
**ANNUAL REPORT OF THE LOBBYIST REGISTRAR TO
TORONTO CITY COUNCIL FOR THE YEAR 2012**

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ANNUAL REPORT OF THE LOBBYIST REGISTRAR FOR THE YEAR 2012 TO TORONTO CITY COUNCIL

INTRODUCTION

This is my fifth annual report to Toronto City Council on my activities and the discharge of my duties as Lobbyist Registrar in the year 2012, in compliance with Chapter 3 of the Toronto Municipal Code, § 3-7A.

The mandate of the Office of the Lobbyist Registrar (OLR) is to promote the transparency and integrity of City government, by maintaining an online registry that is available to the public, and by regulating the conduct of lobbyists at the City.

Toronto's lobbyist registration system and Lobbying By-law was the first municipal registration system in Canada.¹ Its roots lie in the recommendations of Madam Justice Denise Bellamy in her Report on the Toronto Computer Leasing Inquiry. The *City of Toronto Act, 2006* requires the City to establish and maintain a lobbyist registry that is available to the public, and authorizes Council to appoint a Lobbyist Registrar. In 2007, the City adopted Chapter 140 of the City of Toronto Municipal Code (the Lobbying By-law) and appointed its first Lobbyist Registrar. The lobbyist registry was launched in February 2008.

Under the *City of Toronto Act, 2006 (COTA)* the Lobbyist Registrar must perform the duties assigned to her by City Council in an independent manner. Chapter 3 of the Toronto Municipal Code codifies the independence of the Lobbyist Registrar and other Accountability Officers and their reporting relationship to Council. The Lobbyist Registrar is independent of the City administration and, subject to the requirements of Chapter 3, is fully responsible for the conduct and accountability of her office in compliance with applicable laws. The Lobbyist Registrar is required to report annually to Council on the activities of her office and discharge of her duties; and reports to Council on investigations and inquiries conducted by her.

In accordance with the independence of the office from City administration and accountability to Council, the Lobbyist Registrar submits the OLR operating and capital budget request directly to Budget Committee for consideration and recommendation to Council. The OLR is included in the annual attest audit of the City, which is conducted by an external auditor appointed by and reporting to Council; and undergoes an annual compliance audit by an external auditor appointed by and reporting to Council.

¹ In 2012, the City of Ottawa adopted a Lobbyist Registry By-law and established a lobbyist registry.

MESSAGE FROM THE LOBBYIST REGISTRAR

The City should treat lobbying as a potentially helpful practice that should be carefully controlled.²

2012 was a year of challenges and achievements for the Office of the Lobbyist Registrar (OLR). Lobbying activity at the City increased significantly, and so consequently did the work of the Office of the Lobbyist Registrar. We received 444 new lobbyist registrations in 2012, an increase of 113 or 34% over 331 received in 2011. We received 879 new subject matter registrations, a slight decrease from 886 received in 2011. Lobbyists filed 677 lobbyist updates, an increase of 163 lobbyist updates or 32% over 514 filed in 2011; and 3,920 subject matter updates, an increase of 1,294 or 49% over 2,626 filed in 2011. At the end of the year, there were 1,278 active lobbyist registrations, an increase of 141 or 12% over 1,137 in 2011; and 1,726 subject matter registrations, an increase of 73 or 4% over 1,653 in 2011.

A comparison of 2010 with 2012 shows even more significant increases in registrations and reports of lobbying activity. New lobbyist registrations increased by 215 or 94%. New subject matter registrations increased by 421 or 92%. Lobbyist updates increased by 371 or 121%. Subject matter updates increased by 2,848 or 266%. Active lobbyist registrations and subject matter registrations at year end increased by 22%. Increasingly, lobbying has become part of the fabric of City decision-making.

These increases in registration activity show that the registry is working. Lobbyists are registering and reporting their lobbying activities in increasing numbers. We are achieving transparency. The public is able to view this information on the OLR website and the City's Open Data website.

The increases in registrations also have created an increased demand for the services of the OLR's Lobbyist Registry Advisors, who review and approve registrations and updates and provide advice on the registration system. We met the increased demand for service without an increase in staff.

