

Clause embodied in Report No. 14 of the Administration Committee, as adopted by the Council of the City of Toronto at its regular meeting held on February 4, 5 and 6, 2003.

**4a****Establishing a City Lobbyist Registry Similar  
to Provincial and Federal Systems:  
Implementation Issues, Costs and Requirements**

*(City Council at its regular meeting held on February 4, 5 and 6, 2003, adopted the following recommendations:*

*“It is recommended that:*

- (1) the City approve the establishment of a interim, voluntary lobbyist registry system, as follows:*
  - (a) the registry should be in place within three months;*
  - (b) in the initial stages, the registry will take the form of a simple register in each Councillor’s office, requiring all lobbyists to sign in;*
  - (c) a copy of the registry is to be made available at the end of each month in the office of the City Clerk;*
  - (d) a budget of \$500.00 be established to cover the initial costs, with funding to be provided from within the existing budget of the City Clerk’s Office;*
- (2) a permanent and formal City-wide lobbyist registry system, similar to the system described in the joint report (October 30, 2002) from the Chief Administrative Officer and the City Solicitor (as embodied in the Clause), with estimated annual costs of \$300,000.00 and set-up costs of \$360,000.00, be established for the City of Toronto at such time as the Province of Ontario approves enabling legislation;*
- (3) in the meantime, the Chief Administrative Officer, in consultation with the City Solicitor, be requested to continue to develop policies and procedures, within the existing legislation, based on external industry and association policies, regulations and laws governing lobbyists, and other relevant policies, such as the Code of Conduct for Council Members and the Lobbying Disclosure Policy for certain competitive calls;*
- (4) the following Recommendations Nos. (3), (6) and (7), embodied in the joint report (October 30, 2002) from the Chief Administrative Officer and the City Solicitor, be adopted:*

- ‘(3) if Council decides to proceed with a City Lobbyist Registry by-law similar to that contained in Appendix 5 to this report, the City Clerk and Commissioners be consulted to ensure an effective City lobbyist registry that will address the applications, procedures and functions likely to attract a high degree of lobbyist activity, as well as be consistent with provincial and federal principles for the registration process;*
- (6) after consultation with the City Clerk and Commissioners as per Recommendation No. (3) above, the Chief Administrative Officer and City Solicitor report to Administration Committee on a final form lobby registry by-law; and*
- (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’;*
- (5) the Chief Administrative Officer and the City Solicitor be requested to submit a joint report to the Administration Committee:*
- (a) outlining a request to the Province of Ontario for enabling legislation for a permanent lobbyist registry system, within the context of the request for enabling legislation for a City Integrity Commissioner; and*
- (b) on the administrative aspects of the lobbyist registry system as it relates to the Office of the Integrity Commissioner;*
- (6) the Chief Administrative Officer, in consultation with the Commissioner of Corporate Services, be requested to submit a report to the Administration Committee on measures to strengthen the City’s policies regarding the lobbying of civil servants, with a general goal of banning or implementing stronger controls on the lobbying of civil servants;*
- (7) the Ethics Steering Committee be requested to refine the details of data collection and the definition to be applied to lobbyist activities, and submit a report thereon to Council, through the Administration Committee, such report to also address the issue of lobbying by unions, developers, fundraisers and special interest groups; and*
- (8) consideration be given to sustaining the system by charging professional lobbyists an amount for registration when a more permanent registration system is established.”)*

(City Council, at its regular meeting held on November 26, 27 and 28, 2002, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on February 4, 2003.)

**The Administration Committee submits, without Recommendation, the following joint report (October 30, 2002) from the Chief Administrative Officer and the City Solicitor, having regard that all motions pertaining thereto were voted on and lost:**

Purpose:

This report examines the applicability of the provincial lobbyist registry system suggested as the model to establish a Lobbyist Registry covering all business activities of the City. Major challenges are involved to design and implement a system that may be feasible and effective at the municipal level. Accordingly, the report assesses implementation issues involving legal authority, the activities to be included and excluded from a by-law, effective administration of requirements, likely costs, and tailoring provincial procedures/technology for the City.

Financial Implications and Impact Statement:

A decision by Council to establish a lobbyist registry applicable to all City business transactions would involve costs estimated at up to \$360,000.00 in its start-up year, with ongoing annual costs estimated at up to \$300,000.00. These estimates, outlined in section V(b) of this report, include development of a fully automated on-line system modelled on the provincial registry, staffing under the City Clerk to include a new Registrar position and, technical administration and clerical support duties from existing staff as part of their job descriptions. Additional costs are likely to include occasional independent legal advice, systems, and communications support (in-house and contracted specialists) and, equipment, software, and office space in City Hall.

Although not being recommended for implementation during 2002, it is anticipated that funding in the amount of approximately \$160,000.00 during 2003 would permit system development, and hiring of a Registrar in the latter half of the year. These costs would be incorporated into the operating program budget of the City Clerk including \$160,000.00 for the year 2003 anticipated as the first partial year of operation for a Lobby Registry system.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) due to limitations on municipal authority and legal, administrative and cost difficulties respecting implementation, Council not establish a lobbyist registry at this time; and
- (2) the City continue to rely upon external industry and association policies, regulations and laws governing lobbyists and its own policies such as the Code of Conduct for Council Members and the Lobbying Disclosure Policy for Certain Competitive Calls since the information collected is very similar to that collected by the provincial Lobbyist Registry;

- (3) if Council decides to proceed with a City Lobbyist Registry by-law similar to that contained in Appendix 5 to this report, the City Clerk and Commissioners be consulted to ensure an effective City lobbyist registry that will address the applications, procedures and functions likely to attract a high degree of lobbyist activity, as well as be consistent with provincial and federal principles for the registration process;
- (4) if Recommendation No. (3) above is approved, then the 2003 Operating Budget of the City Clerk include \$160,000.00 for system development and partial-year salary and benefits;
- (5) given its funding implications, this report be forwarded to Budget Advisory Committee;
- (6) after consultation with the Clerk and Commissioners as per Recommendation No. (3) above, the Chief Administrator and City Solicitor report to Administration Committee on a final form lobby registry by-law; and
- (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its meeting held on February 13, 14 and 15, 2002, Council referred a Notice of Motion to the Administration Committee and requested the Chief Administrative Officer, in consultation with the [Acting] City Solicitor, to submit a report on:

- (i) expanding the City's present Lobbying Disclosure Policy (applicable to high-value, or long-term, and/or high-profile competitive procurements) to a lobbyist registration system covering all City business transactions; and
- (ii) adopting the federal or provincial Lobbyist Registry system as a model, with amendments applicable to the City of Toronto's situation.

In response, the April 2002 report by the City Solicitor titled "Feasibility of a Lobbyist Registration Policy Similar to Provincial and Federal Models", found that if the City decides to establish a registry, the action will likely be subject to a court challenge. This conclusion was based on previous municipal experience, the findings respecting recent applicable court decisions on the extent of municipal powers and authority, and a review of the new *Municipal Act, 2001*. The Administration Committee recommended receipt of the report and requested the Chief Administrative Officer (CAO) to report on a City Lobbyist Registry based on the federal/provincial systems. Council considered this (Clause No. 3 in Report No. 6 of The Administration Committee) at its meeting of May 21, 22 and 23, 2002, and adopted the recommendation of Administration Committee without amendment.

Comments:

While lobbying is acknowledged as an acceptable part of government processes, Council has expressed a desire to ensure that information on the parties lobbying and being lobbied is available to the public. The model suggested has been a lobbyist registry and there have been

several reports to Council on this and related matters since amalgamation in 1998, including:

- (i) “Interim Report on a Registry of Lobbyists and Related Matters” in June 1998;
- (ii) “Code of Conduct for Members of Council” in September 1999;
- (iii) “Procedures under the Lobbyists Registration Act, 1998” in April 2000;
- (iv) “Lobbying Disclosure Policy for Certain Requests for Proposals and Tender/Quotation Calls” in March 2001; and
- (v) “Feasibility of a Lobbyist Registration Policy Similar to Provincial and Federal Models” in April 2002.

I. Recent Findings Respecting Limited City Authority to Establish a Lobbyist Registry:

At the senior government levels in Canada, lobbyist registration law has been successfully implemented. The purpose of such regulation is to make government information available to the taxpaying public and to add to the continuum of ethics in government. While this suggests there is merit in developing and applying similar processes at the City, the municipal level actually possesses very limited authorities and powers to do so.

Without specific legislative authority to regulate that includes a power, directly or indirectly, to discriminate, it is highly likely that a municipal lobbyist registration policy would be subject to a court challenge on the basis that it is discriminatory, among other reasons. In the report titled “Feasibility of a Lobbyist Registration Policy Similar to Provincial and Federal Models” in April 2002, the City Solicitor concluded that this lack of municipal authority has not changed irrespective of new legislation and recent court cases. Specifically, neither the new *Municipal Act, 2001* nor the recent Hudson and Lyons cases can be interpreted as providing the City with the legal authority to enact and enforce an effective lobbyist registry system.

More details on these findings are provided in Appendix 1 to this report.

II. Present City Policies/Standards to Monitor or Manage Lobbying:

Lobbying is acknowledged as an acceptable part of government processes, but municipalities are legally constrained in terms of their power and authority to establish, enact and enforce lobbyist by-laws to manage the process. Independent of the presence of any specific City legislation to govern lobbying, however, there are several external mechanisms by which lobbyist behaviour and interaction with government officials is regulated including:

- (i) industry codes with which lobbyists representing a member sector must comply;
- (ii) professional codes of conduct with which lawyers and other professionals acting as lobbyists must comply; and

- (iii) the *Criminal Code*, for example, which covers influence peddling, bribery and fraud, municipal corruption and interference with the performance of official acts.

