleged breaches of the By-law, and where required in the public interest, the carriage of enforcement proceedings which may include the referral for prosecution of matters pursuant to the *Provincial Offences Act*;

6. Provision of outreach and training to all stakeholders on the Lobbyists' Code of Conduct and roles and responsibilities under the By-law;
7. Publication and presentation of an annual report to City Council on the activities of the OLR in the discharge of its duties;
8. Provision of information to the public about the City's lobbying control framework and how to access the Public Registry on the City's website;
9. Execution of the office's functions within a framework that fosters independence, confidentiality and public trust; and
10. Identification of matters that crossover with the mandates and processes of other Accountability Offices and facilitating coordination, when required in the public interest.

Rationale for the Budget Request

The OLR's 2017 Operating Budget Request of \$1,154.0 thousand net represents a 0.2% decrease from the 2016 Approved Operating Budget of \$1,156.3 thousand net. The majority of the OLR's 2017 Operating Budget Request consists of salaries and benefits.

A base budget increase of \$12.4 thousand net is due to progression pay increases or re-earnable performance pay for staff who have reached the wage grade maximum, cost of living adjustments (COLA), benefit adjustments and economic factor adjustments for non-payroll items, which have been partially offset by budget to actual adjustments to salary and benefit costs.

Accommodating Council's 2017 operating budget direction and recognizing the City's fiscal constraints, the OLR submitted a budget reduction of \$14.7 thousand net or 1.3% of the 2016 Approved Budget. The reduction is one-time and comprises the gapping of a 0.25 temporary administrative position in 2017, as well as a reduction in office supplies, and outreach-related expenses.

Registration, educational outreach and enforcement continue to occupy much of the OLR's small team. The OLR provides training and support for registrants to achieve compliance, facilitates ongoing registrations, and undertakes enforcement measures, when required in the public interest. Ongoing enforcement activities include: summons to witness, summons of documents, investigations, and prosecutions under the *Provincial Offences Act*. The OLR's registrations have risen steadily over the years, and further increase in volume is anticipated.

Two enhancements to the OLR's enforcement powers will have significant impact on the OLR's operations in 2017. These are:

1. Enhanced Tools to Enforce the City's Lobbying By-law

On May 3, 4 and 5, 2016, City Council expanded the OLR's enforcement powers to include imposing temporary bans against lobbyists and/or imposing conditions on lobbyist registrations where the OLR has found breaches of the By-law.

Council's expansion of the Lobbyist Registrar's enforcement tools will provide a broader range of enforcement measures for minor or incidental infractions to more punitive measures for serious, repetitive or egregious contraventions of the By-law.

2. Legislative Changes from the Province of Ontario

Bill 68 "Modernizing Ontario's Municipal Legislation Act", tabled by the Province of Ontario, proposes to grant City Council's request to amend COTA to allow for extensions to the statutory limitation period for prosecutions under the *Provincial Offences Act* for breaches of the By-law from 6 months to two years and provide authority to the Lobbyist Registrar to impose administrative monetary penalties.

The Lobbyist Registrar uses various strategies to require and enforce compliance with the By-law, including advice and training, reports to Council and prosecutions under the *Provincial Offences Act* (POA). These enforcement tools will be utilized in the public interest on an escalating scale depending on the facts of the case and the seriousness of the breach. Resources are required by the OLR in order for it to employ these measures to guarantee that it can meet its mandate.

CONTACT

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SIGNATURE

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Lobbyist Registrar

ATTACHMENTS

Attachment 1: 2017 Operating Budget – Accountability Officers Budget Request Overview