Regulating the conduct of lobbying is an essential part of the OLR's mandate. In addition to being required to register and report their lobbying activities, lobbyists must comply with the *Lobbyists' Code of Conduct*. Lobbyists must observe and comply with the highest ethical and professional standards. They must not lobby by gifts, entertainment, meals, trips or favours of any kind; they must not lobby contrary to procurement or application policies; they must not represent competing interests; they

² The Honourable Madam Justice Denise E. Bellamy, Commissioner, Toronto Computer Leasing Inquiry / Toronto External Contracts Inquiry, Report, (2005, City of Toronto) vol. 4, Executive Summary, page 94, Recommendation 97.

must not place a public office holder in a conflict of interest or in breach of their code of conduct; and they must not bestow an improper benefit or use improper influence.³

Lobbying can have a positive impact when it provides points of view and information that help public office holders make well-informed decisions in the public interest. However, lobbying needs to occur within an ethical framework of transparency and integrity.

It is important that lobbyists understand and comply with their obligations under the *Lobbyists' Code of Conduct*. The OLR provides Interpretation Bulletins and other information on our website, by phone and by email to inform and guide lobbyists and public office holders. In 2012, we revised and issued several new Interpretation Bulletins, which are discussed in this report. In addition, we presented information sessions for lobbyists and public office holders on the requirements for registration and the *Lobbyists' Code of Conduct*.

Council requested me to provide guidelines for contractors on post-contract lobbying. In consultation with the City Solicitor and Director of Purchasing and Materials Management, I published an Interpretation Bulletin, *Lobbying by Contractors with the City*.⁴ In consultation with the Director, Purchasing and Materials Management and the Director, Toronto Office of Partnerships, I published a revised Interpretation Bulletin on *Lobbying and Procurements*, which includes a discussion of unsolicited proposals.⁵

My inquiry reports highlight a continued need for vigilance to ensure that lobbyists register, report their lobbying activities and comply with the *Lobbyists' Code of Conduct*. We have revised our Compliance Inquiry Procedures to reflect the *Public Inquiries Act, 2009*. In order to increase the effectiveness of our inquiries, we initiated an assessment process and criteria to determine if an inquiry needs to be opened.

As a result of my Report to Council on an Inquiry, Lobbying in an Election Event⁶, Council requested me, in consultation with the City Solicitor, to report to Council on whether and to what extent communications between lobbyists and public office holders during an election period, in the context of election debates, should be made exempt under Chapter 140. I consulted with the City Solicitor and the Integrity Commissioner on this matter. The Integrity Commissioner and I published a revised Interpretation Bulletin, *Lobbying and Municipal Elections at the City of Toronto*.⁷ I have not recommended any amendment to the Lobbying By-law regarding lobbying and elections.

As the first municipal Lobbyist Registrar in Canada, my role has included outreach to other jurisdictions. I have made presentations to and been consulted by representatives of the City of Ottawa and other municipalities, other lobbyist registries in Canada and delegations from other countries. The Lobbyist Registrars and Commissioners Network

³ See Chapter 140, Toronto Municipal Code, ARTICLE VI, Lobbyists' Code of Conduct.

⁴ http://www.toronto.ca/lobbying/pdf/interpretation_bulletin_lobbying_by_contractors_22nov2012.pdf

⁵ http://www.toronto.ca/lobbying/pdf/interpretation-bulletin_lobbying-procurements.pdf

⁶ <http://www.toronto.ca/legdocs/mmis/2012/cc/bgrd/backgroundfile-46327.pdf>

⁷ http://www.toronto.ca/lobbying/pdf/interpretation%20bulletin_municipal_elections.pdf

(LRCN), a network of lobbyist registrars and commissioners for the federal government, provinces and cities of Ottawa and Toronto, serves as an important forum to share best practices and knowledge. I have played an active role in the LRCN. Our office hosted its annual meetings at Toronto City Hall in September 2012. I attended meetings of LRCN in Ottawa in February 2012. I plan to attend the LRCN annual meetings, which will take place in September 2013 in Quebec City. The OLR also maintains a membership in COGEL (The Council on Governmental Ethics Laws), which is an international ethics organization. COGEL is an important source of information about lobbying and registration systems in the United States, Canada and elsewhere. In December 2013, COGEL will hold its annual conference in Canada, in Quebec City. It is my intent to attend that conference.

Many people have contributed to the continued ability of the Office of the Lobbyist Registrar to meet its mandate. First and foremost, OLR staff have continued to provide excellent service to the public, public office holders and lobbyists. My fellow Accountability Officers have worked together with me on common concerns and provided their support and advice. City staff, members of Council and their staff, and members and staff of City boards and agencies have supported Toronto's lobbyist registration system and assisted our office by referring lobbyists to our office, reporting suspected breaches of the by-law, and working together with us to develop recommendations, procedures, protocols and information related to lobbying and City processes. Lobbyists have supported the lobbyist registration system by registering, reporting their lobbying activities and complying with the *Lobbyists' Code of Conduct*. Finally, my thanks to all members of the public who take an interest in the registry and lobbying activities at the City. It is the combined support of the City's public office holders, lobbyists and the public that help us to provide transparency and ensure integrity in lobbying.