The City has also dealt with lobbying, other than by establishing a registry system, as follows:

- (1) the City places some reliance upon the preceding regulatory mechanisms;
- (2) the purchasing and procurement policies of the City of Toronto ensure certain safeguards and integrity in dealing with external organizations;
- (3) Council has established a Lobbying Disclosure Policy for certain competitive procurements of high-value, high profile, long-term and/or an intensely political nature; and
- (4) the approved Code of Conduct for Council Members (as well as the employee Conflict of Interest policy), provides a set of checks and balances for overall and specific conduct standards, one section of the Code being applicable to lobbyists.

The City's Lobbying Disclosure Policy is not a lobbyists registry, nor does it attempt to regulate lobbyists. Rather, it is a requirement of certain competitive procurements of the City where the onus is placed on bidders/proponents to reveal any lobbyists they have or intend to use to approach staff or Council members. The policy also provides for Council to severely restrict or completely ban lobbyist activity in certain circumstances. The provincial Act, in contrast, requires paid lobbyists themselves (and not their clients or employers) to provide specified lobbying information. Despite this difference, the information provided is quite similar.

Appendix 2 provides more detail on the definitions of Lobbyist adopted by the City in its Code of Conduct for Council Members as based on provincial definitions. The Appendix also provides a comparison of information collected under the City's Lobbyist Disclosure Policy with that collected under the provincial Lobbyists Registry.

### III. Former Municipal Experience with a Lobbyist Registry:

Previous municipal experiences in attempting to establish an effective lobbyist registry have been fraught with legal and administrative difficulties. The former City of Toronto enacted a by-law in 1989 to register lobbyists, as presented in Appendix 3 to this report (from the 1998 CAO report, Interim Report on a Registry of Lobbyists and Related Matters).

Under the By-law, those who communicated with members or senior staff without having first registered, were subject to a fine (\$2,000.00 maximum at the time). Most aspects of the by-law, including definitions, making an "appearance", monitoring and enforcement, proved to be unworkable. Continual changes and legal challenges lead to the by-law repeal in under a year.

As an alternative to the registry by-law, the former City then enacted a Lobbyist Disclosure By-law. This changed the onus to the “applicant”, rather than the lobbyist, to file a completed form with the Clerk. Staffing and administration was put in place with the penalty for not filing being that the matter would not be placed on the agenda of Council. In February of 1993, the Lobbyist Disclosure By-law was also repealed due to difficulties with procedures and administration. Problems included, for example, missed agenda items important to City business, legal and other disagreements, continual amendments to professional and other party exemptions, and ever-increasing lists of applications exempt from the disclosure requirements.

Of particular interest is that public use of the lobbyist information collected was scant. There had been only five cases of file review by a member of the press or Council and none by the general public, during a period covering about two and one-half years. Additionally, the data was insufficient to ascertain whether the information and disclosure forms provided value to Council members when they came before Committees where lobbying was indicated.

In total, the former City of Toronto undertook at least eight revisions of the two By-laws and their provisions between 1989 and 1993.

#### IV. The Model Suggested for City Implementation:

##### (a) General Context of Senior Government Lobbyist Registry Systems:

In Canada, Industry Canada through the Office of the Ethics Counsellor, is responsible for managing the lobbyist registry system. A Lobbyist Registration Branch has been established and an Annual Report is produced containing operating information and statistical data. For example, the report lists the subject matter of lobbying activities, as well as the names of federal departments and agencies contacted by lobbyists. The number of lobbyists registered and the number of lobbyists active, are also provided for each of three categories of lobbyists (the 2000-2001 annual report records 1443 active lobbyists and 3345 registrations, as of March 2001). The federal government has also developed a simple, non-statutory Code of Conduct for Lobbyists.

Federally, there are four basic principles set out in the Act as follows:

- (i) free and open access to government is an important matter of public interest;
- (ii) lobbying public office holders is a legitimate activity;
- (iii) it is desirable that public office holders and the public be able to know who is attempting to influence government; and
- (iv) a registry system for paid lobbyists should not impede free and open government access.

The federal Act was the subject of a Parliamentary review in 2001. The federal government is considering alternatives for clarifying the *Lobbyists Registration Act* in three areas: the definition of ‘lobbying’ under the Act; registration updates and de-registration requirements; and, the registration process for business corporations and non-profit groups (i.e., the process would require a Chief Executive Officer to register on behalf of his or her corporation).

In the Province of Ontario, the Integrity Commissioner recommended in 1997 that the *Members’ Integrity Act* for elected officials, be extended and applied to senior public officials. This involved conflict of interest standards to reinforce and expand rules governing public servants in their day-to-day duties. Similar to federal legislation, its intent is to more clearly regulate the official dealings of government staff with other sectors, as well as the treatment of confidential or insider information both during and following employment with the government.

In tandem with this initiative, the *Lobbyists Registration Act, 1998* (“Act”), came into force on January 15, 1999. The provincial lobbyist legislation replicates that of the federal government to a significant degree. The provincial Integrity Commissioner is responsible for managing the lobbyist registry, associated operations and information provision. There are certain exemptions from registering under the Act, for example, routine constituency work, and members of council or City staff when acting in their official capacity.

In addition, municipalities are far more limited in their authority to regulate the behaviour of elected representatives holding office and those who have left office than are the federal and provincial governments. Post-employment rules prevent former cabinet ministers from receiving government contracts, or representing private sector clients seeking government contracts. The restrictions normally apply for a period ranging from twelve to twenty-four months.

(b) Summary of Definitions and Procedures under the provincial *Lobbyists Registration Act*:

The provincial Act defines three categories of lobbyists, namely, consultant lobbyists paid to lobby on behalf of a client, in-house lobbyists employed by persons (including corporations) and partnerships and, in-house lobbyists employed by non-commercial organizations. The definitions adopted by the City of Toronto for the Code of Conduct (Appendix 2) with the exception of its additional category “volunteer lobbyist”, are based on the provincial definitions.

Under the definition of “lobby” in subsection 1(1) of the provincial Act, lobbying takes place when communications occur with a public office holder in an attempt to influence a variety of proposals, government bills, regulations, outsourcing proposals, awards of contracts/grants and so on. On its face, the Act discriminates as it does not apply to all lobbyists, and has different requirements for the three



classes of lobbyists.

Under the Act paid lobbyists are required to report their “lobbying of public officials” (as defined in the Act) by filing a return with the Registrar. The return must be in the required form and may be filed in an electronic form over the Internet with no fee payable or by filing a paper copy for which a fee is payable. Disclosure in the returns includes name and address, nature of the business, information on other parties who have an interest, certain financial matters, and the nature of the lobbying activity. The register of returns (“registry”) is available for public inspection and is also available on the Internet.

It is an offence to conduct lobbying activities without filing the required return and notice of changes within the specified time limits, to make false or misleading statements in a return or other document, or to knowingly place a public office holder in a position of real or potential conflict of interest. All offences are subject to a maximum fine of \$25,000.00.

See Appendix 4 for detailed definitions, procedures and recent provincial statistics under the *Lobbyist Registration Act*.

V. Lobbyist Registry Implementation Issues and Recommendations for the City of Toronto:

(a) City Authority, Court Cases and Previous Experience with a Lobbyist Registry:

In sections I, II and III of this report, it has been shown based on legislation, court cases and previous municipal experience level that:

- (i) Ontario municipalities lack the legal authority to enact and enforce an effective lobbyist registration policy;
- (ii) a lobbyist registry system would be extremely difficult to administer at the municipal level (concurrent in by the Office of the provincial Integrity Commissioner); and
- (iii) the City of Toronto has taken significant steps in implementing policies and standards to manage lobbyists within the limits of its authority.

It should also be noted that the provincial and federal Acts have enforcement provisions far stronger than those which apply to a by-law enacted under the *Municipal Act*. Both of these Acts have fine provisions of up to \$25,000.00 instead of the \$5,000.00 that applies to most municipal by-law offences under the *Provincial Offences Act*. The provincial Act also has a special offence provision for when a consultant lobbyist knowingly places the public office holder in a position of real or potential conflict of interest. Since the City cannot implement similar measures, questions arise about the degree of compliance lobbyists will feel compelled to exercise. Among other factors, weak enforcement authority calls into question the effectiveness of a City registry.

(b) Costs Associated with Implementing a Lobbyist Registry System:

There is a significant cost associated with implementing an effective Lobbyist Registry system modelled on the provincial system in order to:

- (i) list all persons and firms paid (and, in some cases unpaid) to lobby;
- (ii) provide public access to the registry of lobbyists, their clients and their respective issues;
- (iii) provide information respecting those seeking to influence government decision-making;
- (iv) offer ease in capturing rapidly changing statistics and data on lobbyist activity; and
- (v) tailor technology for the City, and recruit/place management, technical and support staff.

Estimated System Cost:

The provincial system is 100 percent filed on-line and manual filing is permitted (for a fee). On-line capabilities include a pre-registration process to validate each user and provide them with a user id and password, a registration system, and access to the website. The Lobbyist Registrar has the on-line capability to amend, send back to the user, reject, designate as needing further information before approval will be given, or, give approval, to registrations. Registration users upon submission have access limited to a "read only" capability. Once approved, the system automatically generates an e-mail that is sent to the registrant lobbyist acknowledging approval. The system also generates reminders to the Registrar on a daily basis respecting renewal times, registrations due in one-week, and upcoming 'delinquent' registrations. Notices for all these reminders are also automatically sent to the effected lobbyists. For office purposes only, the system provides sections at the bottom of each registration for comments and for history (starting, submission, editing and approval dates). For lobbyist firms, the system allows one member of the firm to access all the registrations from that firm in order to maintain and track multiple registrations for the same client, and provide case management.

