



LOBBYIST REGISTRAR'S REPORT ACTION REQUIRED

Amending the Lobbying By-law – Time and Place of Lobbying

Date:	March 5, 2013
To:	Executive Committee
From:	Lobbyist Registrar
Wards:	All
Reference Number:	

SUMMARY

In this report, the Lobbyist Registrar recommends that a provision be added to the Lobbying By-law (Chapter 140 of the Toronto Municipal Code) restricting the time and place that lobbying may occur. Madam Justice Bellamy recommended in her Report on the Toronto Computer Leasing Inquiry:

105. Lobbyists' access to councillors and staff should be restricted to regular office hours and locations.

RECOMMENDATIONS

The Lobbyist Registrar recommends that:

1. Section 140-42 be amended by adding the following provision:
 - D. Lobbyists shall not communicate with public office holders except on business days during regular hours of business (8:00 a.m. to 6:00 p.m.) or during the hours of other scheduled meetings of Council and its committees, and for members of a local board, during meetings of the local boards, at offices of the City or a local board, including the constituency offices of a member of Council.

2. City Council request the City Solicitor and Integrity Commissioner to report back to Council with recommendations to amend the Code of Conduct for Members of Council, City of Toronto in accordance with the foregoing amendment.

Financial Impact

This report has no financial impact.

DECISION HISTORY

Section 140-33(9) of the Lobbying By-law provides that the Lobbyist Registrar is responsible for advising Council on lobbying matters and recommending improvements and amendments to the Lobbying By-law.

Section 3-7D of the Toronto Municipal Code requires an accountability officer to submit policy-related reports to Council through the Executive Committee.

COMMENTS

Madam Justice Bellamy recommended in her Report on the Toronto Computer Leasing Inquiry:

105. Lobbyists' access to councillors and staff should be restricted to regular office hours and locations.¹

The reasons for Justice Bellamy's recommendation are quoted below, in part:

Business meetings between lobbyists and elected officials should be conducted in a business environment, during business hours whenever possible. If lobbyists expect access to government decision-makers to persuade them directly, they should also expect that opportunities to persuade will be granted only in places of business, during appropriate work hours.

This is not to say that lobbyists can never have social contact with councillors and staff. Of course they can. But it is reasonable to spell out limitations on socializing. Lobbyists may use an invitation to an apparently social event as a thinly disguised lobbying opportunity. Councillors and staff should recognize that they have been invited for a reason: the lobbyist wants to build goodwill with them.²

¹ Toronto Computer Leasing Inquiry/Toronto External Contracts Inquiry, The Honourable Madam Justice Denise E. Bellamy (2005), City of Toronto, Vol. 4, page 94

² Ibid., Vol. 2, page 84

Presently, Toronto's Lobbying By-law does not include Recommendation 105. Lobbyists may lobby public office holders at any time of day or night in any venue except at a charitable event, community or civic event, or similar public gathering.³ Restricting the time and place that lobbying may occur will ensure that lobbying of the City's public office holders is conducted in a business environment, during business hours. This will enhance the integrity and perceived integrity of lobbying and City government decision-making.

I therefore recommend that:

1. Section 140-42 be amended by adding the following provision:
 - D. Lobbyists shall not communicate with public office holders except on business days during regular hours of business (8:00 a.m. to 6:00 p.m.) or during the hours of other scheduled meetings of Council and its committees, and for members of a local board, during meetings of the local boards, at offices of the City or a local board, including the constituency offices of a member of Council.
2. City Council request the City Solicitor and Integrity Commissioner to report back to Council with recommendations to amend the Code of Conduct for Members of Council, City of Toronto in accordance with the foregoing amendment.

I have consulted with the City Solicitor in preparing these recommendations.

CONTACT

Linda L. Gehrke, Lobbyist Registrar
lgehrke@toronto.ca
Tel.: 416-338-5858
Fax: 416-338-5859

SIGNATURE

Linda L. Gehrke, Lobbyist Registrar

³ § 140-42C, Toronto Municipal Code