STAFF

The OLR has two units corresponding to our legislated mandate: the Lobbyist Registry, and Inquiries and Investigations. In addition to the Lobbyist Registrar, the OLR was staffed in 2012 by two Lobbyist Registry Advisors, Inquiries and Investigations Counsel, a Lobbyist Compliance Investigator, and two Administrative Assistants. In response to increased registration activity, a managerial position was converted to create a third Lobbyist Registry Advisor position. This position will be filled in 2013.

Lobbyist Registry Advisors provide advice and interpretation; maintain the lobbyist registry; review, verify and approve registrations and updates; develop and deliver information, training, and outreach programs and materials; and participate in the OLR's projects to improve our website.

Inquiries and Investigations Counsel provides advice on compliance issues; conducts assessments, inquiries and investigations on behalf of the Lobbyist Registrar; and develops policies and procedures to support OLR assessment, inquiry and investigation processes. The Lobbyist Compliance Investigator assists Inquiries and Investigations Counsel in these functions.

Administrative Assistants provide administrative support and assistance to the Registrar, Lobbyist Registry Advisors, and Inquiries and Investigations staff.

REGISTRY SERVICES

Information and Outreach

Information and outreach are essential to promote compliance with the Lobbying By-law. In 2012, the OLR provided information for public office holders and lobbyists on the Lobbying By-law, the *Lobbyists' Code of Conduct*, registration procedures and searching the lobbyist registry. The OLR provides information and advice by phone, email and through our website to public office holders, lobbyists and members of the public. We strive to provide excellent customer service to public office holders, members of the public and lobbyists.

The OLR has provided informational presentations to other organizations and jurisdictions within and outside Canada, including the Toronto Regional Champion Campaign Protégée Program; City of Ottawa; Ethics Secretariat of Tanzania; South African Parliamentary Delegation; Public Affairs Association of Canada (PAAC); Transparency International; Commons Institute; Osgoode Professional Development Program and Society of Ontario Adjudicators and Regulators.

OLR Website

There were 18,999 visits to the OLR website in 2012, an increase of 2,011 or 12% over 16,988 website visits in 2011. Our website is the essential way by which we inform the public, public office holders and lobbyists about the Lobbying By-law and registration system. As can be seen by the increasing numbers of visits to our website, this has proved to be an effective source of information for the public, public office holders and lobbyists.

We administer a searchable online registry that is available to the public at <http://www.toronto.ca/lobbying>. In addition, our registry data is now available in machine-readable format on the City's Open Data website at <http://www.toronto.ca/open>.

Use of the lobbyist registry's search capacity has increased significantly. The ability to search for information about lobbyists and lobbying activities is important to public office holders and the public. The registry's search tool was last upgraded in 2009. Since then, it has become apparent that the search and reporting functions need further improvement. I hope to include a plan to upgrade the registry's search and reporting functions in our 2014-2024 Capital Plan.

We have worked to make our website as accessible and informative as possible. In addition to the lobbyist registry, the OLR website provides a wealth of information to the public, public office holders and lobbyists, including:

- the Lobbying By-law⁸;
- an online registration tutorial⁹;
- an online newsletter, *The Registry Insider*¹⁰;
- FAQs¹¹;
- Interpretation Bulletins¹²;
- reports on investigations and inquiries¹³;
- annual reports¹⁴;
- expense reports¹⁵;
- links to the sites of other Accountability Officers; and
- information about how to contact our office¹⁶.

Advice and Interpretation

In 2012, the OLR answered 2,038 telephone inquiries, providing information and advice on and interpretation of the Lobbying By-law. This was an increase of 408 or 25% over 1,630 telephone inquiries received in 2011.

The OLR provides information and advice about the lobbyist registration system to public office holders, lobbyists and the public. In addition to telephone inquiries, we provide advice and information in response to requests by email and in person, including information about registrations and assistance with searches of the registry. We also provide information about the requirements for registration and the *Lobbyists' Code of Conduct*.