Based on preliminary consultation, the cost to develop a Lobby Registry system is estimated at a minimum of \$50,000.00. This assumes customization of a system based generally on the provincial system. Assessment is needed to determine compatibility with the City information technology platform and applicability to City operations. In addition, the ongoing monthly hosting cost is likely to be in

the range of \$1,500.00 per month, or, at least \$18,000.00 per annum, for a minimum total of about \$70,000.00 system start-up and operation in the first year.

#### Estimated Staffing, Equipment and Other Costs:

At a minimum, staffing required to establish a City Lobbyist Registry will include a Registrar, a technical administrator and a clerical support person. It is assumed based on provincial job descriptions that the City could likely absorb within the existing staff establishment up to one-half of the clerical support and possibly the technical/systems administrator functions required, but the Registrar would be a new, full-time City position under the City Clerk. This assumption is based upon the availability of a comparable automated, on-line system as that possessed at the province cuts-down considerably on staff time required to operate a lobbyist registry.

Review and refinement would be required at, approximately, three-month intervals during the design and early implementation stages. Cost estimates could change over time depending upon reliance upon a manual and paper-driven system before achieving a fully automated system. Some partial cost-recovery is assumed for registrations by paper/fax rather than electronically (subject to compliance with the *Municipal Act* general fee and charges provision) but it is not possible to estimate the extent of this before experiencing the actual volume of registrations.

Additional resourcing is likely to include occasional independent legal advice, as well as systems development involving in-house and contracted specialists. In-house support from Corporate Communications and possibly externally as well, would be needed for public communications and ongoing information for registrant lobbyists/organizations. At a minimum, it is estimated that salaries and benefits for a functional City Lobbyist Registry would be \$150,000.00. Total staff/resourcing costs could be up to \$225,000.00 per year taking into account the above factors.

Estimates for computer and photocopier equipment (possibly shared with other City functions), as well as software and office space in City Hall are estimated at a minimum of \$60,000.00 based on comparisons with provincial operations.

In summary, total costs to the City in its start-up year are estimated at up to \$360,000.00, with ongoing annual costs estimated at up to \$300,000.00. These costs would be incorporated into the operating program budget of the City Clerk, including \$160,000.00 for the year 2003.

It is, therefore, recommended that due to limitations on municipal authority and legal, administrative and cost difficulties respecting implementation, Council not establish a lobbyist registry at this time.

It is also recommended that the City continue to rely upon external industry and association policies, regulations and laws governing lobbyists and its own policies such as the Code of Conduct for Council Members and the Lobbying Disclosure Policy for Certain Competitive Calls since the information collected is very similar to that collected by the provincial Lobby Registry.

(c) Applying Federal/Provincial Lobbyist Definitions and Procedures:

It is assumed, given the Council reference to the City implementing a registry based on the federal and provincial models, that the proposed City Lobbyist Registry is not intended to be limited to procurement matters. At the municipal level, attempting to put in place definitions and operations to distinguish between lobbying to influence the outcome of a Council/Committee matter, as opposed to seeking information or conducting routine business, is not straightforward. The nature and volume of City business and the democratic process by which the public has access to elected officials and civic staff, requires significant administration for data collection, accuracy, follow-up, inquiries and publication.

At the municipal level, there would be a substantial increase in the number of matters over those at the provincial level that would technically fit into the provincial definition of lobbying. There are significant operational differences in a municipality from those in provincial and federal governments. The question arises, at the municipal level, as to how to clearly present rules respecting lobbying whom about what? This is because, unlike the Province, there are agents/lobbyists interacting regularly on behalf of clients on a myriad of City matters ranging from, for example, street vending permits, to re-zoning applications, to the issuance of licenses.

Attached as Appendix 5, is a first draft of a City lobbyist registration by-law based on the provincial (paid) lobbyist legislation. Ultimately, the success of procedures to deal with lobbyists will be dependent upon individuals' understanding of acceptable legal and ethical behaviours. However, in order to comply with the directive of Council, the provincial definition of "lobby" has been modified in § 140-1A of the draft by-law to apply to the City. At present, the City category "volunteer lobbyist" (i.e. unpaid) is not included in the draft by-law.

It is, therefore, recommended that if Council decides to proceed with a by-law similar to that contained in Appendix 5 to this report, the City Clerk and Commissioners be consulted to ensure an effective City lobbyist registry that will address the applications, procedures and functions likely to attract a high degree of lobbyist activity, as well as be consistent with provincial and federal principles for the registration process.

It is also recommended that if Council approves a City Lobbyist Registry operation, then the 2003 Operating Budget of the City Clerk include \$160,000.00 for system development and partial-year salary and benefits.

It is further recommended that after consultation with the Clerk and Commissioners, the Chief Administrator and City Solicitor report to Administration Committee on a final form lobby registry by-law.

Conclusion:

In April 2002, the Administration Committee voted to receive a report from the City Solicitor titled "Feasibility of a Lobbyist Registration Policy Similar to Provincial and Federal Models". That report had recommended that no City Lobby Registry be established due to a lack of municipal authority under the *Municipal Act* (old and new) or recent court decisions (Hudson case and Lyons case). It was concluded that if the City decides to establish a registry, the action would likely be subject to a court challenge. Administration Committee, however, requested the CAO to report again on establishing a City Lobbyist Registry system applicable to all business activities of the City and modelled after the provincial/federal lobbyist registry system.

Several reports to Council on the feasibility of a City Lobbyist Registry system have found there are major challenges involved to design and implement a municipal Lobby Registry. For example, the former City of Toronto attempted this with two 1989 by-laws, but all aspects proved unworkable ranging from legal and administrative difficulties, to ever-increasing lists of applications exempt from the disclosure requirements. The difficulties led to the 1989 repeal of the lobbyist registry by-law and the 1993 repeal of the lobbyist disclosure by-law. Also, use of the lobbyist information collected by the public, media, and Council, was scant.

Currently, the City relies upon the following mechanisms to regulate government lobbyists:

- (i) industry codes with which lobbyists representing a member sector must comply;
- (ii) professional codes of conduct for lawyers and other professionals acting as lobbyists;
- (iii) the *Criminal Code*, for example, which covers influence peddling, bribery and fraud, municipal corruption and interference with the performance of official acts;
- (iv) the City Lobbying Disclosure Policy for certain competitive procurements inclusive of a lobby ban provision if necessary to ensure integrity of the evaluation process; and
- (v) the Code of Conduct for Council members inclusive of lobbyist provisions.

The City's Lobbying Disclosure Policy is not a lobbyists registry, nor does it attempt to regulate lobbyists. Rather, the onus is placed on certain bidders/proponents to reveal any lobbyists they have or intend to use to approach staff or Council members. The policy also provides for Council to restrict or ban lobbyist activity in certain circumstances. The provincial Act, in contrast, requires paid lobbyists themselves (not their clients or employers) to provide specified lobbying information. Despite this difference, the information provided is quite similar.

As requested this report provides information on the federal and provincial lobby registry

legislation, definitions, procedures, and operations and discusses these in terms of their applicability to the City. Similar to previous findings, it is pointed out that there will be serious implementation issues around a City Lobby Registry including, no legal authority and weak enforcement authority, difficulty in identifying what activities to include/exclude, administrative requirements, likely costs, and the technology development needed to design a City registry.

A decision by Council to establish a lobbyist registry applicable to all City business transactions would involve costs estimated at up to \$360,000.00 in its start-up year, with ongoing annual costs estimated at up to \$300,000.00. These estimates include development of a fully automated on-line system modelled on the provincial registry, staffing under the City Clerk to include a new Registrar position, and technical administration and clerical support duties from existing staff on an approximate half-time basis. Additional costs are likely to include occasional independent legal advice, supplemental systems development and communications support (in-house and contracted) and equipment, software, and office space in City Hall.

These findings have resulted in recommendations presenting options for Council to either:

- (a) not establish a lobbyist registry now and continue to rely on both external standards and internal City policies (Recommendations (1) and (2)); or
- (b) approve establishment of a City Lobby Registry for which a Draft By-law is provided and funding is provided for 2003; consult with the City Clerk and Commissioners to ensure an effective registry and process; and, report back on a final form by-law (Recommendations Nos. (3 to 6)).

Contact:

C. Cameron, Lawyer  
Phone: 416-392-7235  
Fax: 416-392-1017  
E-mail: ccameron@toronto.ca

L. McQueen, Sr. Corporate Management and Policy Consultant  
Phone: 416-392-8895  
Fax: 416-696-3645  
E-mail: lmcqueen@toronto.ca

List of Attachments:

- Appendix 1: Limited City Authority to Establish a Lobbyist Registry.
- Appendix 2: City Definitions of Lobbyists and Comparison of Lobbyist Information Required by the City and the Province.
- Appendix 3: Former Municipal Experience with a Lobbyists Registry.

Appendix 4: Provincial Lobbyist Registry Act.

Appendix 5: Draft By-law to Establish a City of Toronto Lobbyist Registry.