⁸ http://www.toronto.ca/legdocs/municode/1184_140.pdf

⁹ <http://www.toronto.ca/lobbying/tutorials.htm>

¹⁰ <http://www.toronto.ca/lobbying/newsletters.htm>

¹¹ <http://www.toronto.ca/lobbying/faqs.htm>

¹² http://www.toronto.ca/lobbying/imp_docs.htm

¹³ http://www.toronto.ca/lobbying/imp_docs.htm

¹⁴ http://www.toronto.ca/lobbying/imp_docs.htm

¹⁵ <http://www.toronto.ca/lobbying/expenses.htm>

¹⁶ <http://www.toronto.ca/lobbying/contactus.htm>

Interpretation Bulletins

OLR Interpretation Bulletins provide information and advice about the requirements of the Lobbying By-law and how these requirements apply in particular situations. For a complete list of Interpretation Bulletins, Reports and other important documents, go to http://www.toronto.ca/lobbying/imp_docs.htm.

In 2012 and 2013, we published the following new and revised Interpretation Bulletins on the OLR website:

Lobbying and Procurements (revised May 22, 2012)

http://www.toronto.ca/lobbying/pdf/interpretation-bulletin_lobbying-procurements.pdf

This revised Interpretation Bulletin addresses the requirement in the *Lobbyists' Code of Conduct* (§ 140-41A) that lobbyists shall not communicate in relation to a procurement process, except where this is permitted. Included is a new discussion of unsolicited proposals, which are a type of procurement process that is subject to restrictions on communication.

Exemptions from the Lobbying By-law (new July 13, 2012)

http://www.toronto.ca/lobbying/pdf/interpretation-bulletin_exemptions.pdf

This new Interpretation Bulletin discusses some types of communication that are exempted from the Lobbying By-law: requests for information, compliments and complaints, and direct responses to written requests from public office holders.

Lobbying and Municipal Elections at the City of Toronto (revised July 23, 2012)

http://www.toronto.ca/lobbying/pdf/interpretation%20bulletin_municipal_elections.pdf

This revised Joint Interpretation Bulletin, issued by the Integrity Commissioner and Lobbyist Registrar, addresses such issues as election donations and campaign activities by lobbyists, including fundraising and holding of election events. The bulletin was revised following consultations by the Lobbyist Registrar with the City Solicitor, the City Clerk and the Integrity Commissioner, at the request of City Council in response to the Registrar's *Report to Council on an Inquiry: Lobbying in an Election Event*: see **Reports to Council on Inquiries**, below.

Planning & Development Applications (revised November 15, 2012)

http://www.toronto.ca/lobbying/pdf/interpretation_bulletin_planning_development_applications_nov15_12.pdf

This revised Interpretation Bulletin discusses provisions in the Lobbying By-law related to planning and development applications, and provides procedural advice concerning registrations to lobby about planning and development applications. Included is a new discussion of communications restricted to providing general information or to inquire about the application process (§ 140-5F(1)), which are exempted from the Lobbying By-law.

Lobbying by Contractors with the City (new November 22, 2012)

http://www.toronto.ca/lobbying/pdf/interpretation_bulletin_lobbying_by_contractors_22nov2012.pdf

This Interpretation Bulletin addresses lobbying by contractors, including consultants who hold or have held contracts with the City. City Council requested the City Solicitor and the Lobbyist Registrar to develop guidelines and protocols to deal with the procurement process as it relates to the retention of consultants and, in particular, report on provisions to condition their lobbying activities after working for the City on contract.

Grass-roots Campaigns (new March 7, 2013)

<http://www.toronto.ca/lobbying/pdf/grass-roots.pdf>

Grass-roots lobbying campaigns consist of appeals by a lobbyist to members of the public or to members of an organization or special interest group through the mass media or by direct communication. The appeal seeks to persuade the recipients of it to communicate directly with a public office holder, endorsing the lobbyist's position.¹⁷

This new Interpretation Bulletin sets out the requirements and best practices for grass-roots campaigns, including the identification of the lobbyist and the subject matter registration for which the grass-roots campaign has been approved in any communication that is prepared by a lobbyist as part of the campaign.

¹⁷ See § 140-1, "GRASS-ROOTS COMMUNICATION".

Registrations

Lobbyists must obtain an approved lobbyist and subject matter registration before they lobby public office holders at the City. They must report lobbying and changes of information within three business days. Lobbyist Registry Advisors review and approve or refuse each new registration, registration update and closure. As of December 31, 2012, there were 1,278 registered lobbyists lobbying on 1,726 subject matters.

TABLE 1, below, shows registration activities in 2010, 2011 and 2012.