---

## Appendix 1

### Limited City Authority to Establish a Lobbyist Registry

The findings below summarize findings from the April 2002 report of the City Solicitor respecting limitations on the authority of municipalities in Ontario to establish a Lobbyists Registry.

(a) Relevance of Recent Court Decisions Limiting City Authority:

The Hudson case is an example where the general welfare provision in a municipal Act was used as a residual power to authorize a significant regulation of the use of pesticides, on its facts, the “pesticides by-law” in Hudson related to health and the environment. The courts will likely limit the application of the general welfare provisions to cases where there are similar concerns respecting health and the environment or safety matters.

The term “welfare” as a component of “health, safety, morality and welfare of the inhabitants” as set out in section 102 in the *Municipal Act* has not usually been given much weight, on the basis that presumably almost any by-law could be passed for the welfare of the inhabitants. In the leading case of *Re Morrison v. Kingston*, [1937] 4 D.L.R. 740, it was held that “The power to legislate for the “welfare” of the inhabitants is too vague and general to admit of definition. It may mean so much that it probably does mean very little”. Even given the recent trend in jurisprudence to the benevolent construction of municipal powers, a court is unlikely to allow reliance on the “welfare” power alone to authorize a complete scheme of regulation of lobbyists.

In the Lyon’s case, the decision of Mr. Justice Coo stands as supporting the present City policy requiring lobbyists disclosure for certain City procurement documents, as a business policy. Of utmost importance is that his decision supported the City policy because it was assessed as not being an attempt to indirectly regulate lobbyists or lobbying. By implication, the decision supports the argument that the general “welfare” or “well-being” power in the (former or present) *Municipal Act* does not support the regulation of lobbyists or lobbying. It is anticipated that a stricter rule of construction will continue to be felt appropriate where the municipality is attempting to use a power that restricts common law or civil rights.

The Judge was careful to note that: “There is a substantial difference between efforts made to regulate lobbyists who speak for others and the concept of lobbying persons who may have influence in regard to acceptance of bids. I see nothing outside the scope of explicit and implied authority in the City deciding to deal contractually as it has done here with certain contacts in connection with large proposed municipal contracts”.

Accordingly, the Lyons case did not then support using the *Municipal Act* to authorize a lobbyist registration policy or by-law.

(b) Limited City Authority under the New Municipal Act, 2001:

Findings previously reported to Council explained that Ontario municipalities lack the legal authority to enact and enforce an effective lobbyist registration policy. The *Municipal Act, 2001* (the “New Act”) is intended to provide municipalities with greater flexibility to organize their affairs and deliver services. There is no specific provision dealing with lobbying or lobbyists in the New Act. Nor do the City’s powers under Part IV of the New Act respecting the licensing and registration of business, authorize the regulation of lobbyists’ businesses (assuming successful definition of this class of business) akin to the provincial and federal models.

Nor is the term “welfare” included in the new general welfare provision, section 130 of the new Act. The term “well-being” has now been substituted for “welfare” in section 130. While the terms are similar, the scheme of the new Act does not support any additional argument that the term “well-being” would authorize a lobbying disclosure or lobbyist registration system. A court would likely take notice of the fact that section 130 is grouped with specific health, safety and nuisance provisions in the part of the new Act entitled “Health Safety and Nuisance” and find that the term “well being” is supportive of health and safety matters.

While the general provisions of the New Act are supportive of some form of lobbying disclosure, the New Act does not permit the regulation of lobbyists in the form of lobbyist registration requirements similar to the provincial and federal models. For example, subsection 9(3) of the New Act provides a general grant of “governmental powers”, i.e., powers a natural person or corporation do not have. These include, among other powers, the powers to regulate and prohibit respecting a matter, to require persons to do things, and to provide for registration requirements. However, these powers are limited to by-laws passed under section 11 of the New Act which, in turn, permits the City, as a single tier municipality, to pass by-laws respecting matters within ten “spheres of jurisdiction”, which matters do not include lobbying or lobbyists as such.

---

Appendix 2

City Definitions of Lobbyists and Comparison of Lobbyist  
Information Required by the City and the Province

(a) Definitions of Lobbying and Lobbyist:

Lobbying is usually defined as direct or indirect efforts to solicit members support and



influence government decisions on behalf of another party or an organization, often away from public scrutiny. Lobbying activity is to be distinguished from routine constituency matters, or advice seeking by members of the public, or contacts by members or employees of government conducting official business. Lobbying is also distinguishable from matters that are the subject of Committee deputation, or other processes that are a matter of public record where individuals are named and their interest and organizational affiliation identified.

Lobbyists are most commonly defined as individuals or organizations paid to communicate with elected or appointed officials and any staff of government, in a deliberate and concerted attempt to influence government decisions. The behaviour under scrutiny is specifically related to the phrase “attempt to influence government decisions” because the activity often occurs beyond public scrutiny and is on behalf of someone else.

As approved by Council in the Code of Conduct for Council Members, the term “lobbyist” includes the following:

- (i) “consultant lobbyist” means a person who, for payment, lobbies on behalf of a client and includes, but is not limited to, government relations consultants, lawyers, accountants, or other professional advisors who provide lobbying services for their clients;
  - (ii) “corporate in-house lobbyist” means an employee of a corporation that carries on commercial activities for financial gain and who lobbies as a significant part of their duties;
  - (iii) “organization in-house lobbyist” means an employee of a non-profit organization, when one or more employees lobby public office holders and where the accumulated lobbying activity of all such employees would constitute a significant part of the duties of one employee; and
  - (iv) “volunteer lobbyist” means a person who lobbies without payment on behalf of an individual, corporation, or organization.
- (b) City’s Lobbyist Disclosure Policy for Certain Tenders/Requests for Proposal:

At its meeting held on March 6, 7 and 8, 2001, Council adopted detailed criteria to determine the application of its lobbying disclosure policy as set out in the “Lobbying Disclosure Policy: Certain Requests for Proposals and Tender/Quotation Calls”, as amended.

The policy is not a registration policy for lobbyists, rather, it is a [‘bidders’] lobbyist disclosure policy for certain requests for proposals and tender/quotation calls. This approach reflects, in part, the view that the City did not possess the legal authority to enact and enforce an effective lobbyist registry system, but could deal with lobbying concerns through other policies.

Specifically, lobbying disclosure is to apply to all requests and calls of high-value (over \$2.5 million), or of a long-term, and/or of high profile (irrespective of value) likely to

experience intense lobbying. Disclosure information for relevant Requests/Calls is to include the following:

- (i) the name, address and telephone number of the Proponent/Bidder;
- (ii) the name, address and telephone number of each person retained, employed or designated by such Proponent/Bidder who has lobbied;
- (iii) the Request or Call document number in respect of which each person retained, employed or designated by such Proponent/Bidder has lobbied;
- (iv) a description of the nature of the lobbying communications made by each person retained, employed or designated by such Proponent/Bidder; and
- (v) the name of the person and department lobbied by such Proponent/Bidder.

(c) Comparison of City and Provincial Lobbyist Information Disclosed:

Below, is a table that compares the information disclosed under the City's Lobbyist Disclosure Policy for certain competitive procurements, and the provincial *Lobbyist Registration Act*. Column 2 of the table lists the information required to be disclosed under section 4.4 of the City's Policy. Column 3 of the table lists the information provided under the provincial Act.

Information	City Section 4.4 of Lobbying Disclosure Policy	Province Information as Summarized in City Solicitor's Report
Client information	(i) the name, address and telephone number of the Proponent or Bidder.	(a) basic information on the ... client or employer: name, address and the nature of the business or activities;  (b) information on other parties who have an interest in (e.g., a subsidiary or parent corporation) or who support the lobbying activity by contributing at least \$750;
Information on person lobbying or "lobbyist"	(ii) the name, address and telephone number of each person retained, employed or designated by such Proponent or Bidder who has engaged in Lobbying in relation to the Proposal or Bid;	(a) basic information on the individual lobbyists, the senior officer...: name, address and the nature of the business or activities;

Information	City Section 4.4 of Lobbying Disclosure Policy	Province Information as Summarized in City Solicitor's Report
Subject matter of the lobbying	(iii) the Request or Call document number in respect of which each person retained, employed or designated by such Proponent or Bidder has engaged in Lobbying.	(d) information on the nature of the lobbying activity or proposed activity including the following:  (d)(i) the subject matter of lobbying and, if an in-house lobbyist (organizations), the subject matter during the six months period of a return and the expected subject matter for the next six months;  (d)(ii) specific information on the undertaking, e.g., the proposed bill or program;
Description of general nature of Communication	(iv) a description of the general nature of communications that each person retained, employed or designated by such Proponent or Bidder has made in Lobbying; and	(d)(v) the communication techniques to be used, including "grass- roots communication" (as defined in the Act).
Person lobbied	(v) the name of the person and department before whom such Proponent or Bidder has engaged in Lobbying.	(d) information on the nature of the lobbying activity or proposed activity including the following:  (d)(iii) the ministry, agency, etc. they have lobbied or expect to lobby;  (d)(iv) MPPs or MPP staff they have lobbied or expect to lobby;
Information on certain financial matters		(c) information on financial matters: government subsidies to the client or employer, and contingency fees for the services of a consultant lobbyist;

Appendix 3

Former Municipal Experience With a Lobbyists Registry

(a) Former Lobbyist Register By-law:

In 1988, the former City of Toronto adopted a report from its Special Committee on a

Code of Conduct for Members of Council which recommended, along with other recommendations, that a register of lobbyists be established and available to the public in the office of the Clerk. This recommendation led to enactment of By-law No. 183-89 (the "Lobbyist Register By-law") in February of 1989. The authority to enact the Lobbyist Register By-law, was purported to be the former section permitting a municipal council to pass by-laws for the "health, safety, morality and welfare of the inhabitants of the Municipality in matters not specifically provided for by the *Municipal Act*".

The Lobbyists Register By-law included the following provisions:

- (i) a definition of a lobbyist as, "a person acting on behalf of others with respect to an issue and doing so for remuneration and/or compensation";
- (ii) all lobbyists were required to file a form with the Clerk showing the name of the lobbyist, the employer(s) or client(s) of the lobbyist, and the issues on which the lobbyist was appearing;
- (iii) a lobbyist who made an "appearance" without first registering was guilty of an offence and liable to a fine to a maximum of \$2,000.00 at that time; and
- (iv) an "appearance" included oral or written deputations to Council, its committees, or agencies and any communication, oral or written, with Councillors or senior staff.

The Lobbyist Register By-law had an effective date of April 1, 1989 and on May 18, 1989, the City Solicitor reported to the meeting of the Council on a number of problems with the by-law. These problems included an inadequate distinction between lobbying and advice-seeking, deputations by a paid staff member of an organization, or other routine interactions. The by-law also proved to be unworkable in terms of its monitoring and enforcement. These problems were addressed by an amending by-law (By-law No. 330-89) which included provisions as follows:

- (i) an attempt was made to narrow the apparent application of the by-law to all circumstances where paid agents contacted the municipal government by limiting the application to contacts with an intent to "influence a decision" in respect of an issue; and
- (ii) to exempt members of other governments and their employees from the registration requirements.

The City Solicitor also reported to Council that a court challenge had been started to quash the by-law as illegal due to a number of factors including the meaning of the "welfare" [well-being] provisions of the *Municipal Act*, perceived conflict between the Lobbyist Registration by-law and professional ethics and responsibilities, the validity of municipal regulations respecting the conduct and discipline of lawyers, and Charter challenges respecting infringement of freedom of speech and freedom of assembly rights. The Solicitor stated that he would be discussing the concerns of the counsel bringing the action and the court challenge was adjourned to permit this. During this time,

enforcement of the by-law was suspended and no charges or prosecutions of infringements were pursued.

(b) Former Municipal Lobbyist Disclosure System:

Following the report of the sub-committee in November of 1989, the former City of Toronto Council repealed the Lobbyist Registry By-law and enacted By-law No. 716-89 (the "Lobbyist Disclosure By-law"). The new by-law placed the responsibility on an "applicant" rather than the lobbyist to file with the Clerk a duly completed lobbyist disclosure form. An applicant included any person who made an application to the City in respect of any one or more of a number of matters enumerated in the by-law. These included matters under the Planning Act and other legislation. Persons who responded to proposal calls and tenders, with some exceptions, were also included in the definition of applicants.

Reflecting the change in making applicants rather than lobbyists responsible for filing a disclosure form, the obligation respecting filing with the Clerk became part of the Council Procedure By-law. The Council approved staffing and administration for the disclosure system and determined that failure to comply with the disclosure rules would result in a lobbyist issue not being placed on an agenda.

(c) Difficulties with the Lobbyist Disclosure Provisions:

For a number of reasons, the lobbyist disclosure provisions proved to be as problematic as the previous lobbyist registry had been. Examples included additional workload, missed agenda items of importance to City business and complicated scheduling requirements and conditions to fill forms. In addition, legal and other staffs were required to define cases for exclusion from the disclosure rules, list professionals and other parties exempted, and identify staff to whom disclosures were to be made (over six pages). All of these factors resulted in repeated amendments to the Council Procedural By-law.

(d) Repeal of the Lobbyist Disclosure Provisions:

In February of 1993, the City repealed its By-law on lobbyist disclosure after experiencing repeated difficulties. Additional analysis on the degree of public use of the information, showed that in two and one-half years, there had been only five cases of file review by a member of the press or Council and none by a member of the public. There was insufficient data to indicate whether the information and disclosure forms provided value to Council members when they came before Committees where lobbying was indicated.

The former City of Toronto undertook at least eight revisions of the two By-laws and their provisions between 1989 and 1993.

### Provincial Lobbyist Registry Act

(a) Definitions of Lobbyists under the Lobbyists Registration Act, 1998:

(1) “Consultant lobbyist” is defined in Subsection 4(10) of the Act as follows:

(10) In this section,

“client” means a person, partnership or organization on whose behalf a consultant lobbyist undertakes to lobby;

“consultant lobbyist” means an individual who, for payment, undertakes to lobby on behalf of a client;

“payment” means money or anything of value and a contract, promise or agreement to pay money or anything of value; and

“undertaking” means an undertaking by a consultant lobbyist to lobby on behalf of a client.

(2) “In-house lobbyist” (persons and partnerships) is defined in Subsection 5(7) of the Act as follows:

(7) In this section,

“employee” includes an officer who is compensated for the performance of his or her duties;

“in-house lobbyist” means an individual (other than one described in subsection (8)) who is employed by a person or partnership, a significant part of whose duties as an employee, as determined in accordance with the regulations, is to lobby on behalf of the employer or, if the employer is a corporation, on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary;

“person” does not include a corporation referred to in clause (f) of the definition of “organization” in Subsection 1(1).

#### Related Definitions:

##### Subsection 7(8) of the Act:

(8) The following individuals are not in-house lobbyists:

(1) Officers of the Assembly who are appointed on the address of the Assembly and the individuals employed in the office of such officers;

(2) public servants within the meaning of the Public Service Act; and

- (3) such other classes of employees of Crown agencies as may be prescribed.

Clause 1(1)(f) of the definition of “organization” in the Act:

“organization” means:

- (f) a corporation without share capital incorporated to pursue, without financial gain to its members, objects of a national, provincial, territorial, patriotic, religious, philanthropic, charitable, educational, agricultural, scientific, artistic, social, professional, fraternal, sporting or athletic character or other similar objects;

Section 5 of Ontario Regulation 722/98 respecting “a significant part of an employees duties:

(5) (1) this section applies with respect to the definition of “in-house lobbyist” in subsection 5(7) of the Act;

(2) If an employee spends at least 20 per cent of his or her time at work engaged in the lobbying activities described in the definition, those activities are considered to be a significant part of the employee’s duties; and

(3) The percentage is to be determined with reference to the employee’s activities during a three-month period.

- (3) “In-house lobbyist” (organizations) is defined in Subsection 6(5) of the Act as follows:

(5) In this section,

“employee” includes an officer who is compensated for the performance of his or her duties;

“in-house lobbyist” means an individual who is employed by an organization;

(a) a significant part of whose duties as an employee, as determined in accordance with the regulations, is to lobby on behalf of the organization, or

(b) a part of whose duties as an employee is to lobby on behalf of the organization if his or her duties to lobby together with the duties of other employees to lobby would constitute a significant part of the

duties of one employee, as determined in accordance with the regulations, were those duties to lobby to be performed by only one employee;

“senior officer” means the most senior officer of an organization who is compensated for the performance of his or her duties.

Related definition in section 6 of Ontario Regulation 722/98 respecting “a significant part of an employees duties:

(6) (1) This section applies with respect to the definition of “in-house lobbyist” in subsection 6(5) of the Act.

(2) for the purposes of clause (a) of the definition, if an employee spends at least 20 per cent of his or her time at work lobbying on behalf of the organization, the lobbying is considered to be a significant part of the employee’s duties.

(3) for the purposes of clause (b) of the definition, if the lobbying activities of all employees on behalf of the organization constitute at least 20 per cent of the time at work of one full-time employee, those activities are considered to be a significant part of one employee’s duties.

(4) the percentage in subsection (2) or (3) is to be determined with reference to the employee’s activities, or the employees’ activities, during a three-month period.

(b) Lobbyist Activities Defined:

Under the definition of “lobby” in subsection 1(1) of the provincial Act, lobbying takes place when communications occur with a public office holder in an attempt to influence:

(i) the development of any legislative proposal by any member of the Legislative Assembly;

(ii) the introduction, passage, defeat or amendment of any bill or resolution;

(iii) the making or amendment of any regulation;

(iv) the development, amendment or termination of any policy or program;

(v) any decision about privatization or outsourcing;

(vi) the awarding of any grant, contribution or other financial benefit by or on behalf of the Crown; and

(vii) in the case of a consultant lobbyist (but not in the case of an in-house lobbyist), the awarding of any contract by or on behalf of the Crown.

(c) Summary of Procedures under the Provincial *Lobbyists Registration Act, 1998*:



As with the definitions of lobbying, the registration requirements also vary to some degree for each category of lobbyist. In the case of a consultant lobbyist, the return must be filed by the individual lobbyist within ten days of commencing an undertaking to lobby for a client. Any changes in and the completion or termination of the undertaking must be reported within thirty days. If the undertaking goes on for more than a year, the information in the original undertaking must be confirmed within two months after the year has expired. A return must be filed for each undertaking. The fee for filing a paper copy of the return is \$150.00.

In the case of an in-house lobbyist (persons and partnerships), if a significant part of an employee's duties is lobbying, the return must be filed by the employee within two months of when the employee met this criteria. The employee must re-register annually within two months of the employer's financial year or, if there is no financial year, the calendar year. The employee must report any changes to the information in the return and if they have ceased to lobby for their employer or ceased to be employed by that employer within thirty days. The fee for filing a paper copy of the return is \$150.00.