TABLE 1 – Registration Activities: 2010, 2011 and 2012

	2010	2011	2012
NEW REGISTRATIONS RECEIVED			
New Lobbyist	229	331	444
New Subject Matter	458	886	879
REGISTRATION UPDATES RECEIVED			
Lobbyist Registration Updates	306	514	677
Subject Matter Updates	1,072	2,626	3,920
REGISTRATIONS CLOSED			
Lobbyist	32	168	199
Subject Matter	346	600	762
TOTAL ACTIVE REGISTRATIONS AT YEAR END			
Lobbyist	1,047	1,137	1,278
Subject Matter	1,424	1,653	1,726

TABLE 2, below, shows active registrations by subject matter as of January 31, 2013, unless otherwise noted. Some registrations indicate more than one subject matter, and therefore may be counted under more than one subject matter.

TABLE 2 – Registrations by Subject Matter

Subject Matter Category	Number of Active Records
Planning and Development	899
Economic Development	132
Technology	76
Transit / TTC	74
Water	73
Procurement	71
Signs	65
Environment	62
By-law / Regulation	56
Building Permits	49
Parking	49
Casinos (as of December 31, 2012)	46
Attractions / Tourism	44
Licences / Licensing	42
Transportation – Roads / Bridges	40
Energy	34
Waterfront Revitalization	34
Budget	33
Garbage / Recycling	32
Real Estate / Property (City owned)	32
Recreation	28
Health & Safety	26
Financial Services	24
Affordable Housing	22
Arts / Culture	15
Public Health	15
Transportation – Metrolinx	14
Exhibition Place	13
Parks / Open Space	10
Social Services	10
Grants / Funding	9
Long-term Care	7
Toronto Parking Authority	7
Business Improvement Area (BIA)	6
Hazardous Waste	6
Seniors	6
Street Furniture	6
Building Inspection	5
Fire Services	4
Union Station Revitalization	3
Toronto Zoo	2
Tower Renewal	1
Child Care	1
Fleet Services	1
Transportation – Cycling / Bike Lanes	1
Trees	1

INQUIRIES

In 2012, the OLR conducted 30 assessments and 18 inquiries.

The Lobbyist Registrar is responsible for conducting, in private, inquiries to determine whether contraventions of the Lobbying By-law have occurred.¹⁸

The OLR revised its Compliance Inquiry Procedures¹⁹ in 2012, to reflect changes in the sections of the *City of Toronto Act, 2006* and *Public Inquiries Act, 2009* governing our inquiries.

In 2012, the OLR initiated an assessment procedure which occurs when a report is received and before a new inquiry is opened. The purpose of the assessment is to determine whether there are reasonable and sufficient grounds to conduct an inquiry. The assessment procedure aims to ensure that OLR resources are used effectively. In cases where the alleged breach is a failure to register, or late registration, a determination is often made at this stage whether to permit late registration, based upon OLR late registration criteria²⁰. TABLES 3 and 4, below, describe OLR assessments in the year 2012.

TABLE 3 – Assessments – 2012

New Assessments	30
Completed Assessments	30

TABLE 4 – Outcomes of Completed Assessments – 2012

Inquiry Opened	18
Insufficient Grounds for Inquiry – No Further Action	2
Late Registration Permitted	10

New and completed inquiries, outcomes and actions taken in the year 2012 are summarized in TABLES 5, 6 and 7, below.

TABLE 5 – Inquiries – 2010-2012

	2010	2011	2012
New Inquiries	10	46	18
Completed Inquiries	10	21	18

¹⁸ *City of Toronto Act, 2006*, s. 169(3), s. 161; § 140-33(5), Toronto Municipal Code, Lobbying.

¹⁹ http://www.toronto.ca/lobbying/pdf/compliance_investigations_procedures_revised_22nov2012.pdf

²⁰ http://www.toronto.ca/lobbying/pdf/interpretation%20bulletin_late_registrations_updates.pdf

TABLE 6 – Outcomes of Completed Inquiries – 2012

Substantiated (including partially substantiated)	11
Unsubstantiated	7

TABLE 7 – Action taken where Inquiry Substantiated – 2012

Prosecution under <i>Provincial Offences Act</i> ²¹	1
Report to Council	5
Late Registration Permitted	5

An assessment or inquiry may be commenced as a result of a request of Council, a member of Council or their staff, an Accountability Officer, a member of the public, or a lobbyist. Assessments and inquiries may also be initiated by the OLR, which is most often the case, based upon information in the registry or reports received through other sources such as the media. See TABLE 8, below:

**TABLE 8
Source of Information or Request for Assessment/Inquiry – 2012**

Source	Assessment	Inquiry
Council	0	0
Member of Council or their Staff	5	5
City Staff	2	1
OLR	17	11
Other Accountability Offices	0	0
Member of the Public	1	1
Lobbyist	5	0

²¹ A successful prosecution in provincial court resulted in a conviction for lobbying about a procurement contrary to § 140-41A.