In the case of an in-house lobbyist (organizations), if the lobbying activities of one or more employees together constitutes a significant part of the duties of one employee, the return must be filed by the senior officer of the organization within two months of commencing lobbying as defined. A new return must be filed within thirty days after expiration of each six months period after the filing of the original return. This return must advise if any employee listed in the last return is no longer an in-house lobbyist. The fee for filing a paper copy of the return is \$75 for each in-house lobbyist employed by the organization when the return is filed.

The requirements for disclosure in the returns includes the following:

- (1) basic information on the individual lobbyists, the senior officer and the client or employer: name, address and the nature of the business or activities;
- (2) information on other parties who have an interest in (e.g., a subsidiary or parent corporation) or who support the lobbying activity by contributing at least \$750.00;
- (3) information on financial matters: government subsidies to the client or employer, and contingency fees for the services of a consultant lobbyist;
- (4) information on the nature of the lobbying activity or proposed activity including the following:
  - (i) the subject matter of lobbying and, if an in-house lobbyist (organizations), the subject matter during the six months period of a return and the expected subject matter for the next six months;
  - (ii) specific information on the undertaking, e.g., the proposed bill or program;
  - (iii) the ministry, agency, etc. they have lobbied or expect to lobby;

- (iv) MPPs or MPP staff they have lobbied or expect to lobby; and
  - (v) the communication techniques to be used, including “grass-roots communication” (as defined in the Act).
- (d) Provincial Lobbyists Registry Statistics, October 2002:

Lobbyist Type	Active Lobbyists	Active Registrations
Consultants	210	1083
In-house Persons and Partnerships	84	84
In-house Organizations	<u>501</u>	<u>115</u>
Total	795	1282

Active Companies	
Consultant Lobbyists – Firms	121
Consultant Lobbyists – Clients	607
In-house Persons and Partnerships – - Employers	49
In-house Organization – - Employers	115

Inactive Registrations (Terminations)	
Consultants	1458
In-house Persons and Partnerships	37
In-house Organizations	15

---

Appendix 5

Draft By-Law to Establish a City Lobbyist Registry

BY-LAW No.

To adopt a new City of Toronto Municipal Code Chapter 140,  
Lobbyist Registration.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by adding the following chapter:

---

**Chapter 140**

## LOBBYIST REGISTRATION

### ARTICLE I

#### General

#### § 140-1. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

**GRASS-ROOTS COMMUNICATION** Appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion.

#### LOBBY:

- (1) In relation to a consultant lobbyist referred to in Article II and an in-house lobbyist referred to in Article III or IV, to communicate with a public office holder in an attempt to influence:
  - (a) The development of any legislative proposal by the Council or a member of Council.
  - (b) The introduction of any bill or resolution in Council or the passage, defeat or amendment of any by-law, bill or resolution that is before Council.
  - (c) The development or amendment of any policy or program of the City or the termination of any program of the City.
  - (d) A decision by Council to transfer from the City for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the City or to the public.
  - (e) A decision by Council to have the private sector instead of the City provide goods or services to the City.
  - (f) The awarding of any grant, contribution or other financial benefit by or on behalf of the City.
- (2) In relation to a consultant lobbyist referred to in Article II only:
  - (a) To communicate with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the City; or

- (b) To arrange a meeting between a public office holder and any other person.

ORGANIZATION:

- (1) A business, trade, industry, professional or voluntary organization.
- (2) A trade union or labour organization.
- (3) A chamber of commerce or board of trade.
- (4) An association, a charitable organization, a coalition or an interest group.
- (5) A government, other than the City.
- (6) A corporation without share capital incorporated to pursue, without financial gain to its members, objects of a national, provincial, territorial, patriotic, religious, philanthropic, charitable, educational, agricultural, scientific, artistic, social, professional, fraternal, sporting or athletic character or other similar objects.

PUBLIC OFFICE HOLDER:

- (1) Any officer or employee of the City not otherwise referred to in Subsections (2) and (3) of this definition.
- (2) A member of the Council and any person on his or her staff.
- (3) A person who is appointed to any office or body by Council, other than persons appointed to the following office or body:  
*[insert list of quasi-judicial boards and offices]*
- (4) An officer, director or employee of any agency, board or commission of the City, other than as set out in Subsection (3) of this definition.

REGISTRAR — The registrar appointed by § 140-23.

- B. For the purposes of this chapter, a corporation is a subsidiary of another corporation if:
- (1) Securities of the corporation, to which are attached more than 50 per cent of the votes that may be cast to elect directors of the corporation, are held, otherwise than by way of security only, directly or indirectly, whether through one or more subsidiaries or otherwise, by or for the benefit of the other corporation; and
  - (2) The votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

**§ 140-2. Restriction on application.**

A. This chapter does not apply to any of the following persons when acting in their official capacity:

- (1) Members of the Senate or House of Commons of Canada, the legislative assembly of a province, the council or legislative assembly of a territory, or persons on the staff of these members.
- (2) Employees of the Government of Canada or of the government of a province or of a territory.
- (3) Members of a council or other statutory body charged with the administration of the civil or municipal affairs of another municipality as defined in the *Municipal Act*, persons on the staff of these members or officers or officers or employees of another municipality.
- (4) Members of a local board as defined in the *Municipal Affairs Act*, persons on the staff of these members or officers or employees of a local board.

*[Note this exception applies to City local boards, need to consider if that is appropriate, also how should corporations in which the City has an interest be treated?*

*Need to co-ordinate with § 140-14B after final decision]*

- (5) Members of the council of a band as defined in subsection 2(1) of the *Indian Act* (Canada) or of the council of an Indian band established by an Act of the Parliament of Canada, persons on the staff of these members or employees of the council.
- (6) Diplomatic agents, consular officers or official representatives in Canada of a foreign government.
- (7) Officials of a specialized agency of the United Nations in Canada or officials of any other international organization to whom there are granted, by or under any Act of the Parliament of Canada, privileges and immunities.

B. This chapter does not apply in respect of:

- (1) Any oral or written submission made in proceedings that are a matter of public record to a committee of the Council or to any body or person having jurisdiction or powers conferred by or under an Act.
- (2) Any oral or written submission made to a public office holder by an individual on behalf of a person, partnership or organization, with respect to:

- (a) The enforcement, interpretation or application of any Act or by-law made under any Act by that public office holder and with respect to that person, partnership or organization; or
  - (b) The implementation or administration of any policy, program, directive or guideline by that public office holder and with respect to that person, partnership or organization.
- (3) Any oral or written submission made to a public office holder by an individual on behalf of a person, partnership or organization, in direct response to a written request from a public office holder for advice or comment in respect of any matter referred to in Subsection (1) or (2)(b) of the definition of “lobby” in § 140-1A.
- (4) Any oral or written submission made to a member of the Council by an individual on behalf of a constituent of the member with respect to any personal matter of that constituent unless the submission is made in respect of a matter referred to in Subsection (1)(a) or (b) of the definition of “lobby” in § 140-1A concerning a legislative proposal, by-law, bill or resolution for the special benefit of that constituent.
- C. Nothing in this chapter shall be construed as requiring the disclosure of the name or identity of any individual if that disclosure could reasonably be expected to threaten the safety of that individual.

### **§ 140-3. Certification.**

Every individual who submits a return or other document to the registrar under this chapter shall certify that the information contained in it is true to the best of his or her knowledge and belief on the return or other document or, if it is submitted in electronic or other form in accordance with § 140-4A<sub>2</sub> in the manner that is specified by the registrar.

### **§ 140-4. Form of returns, manner of filing.**

- A. Returns to be filed with the registrar and information and other documents to be given to the registrar under this chapter must be in a form approved by the registrar.
- B. Returns, information and other documents must be submitted to the registrar in a manner permitted by the registrar.

### **§ 140-5. Date of filing or receipt of information.**

- A. The date on which the registrar receives a return is the date on which the return is considered to have been filed for the purposes of this chapter.
- B. The date on which the registrar receives information or a document other than a return is the date on which the information or document is considered to have been provided to the registrar for the purposes of this chapter.

**§ 140-6. Storage.**

Any return or other document that is received by the registrar may be entered or recorded by any information storage device, including any system of mechanical or electronic data processing, that is capable of reproducing the stored return or other document in intelligible form within a reasonable time.

*[Fee provision?]*

---

ARTICLE II

**Registration of Consultant Lobbyists**

**§ 140-7. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

CLIENT — A person, partnership or organization on whose behalf a consultant lobbyist undertakes to lobby.

CONSULTANT LOBBYIST — An individual who, for payment, undertakes to lobby on behalf of a client.

PAYMENT — Money or anything of value and a contract, promise or agreement to pay money or anything of value.

UNDERTAKING — An undertaking by a consultant lobbyist to lobby on behalf of a client.

**§ 140-8. Restriction on application.**

This article does not apply in respect of anything that an employee undertakes to do on the sole behalf of his or her employer or, if his or her employer is a corporation, in respect of anything that the employee, at the direction of the employer, undertakes to do on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary.

**§ 140-9. Duty to file return; transitional.**

- A. A consultant lobbyist shall file a return with the registrar not later than 10 days after commencing performance of an undertaking.
- B. A consultant lobbyist who undertakes to lobby is required to file only one return under Subsection A even though he or she may, in connection with that undertaking, communicate with one or more public office holders on one or more occasions or arrange one or more meetings between a public office holder and any other person.

- C. If, on the coming into force of this section, a consultant lobbyist is performing an undertaking, the consultant lobbyist shall file a return with the registrar not later than 10 days after this section comes into force.