TABLE 9, below, shows the subjects of the assessments and inquiries that were opened in 2012. Please note that an assessment or inquiry may address more than one subject.

TABLE 9
Subject of Assessment or Inquiry – 2012

Subject	Assessment	Inquiry
§ 140-10 Unregistered Lobbying	28	18
§§ 140-14, 140-14C/140-21D Fail to Report Lobbying within 3 days	5	0
§ 140-41 Prohibited Lobbying about Procurements or Applications	3	3
§ 140-42 Prohibited Activities (gifts or favours; endorsement of lobbyist services; lobbying at charitable, community or civic event)	6	6
§ 140-45 Improper Influence	9	9

Reports to Council on Inquiries

COTA authorizes the Lobbyist Registrar to report to Council on an inquiry.²² I submitted five reports on inquiries to Council in 2012. They are summarized below.

- **Lobbying during a Toronto Transit Commission Procurement (April 3, 2012) – CC22.3²³**

I found that lobbying occurred in relation to a TTC procurement process, contrary to § 140-41A of the Lobbying By-law and TTC procurement documents.

On April 10 and 11, 2012, Council received the findings in my report; requested the Toronto Transit Commission to review its procurement policy, documents and procedures in light of the report; and requested that as a best practice, the Toronto Transit Commission should seek advice from the Lobbyist Registrar before giving advice about the Lobbying By-law, or refer the parties directly to the Registrar for advice.

²² *City of Toronto Act, 2006*, s. 169.

²³ <http://www.toronto.ca/legdocs/mmis/2012/cc/bgrd/backgroundfile-46325.pdf>

- **Lobbying in an Election Event** (April 3, 2012) – CC22.4²⁴

I found that a registered lobbyist organization failed to register a private election event and preparatory meetings at which public office holders who were mayoral candidates were lobbied. The lobbyist organization organized and hosted the election event, which was held for members of the organization. The questions asked at the event and in preparatory meetings before the event related precisely to the issues about which the lobbyist organization was registered to lobby. I found that lobbying occurred and should have been registered. When advised of my findings, the lobbyist organization complied with my request to report these meetings in the lobbyist registry.

On April 10 and 11, 2012, Council received the findings in the report and requested me, in consultation with the City Solicitor, to report to Council on whether and to what extent communications between lobbyists and public office holders during an election period, in the context of election debates, should be made exempt under Chapter 140.

I consulted with the City Solicitor, City Clerk and Integrity Commissioner as requested by Council. As a result of these consultations, the Integrity Commissioner and I issued a revised Interpretation Bulletin, *Lobbying and Municipal Elections at the City of Toronto*²⁵. This bulletin provides guidance to lobbyists and public office holders about lobbying and other activities by lobbyists during election periods. The revised Joint Interpretation Bulletin explains that the Lobbying By-law continues to apply during an election period. Most election events will not fall within the definition of lobbying and do not need to be registered or reported. A list of criteria is provided to guide lobbyists and public office holders on this issue. I have not recommended amending the Lobbying By-law.

- **Lobbying related to a Contract for a Service Efficiency Study** (October 18, 2102) – CC27.2²⁶

I found that a firm, with which the City had contracted to conduct a Service Efficiency Study, lobbied City staff for additional funds to complete the contract and lobbied for additional business, in the course of discussions about performance of the Service Efficiency Study. The contractor was required to register these lobbying activities. I also advised the firm that it was improper to lobby in the course of administering a contract. City Council on October 30, 31 and November 1, 2012 received the findings in my report.

²⁴ <http://www.toronto.ca/legdocs/mmis/2012/cc/bgrd/backgroundfile-46327.pdf>

²⁵ http://www.toronto.ca/lobbying/pdf/interpretation%20bulletin_municipal_elections.pdf

²⁶ <http://www.toronto.ca/legdocs/mmis/2012/cc/bgrd/backgroundfile-51350.pdf>

On November 22, 2012, I issued a new Interpretation Bulletin, *Lobbying by Contractors with the City*²⁷. The Interpretation Bulletin provides guidance on lobbying by contractors with the City, stating in part:

. . . Contractors should never use their existing contractual relationships to influence a future procurement process. Recommendation 108 of Madam Justice Denise Bellamy in her Report, *Toronto Computer Leasing Inquiry / Toronto External Contracts Inquiry* (2005, Volume 2, Good Government, page 86) states in part: “lobbying aimed at influencing the procurement process before it occurs . . . should be considered inappropriate.”