**§ 140-10. Contents of return.**

A consultant lobbyist shall set out in the return the following information with respect to the undertaking:

- A. The name and business address of the consultant lobbyist and, if applicable, the name and business address of the firm where the consultant lobbyist is engaged in business.
- B. The name and business address of the client and the name and business address of any person, partnership or organization that, to the knowledge of the consultant lobbyist, controls or directs the activities of the client and has a direct interest in the outcome of the consultant lobbyist's activities on behalf of the client.
- C. If the client is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the consultant lobbyist, has a direct interest in the outcome of the consultant lobbyist's activities on behalf of the client.
- D. If the client is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation.
- E. If the client is a coalition, the name and business address of each partnership, corporation or organization that is a member of the coalition.
- F. If the client is funded, in whole or in part, by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the client from that government or government agency.
- G. Contributors.
- (1) The name and business address of any entity or organization that, to the knowledge of the consultant lobbyist, contributed (during the entity's or organization's fiscal year that precedes the filing of the return) \$750 or more toward the consultant lobbyist's activities on behalf of the client.
- (2) Subsection G(1) does not apply with respect to contributions made by a government.
- H. The name and business address of any individual who, to the knowledge of the consultant lobbyist, made a contribution described in Subsection G on behalf of an entity or organization described in that subsection.
- I. The subject-matter in respect of which the consultant lobbyist has undertaken to lobby.



- J. If applicable, whether the payment to the consultant lobbyist is, in whole or in part, contingent on the consultant lobbyist's degree of success in lobbying as described in Subsection (1) or (2)(a) of the definition of "lobby" in § 140-1A.
- K. Particulars to identify any relevant legislative proposal, by-law, bill, resolution, policy, program, decision, grant, contribution, financial benefit or contract.
- L. The name of any City department or agency, board or commission of the City in which any public office holder is employed or serves whom the consultant lobbyist has lobbied or expects to lobby.
- M. Whether the consultant lobbyist has lobbied or expects to lobby a member of the Council in his or her capacity as a member or a person on the staff of a member of the Council.
- N. If the consultant lobbyist has undertaken to lobby as described in Subsection (1) or (2)(a) or of the definition of "lobby" in § 140-1A, the techniques of communication, including grass-roots communication, that the consultant lobbyist has used or expects to use to lobby.

**§ 140-11. Changes to information in return; confirmation; clarification.**

- A. A consultant lobbyist shall provide the registrar with any change to the information in his or her return and any information required to be provided under § 140-10, the knowledge of which the consultant lobbyist acquired only after the return was filed, not later than 30 days after the change occurs or the knowledge is acquired.
- B. A consultant lobbyist shall provide the registrar with confirmation of the information contained in his or her return within two months after the expiration of the first and each subsequent year from the date of filing the return.
- C. A consultant lobbyist shall provide the registrar with any information that the registrar may request to clarify any information that the consultant lobbyist has provided to the registrar under this section not later than 30 days after the registrar makes the request.

**§ 140-12. Completion or termination of undertaking.**

A consultant lobbyist shall advise the registrar that he or she has completed an undertaking in respect of which he or she has filed a return or that the undertaking has been terminated not later than 30 days after the completion or termination of the undertaking.

## **Registration of In-house Lobbyists (Persons and Partnerships)**

### **§ 140-13. Definitions.**

A. As used in this article, the following terms shall have the meanings indicated:

**EMPLOYEE** — Includes an officer who is compensated for the performance of his or her duties.

**IN-HOUSE LOBBYIST**— An individual (other than one described in § 140-14) is employed by a person or partnership, a significant part of whose duties as an employee, as determined in accordance with Subsection B, is to lobby on behalf of the employer or, if the employer is a corporation, on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary.

**PERSON** — Does not include a corporation referred to in Subsection (6) of the definition of “organization” in §140-1A.

*[Note: under Article I, Interpretation, of Chapter 1, General Provisions, of the Municipal Code:*

*PERSON — Includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.]*

B. With respect to the definition of “in-house lobbyist” in Subsection A:

- (1) If an employee spends at least 20 per cent of his or her time at work engaged in the lobbying activities described in the definition, those activities are considered to be a significant part of the employee’s duties.
- (2) The percentage is to be determined with reference to the employee's activities during a three-month period.

### **§ 140-14. Exclusions, in-house lobbyist.**

The following individuals are not in house lobbyists:

- A. Officers, employees or agents of the City are not in-house lobbyists when performing their duties.
- B. Members, employees or agents of local boards of the City when acting in that capacity.

*[Need to co-ordinate with § 140-2A(4) after final decision re local boards]*

### **§ 140-15. Duty to file return; transitional.**

- A. An in-house lobbyist who is employed by a person that is not an organization or by a partnership shall file a return with the registrar:
- (1) Within two months after the day on which he or she becomes an in-house lobbyist; and
  - (2) Within two months after the end of each financial year of the employer or, if the employer does not have a financial year, within two months after the end of each calendar year, beginning with the financial year or calendar year, as the case may be, in which the in-house lobbyist is required to file a return.
- B. If, on the coming into force of this section, an individual is an in-house lobbyist employed by a person or partnership, he or she shall file a return with the registrar within two months after the day on which this section comes into force and after that in accordance with Subsection A(2).

**§ 140-16. Contents of return.**

An in-house lobbyist shall set out in the return the following information:

- A. The name and business address of the in-house lobbyist.
- B. The name and business address of the employer.
- C. If the employer is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the in-house lobbyist, has a direct interest in the outcome of the in-house lobbyist's activities on behalf of the employer.
- D. If the employer is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation.
- E. If applicable, the financial year of the employer.
- F. A description in summary form of the employer's business or activities.
- G. If the employer is funded, in whole or in part, by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the employer from that government or government agency.
- H. Contributors.
  - (1) The name and business address of any entity or organization that, to the knowledge of the in-house lobbyist, contributed (during the entity's or organization's fiscal year that precedes the filing of the return) \$750 or more toward the in-house lobbyist's activities on behalf of the employer.

- (2) Subsection H(1) does not apply with respect to contributions made by a government.
- I. The name and business address of any individual who, to the knowledge of the in-house lobbyist, made a contribution described in Subsection H on behalf of an entity or organization described in that subsection.
  - J. If the in-house lobbyist is lobbying at the time the return is filed, the subject-matter in respect of which he or she is lobbying.
  - K. The subject-matters in respect of which the in-house lobbyist has lobbied or expects to lobby during the financial year of the employer in which the return is filed or, if the employer does not have a financial year, during the calendar year in which the return is filed.
  - L. Particulars to identify any relevant legislative proposal, by-law, bill, resolution, policy, program, decision, grant, contribution or financial benefit.
  - M. The name of any City department or agency, board or commission of the City in which any public office holder is employed or serves whom the in-house lobbyist has lobbied or expects to lobby during the financial year of the employer in which the return is filed or, if the employer does not have a financial year, during the calendar year in which the return is filed.
  - N. Whether the in-house lobbyist has lobbied or expects to lobby a member of the Council in his or her capacity as a member or a person on the staff of a member of the Council during the financial year of the employer in which the return is filed or, if the employer does not have a financial year, during the calendar year in which the return is filed.
  - O. The techniques of communication, including grass-roots communication, that the in-house lobbyist has used or expects to use to lobby during the financial year of the employer in which the return is filed or, if the employer does not have a financial year, during the calendar year in which the return is filed.

**§ 140-17. Changes to information in return; clarification.**

- A. An in-house lobbyist shall provide the registrar with any change to the information in his or her return and any information required to be provided under § 140-16, the knowledge of which the in-house lobbyist acquired only after the return was filed, not later than 30 days after the change occurs or the knowledge is acquired.
- B. An in-house lobbyist shall provide the registrar with any information that the registrar may request to clarify any information that the in-house lobbyist has provided to the registrar under this section not later than 30 days after the registrar makes the request.

**§ 140-18. Ceasing duties or employment.**

An in-house lobbyist who ceases to be an in-house lobbyist or to be employed by his or her employer shall advise the registrar of that not later than 30 days after it occurs.

---

#### ARTICLE IV

#### **Registration of In-House Lobbyists (Organizations)**

#### **§ 140-19. Definitions.**

A. As used in this article, the following terms shall have the meanings indicated:

EMPLOYEE— Includes an officer who is compensated for the performance of his or her duties.

IN-HOUSE LOBBYIST — An individual who is employed by an organization:

- (1) A significant part of whose duties as an employee, as determined in accordance with Subsection B, is to lobby on behalf of the organization; or
- (2) A part of whose duties as an employee is to lobby on behalf of the organization if his or her duties to lobby together with the duties of other employees to lobby would constitute a significant part of the duties of one employee, as determined in accordance with Subsection B, were those duties to lobby to be performed by only one employee.

SENIOR OFFICER — The most senior officer of an organization who is compensated for the performance of his or her duties.

B. With respect to the definition of “in-house lobbyist” in Subsection A:

- (1) For the purposes of Subsection (1) of the definition, if an employee spends at least 20 per cent of his or her time at work lobbying on behalf of the organization, the lobbying is considered to be a significant part of the employee's duties.
- (2) For the purposes of Subsection (2) of the definition, if the lobbying activities of all employees on behalf of the organization constitute at least 20 per cent of the time at work of one full-time employee, those activities are considered to be a significant part of one employee's duties.
- (3) The percentage in Subsection B(1) or (2) is to be determined with reference to the employee's activities, or the employees' activities, during a three-month period.