I consulted with the City Solicitor and Director, Purchasing and Materials Management, in preparing this Interpretation Bulletin.

- **Lobbying in relation to a Procurement Process for Beverage Services** (October 18, 2012) – CC27.3²⁸

I found that a proponent in a procurement process for beverage services contravened § 140-41A of the Lobbying By-law, by providing a confidential letter that was part of the procurement process to a member of Council, before the contract was awarded. Both the procurement policy and the RFP document prohibited communication about the procurement prior to the award of the contract with public office holders other than staff who were named as the point of contact. City Council on October 30, 31 and November 1, 2012 received the findings in my report.

- **Unregistered Lobbying about a Casino in Toronto** (October 18, 2012) – CC27.4²⁹

I found that a casino engaged in unregistered lobbying of members of Council, contrary to § 140-10. The casino was represented by a registered consultant lobbyist, but was not itself registered. Officials of the casino attended meetings with members of Council before the matter of a proposed casino in Toronto came before Executive Committee for consideration. I permitted the casino to register, in light of the fact that they were not aware that they were required to register and co-operated fully with the inquiry, and in the interests of transparency. The casino registered and reported their lobbying activities. City Council on October 30, 31 and November 1, 2012 received the findings in my report.

²⁷ http://www.toronto.ca/lobbying/pdf/interpretation_bulletin_lobbying_by_contractors_22nov2012.pdf

²⁸ <http://www.toronto.ca/legdocs/mmis/2012/cc/bgrd/backgroundfile-51346.pdf>

²⁹ <http://www.toronto.ca/legdocs/mmis/2012/cc/bgrd/backgroundfile-51352.pdf>

WORKING TOGETHER WITH THE ACCOUNTABILITY OFFICERS AND CITY STAFF

I have worked with my fellow Accountability Officers and City staff over the past four years to implement the accountability framework adopted by Council in April 2009 and established by the adoption of Chapter 3 of the Toronto Municipal Code in 2010, as required by *COTA*. In 2012, I consulted with the Integrity Commissioner, City Clerk, City Solicitor, City Manager, with the Directors of Purchasing and Materials Management and Toronto Office of Partnerships, and with other City staff on lobbying and procurements; lobbying by contractors with the City; lobbying during municipal election periods; sponsorships, naming rights and donations; and on the development of an ethical framework for City Staff.

OLR BUDGET

In accordance with the independence of the office from City administration and accountability to Council, the Lobbyist Registrar submits the OLR operating and capital budget request directly to Budget Committee for consideration and recommendation to Council.

On January 17, 2012, Council approved the OLR Operating Budget for the year 2012 of \$1,052.3 thousand net. On the same date, Council approved the OLR 10-Year Capital Plan (2012-2021) of 2 million dollars for State of Good Repair of the lobbyist registry, to be implemented in 2018-2020.³⁰ The State of Good Repair Plan is necessary to maintain the functionality of the lobbyist registry. It is anticipated that by the year 2018, the technology platform for the lobbyist registry will become obsolete, and thus will require repair or replacement.

On January 15 and 16, 2013, Council approved the requested OLR Operating Budget for the year 2013 of \$1,065.4 thousand net, a reduction of \$6.9 thousand or 0.6% compared with the approved net Operating Budget for 2012. The Operating Budget will enable the OLR to meet the operating costs of its legislated mandate in 2013, without an increase in staff.

Council also approved the 2013-2022 Recommended Capital Plan for the Accountability Offices, including \$3.555 million in project estimates, reflecting deferral of consideration of the Lobbyist Registrar's Capital Plan until the 2014 Budget process. These project estimates include the OLR's estimates of \$2.0 million for State of Good Repair and \$0.355 million to provide access to the registry via mobile device in 2014.

³⁰ <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX14.1>

The OLR 10-Year 2013-2022 Capital Plan includes the same State of Good Repair Plan that was approved by Council for 2012-2021. In addition, the 2013-2022 Capital Plan includes a plan to create an alternative channel for registration by mobile device users in 2014, at an estimated cost of \$0.355 million. The State of Good Repair Plan is necessary to ensure that the technology platform supporting the registry will remain functional and thus meet the legislated requirement that the City maintain a publicly available lobbyist registry. The City's lobbyist registry operates in a climate of increasing use of mobile devices. The implementation of the plan to provide mobile access will enhance transparency and compliance with the Lobbying By-law. Registrations and updates by mobile device users will be more timely.

Since our 2013-2022 Capital Plan was deferred to the 2014 Budget process, it will be necessary to obtain Council's approval in order to implement mobile device access in 2014, and to ensure that funds are committed for the State of Good Repair Plan.

FINANCIAL INFORMATION

OLR business, travel and PCard expenses are posted on the OLR website at <http://www.toronto.ca/lobbying/expenses.htm>.

Each year, the Office of the Lobbyist Registrar undergoes an external compliance audit and is part of the City's annual attest audit. These audits are required under Chapter 3 of the Toronto Municipal Code to be conducted annually by independent auditors and are reported directly to Council. The external compliance audit report for the year 2011 was adopted by Council on July 11-13, 2012 and is found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.CC25.1>. With one exception where inadequate records were kept for a business rail travel expense, the independent auditor found the Office of the Lobbyist Registrar to be compliant with the City's financial policies, procedures and delegated authorities in 2011. As a result of the independent auditor's report, the OLR has ensured that its procedures comply with the City policy on record-keeping for business travel expenses. The compliance audit for the year 2012 is not yet available.

CHALLENGES AND GOALS FOR 2013

1. Providing Timely and Effective Service in a Climate of Increasing Demand for Service

The Office of the Lobbyist Registrar reviews and approves or refuses registrations, provides information and advice, conducts inquiries and enforces the Lobbying By-law. Increased registrations are expected to continue in 2013 at the same rate as in 2012. The key challenge in 2013 will be to provide the services in our mandate without an increase in staff, in a climate of increasing demand for the services of our office. We will hire a third Lobbyist Registry Advisor to meet this challenge.

2. Maintaining a lobbyist registry that is available to the public

The Office of the Lobbyist Registrar ensures the transparency of lobbying activities at the City by maintaining an online public lobbyist registry, in compliance with COTA and the Lobbying By-law. Our work plan includes continuous improvement of the registry information available on the OLR website and its accessibility. We will continue to provide the data from our registry on the City's Open Data website.

With the approval of our 10-Year Capital Plan by Council in the 2014 budget year, we will be able to maintain the technology platform of the registry by implementing our State of Good Repair Plan in the years 2018 to 2020. In 2014, we also plan to develop and implement improved access to our website and registry system for those who use mobile devices, and improved search and report functions for the registry.

3. Ensuring Compliance with the Lobbying By-law

The OLR ensures the integrity of City decision-making by requiring that lobbyists comply with the registry system and the *Lobbyists' Code of Conduct*. We will continue to develop and improve our compliance inquiry and enforcement procedures.

4. Information, Advice and Outreach

The OLR provides information, advice and interpretation of the Lobbying By-law to public office holders, lobbyists and the public. We will continuously review and improve the information and advice we provide, including Interpretation Bulletins, Reports, FAQs and Newsletters. We will conduct outreach sessions for lobbyists and for public office holders, focussing on the requirements for registration, reporting obligations and the *Lobbyists' Code of Conduct*.

5. Continuous review and improvement of OLR practices and procedures

The OLR will continuously review and improve our practices and procedures, to ensure that our practices are fair, effective and consistent with the law and the best practices of registries in other jurisdictions.

6. Working Together with the Statutory Accountability Officers and City Staff

I shall continue to work together with the Accountability Officers on common issues such as the Accountability Framework and Chapter 3 of the Toronto Municipal Code. I shall continue to work with City staff on lobbying issues where appropriate.

7. Recommendations to Improve and Amend the Lobbying By-Law

My mandate under the Lobbying By-law includes advising Council on lobbying matters and recommending improvements and amendments to the Lobbying By-law. 2012 marks the fifth anniversary of City Council's adoption of the Lobbying By-law. This is an appropriate time to review the Lobbying By-law, to ensure that the by-law continues to meet its intended goals of ensuring the transparency and integrity, and remains consistent with current best practices among lobbyist registries.

In March 2013, I made recommendations to amend the Lobbying By-law to provide that lobbying should occur during regular business hours at the City's offices, including constituent offices. This recommendation was deferred by Executive Committee. I shall continue to monitor the effectiveness of the Lobbying By-law and conduct such reviews as Council directs.