#### **§ 140-20. Duty to file return; transitional.**

A. The senior officer of an organization that employs an in-house lobbyist shall file a return with the registrar:

- (1) Within two months after the day on which that person becomes an in house lobbyist; and
  - (2) Within 30 days after the expiration of each six-month period after the date of filing the previous return.
- B. If, on the coming into force of this section, the organization employs an in-house lobbyist, the senior officer of the organization shall file a return with the registrar within two months after the day on which this section comes into force and after that in accordance with Subsection A(2).

**§ 140-21. Contents of return.**

The senior officer of an organization shall set out in the return the following information:

- A. The name and business address of the senior officer.
- B. The name and business address of the organization.
- C. A description in summary form of the organization's business or activities.
- D. Membership.
  - (1) A description of the membership of the organization, including the names of officers or directors of the organization.
  - (2) Subsection D(1) does not require the senior officer to set out on the return the names of other individuals who are members or to set out other information that might identify such other individuals.
- E. If the organization is funded, in whole or in part, by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the organization from that government or government agency.
- F. Contributors.
  - (1) The name and business address of any entity or other organization that, to the knowledge of the senior officer, contributed (during the entity's or organization's fiscal year that precedes the filing of the return) \$750 or more toward the lobbying activities of the organization's in-house lobbyists.
  - (2) Subsection F(1) does not apply with respect to contributions made by a government.
- G. The name and business address of any individual who, to the knowledge of the senior officer, made a contribution described in Subsection F on behalf of an entity or organization described in that subsection.

- H. The name of each in-house lobbyist employed by the organization.
- I. If any in-house lobbyist is lobbying at the time the return is filed, the subject-matter in respect of which he or she is lobbying.
- J. The subject-matters in respect of which any in-house lobbyist:
- (1) Has lobbied during the period for which the return is filed; and
  - (2) Expects to lobby during the next following six-month period.
- K. Particulars to identify any relevant legislative proposal, by-law, bill, resolution, policy, program, decision, grant, contribution or financial benefit.
- L. The name of any City department or agency, board or commission of the City in which any public office holder is employed or serves whom any in-house lobbyist:
- (1) Has lobbied during the period for which the return is filed; and
  - (2) Expects to lobby during the next following six-month period.
- M. Whether any in-house lobbyist:
- (1) Has lobbied a member of the Council in his or her capacity as a member or a person on the staff of a member of the Council during the period for which the return is filed; and
  - (2) Expects to lobby a member of the Council in his or her capacity as a member or a person on the staff of a member of the Council during the next following six-month period.
- N. The techniques of communication, including grass-roots communication, that any in-house lobbyist:
- (1) Has used to lobby during the period for which the return is filed; and
  - (2) Expects to use to lobby during the next following six-month period.
- O. The name of any in-house lobbyist who has been identified in the last return filed and has ceased to be an in-house lobbyist or to be employed by the organization.

**§ 140-22. Information requested by registrar.**

The senior officer shall provide the registrar with any information that the registrar may request to clarify any information that the senior officer has provided in his or her return not later than 30 days after the registrar makes the request.

---

ARTICLE V

**Registrar and Registry**

**§ 140-23. Registrar.**

The City Clerk is appointed as registrar.

*[Note provide for appointment of a Director or Manager or other delegation]*

**§ 140-24. Registry.**

Subject to compliance with other applicable law respecting access to City records:

- A. The registrar shall establish and maintain a registry in which shall be kept all returns filed under this chapter as revised by other documents submitted to the registrar under this chapter.
- B. The registry shall be organized in the manner and kept in the form that the registrar may determine.
- C. The registry shall be available for public inspection in the manner and during the time that the registrar may determine.

**§ 140-25. Verification of information.**

The registrar may verify the information contained in any return or other document submitted to the registrar under this chapter.

**§ 140-26. Refusal to accept return or other document.**

- A. The registrar may refuse to accept any return or other document submitted to the registrar under this chapter that does not comply with the requirements of this chapter or that contains information or statements not requested in the return or other document.
- B. If the registrar refuses to accept a return or other document under Subsection A, the registrar shall inform the individual who submitted it of the refusal and the reason for the refusal in the manner that the registrar determines.
- C. Despite the provisions of this chapter respecting times for filing a return or submitting another document, if a return or other document is refused by the registrar under Subsection A and the individual cannot reasonably submit another by the time set out in



this chapter for filing or submitting it, the registrar shall provide the individual with a reasonable extension of time to file another return or submit another document.

- D. If the registrar accepts another return or document within the extension of time referred to in Subsection C, the return shall be deemed to have been filed or other document shall be deemed to have been submitted on the day on which the return or other document that was refused was received by the registrar.

**§ 140-27. Removal from registry.**

- A. The registrar may remove a return from the registry if the individual who filed the return:
- (1) Fails to confirm the information contained in it within the period required by § 140-11B;
  - (2) Fails to advise the registrar of the matters required by §§ 140-12 or 140-18 within the period required by the section; or
  - (3) Fails to give the registrar any requested information relating to the return within the period specified by this chapter.
- B. When a return is removed from the registry, the individual who filed it shall be deemed, for the purposes of his or her existing and future obligations under this chapter, not to have filed the return.

---

ARTICLE VI

**Offences**

**§ 140-28. Offences.**

- A. Every individual who fails to comply with §§ 140-9A or C, 140-10, 140-11A or C(1) is guilty of an offence.
- B. Every individual who fails to comply with §§ 140-15A or B, 140-16, 140-17A or B is guilty of an offence.
- C. Every individual who fails to comply with §§ 140-20A or B, 140-21 or 140-22 is guilty of an offence.
2. This by-law comes into force on \_\_\_\_\_.

ENACTED AND PASSED this day of, A.D. 2002.

---

Mayor

---

City Clerk

---

The Administration Committee reports, for the information of Council, having also had before it the following Notice of Motion from Councillor Michael Walker, St. Paul's, entitled "Immediate Implementation - Binding Lobbyist Disclosure Policy For a Transparent and Open Government" which was submitted to the February 13 – 15, 2002 meeting of Council:

**WHEREAS** there exists the educated public opinion of "toothless-ness" and inefficacy of Council's non-existent Lobbyist Disclosure By-law (462-2000); and

**WHEREAS** the Ontario Superior Court of Justice on October 2, 2001 dismissed the application of noted corporate lobbyist, Jeffrey S. Lyons, "...to quash the resolution of the City of Toronto..." passed by City Council on July 6, 2000 as By-law 462-2000; and

**WHEREAS** the Honourable Justice Coe of the Ontario Superior Court of Justice in his decision dismissing Jeffrey S. Lyons' application also awarded the City costs against Jeffrey S. Lyons; and

**WHEREAS** the absence of any requirement for lobbyists to register and disclose their activities involving the City has provided "an immunity" for lobbyists from full public scrutiny and accountability, and contributed mightily to the scandals presently enveloping our City; and

**WHEREAS** the Ontario Superior Court of Justice states (October 2, 2001), in its dismissal, that the "decision made by responsible municipal officials to include reporting requirements with respect to bidders' contracts with the City in connection with prospective City business in procurement of goods and services is not an indirect regulation of lobbyists or lobbying. Bidders can do all the lobbying they want, either directly or through lobbyists, but they must report the fact of such contacts having been made."; and

**WHEREAS** section 102 of the Municipal Act authorizes activity "...for the... welfare of the inhabitants in matters not specifically provided for by this Act [Municipal Act] and for governing the conduct of its members as may be deemed expedient and are not contrary to law"; and

**WHEREAS** larger RFP (or RFQ) calls and some "tender calls" have lengthy bidding periods involving large numbers of City staff assigned to the task, the most probingly detailed of daily records should be kept regarding any exchange between the registered lobbyist and the City including all of its Agencies, Boards,

and Commissions, and any exchange between the lobbyist and the City's contracted partners in relation to any proposal considered by the City; and

**WHEREAS** the federal and provincial governments adhere to lobbyist registry provisions enacted autonomously, which effectively and more stringently protect the people's representation from outside influence such as any gifts in kind, any monies, any loans or passages, et cetera, given on behalf of bidder or lobbyist, by the bidder or lobbyist to any contacted City parties in relation to a registered RFP or "tender call" for contract; and

**WHEREAS** past and present encounters of bidder and lobbyist strategies have infiltrated the effectiveness and ability of City Council elected officials and appointed City staff to protect the public interest, including access to information, due to the lack of full scrutiny into the City's finances, checks and balances; and

**WHEREAS** there is a higher and greater public good that warrants a binding lobbyist disclosure policy for the City, rather than constantly deferring to opinions of high handed and high priced corporate lobbyists and their employers;

**NOW THEREFORE BE IT RESOLVED THAT** recognizing the close similarities both in magnitude of funding and scope between the RFP calls and "tender calls" for bidding on proposed contracts of the Federal, Provincial, and Toronto Municipal governments, therefore City Council should put in place equally binding regulations for a bidder and lobbyist registry which discloses and regulates all business actions in a timely manner to provide for complete transparency through any proposed or ongoing business contracts with the City of Toronto;

**AND BE IT FURTHER RESOLVED THAT** in the preparation of the City's policy, City Council adopt the Federal or Provincial Lobbyist Registry Code as a model, with amendments applicable to the City of Toronto's situation.

---

The following Members of Council appeared before the Administration Committee in connection with the aforementioned matter:

Councillor Howard Moscoe, Eglinton-Lawrence; and

Councillor Michael Walker, St. Paul's.