

Lobbying By-Law – Exempted Bodies

Date:	November 18, 2013
To:	Executive Committee
From:	City Manager
Wards:	City-wide
Ref. Number:	

SUMMARY

This report recommends amendments to Schedule A of Municipal Code Chapter 140, Lobbying (the “Lobbying By-law”), to recognize changes that have occurred with respect to City owned and partnered corporations.

Board members, officers and employees of City owned and partnered corporations by necessity routinely communicate with City officials. The lobbyist registration requirement was not intended to apply to this type of relationship. To facilitate ongoing governance relations, City Council at the outset approved an exemption from the lobbyist registration requirements for City owned and partnered corporations.

The amendments recommended in this report ensure that the governance principle embedded in Schedule A, which exempts City owned and partnered corporations from the requirement to register as lobbyists when communicating with public office holders of the City (as defined in Chapter 140), is applied consistently across all corporations of the City.

The amendments include:

- extending the exemption from the registration requirement to the Casa Loma Corporation and Lakeshore Arena Corporation;
- reflecting changes in the names of certain corporations; and
- removing the exemption from the registration requirement for Enwave Energy Corporation in which the City no longer has a shareholder interest.

Staff have consulted with the Lobbyist Registrar in the preparation of this report.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council exempt the board members, employees and officers of Casa Loma Corporation and Lakeshore Arena Corporation, when acting in their official capacity, from Municipal Code Chapter 140, Lobbying, by authorizing an amendment to Chapter 140 to add “Casa Loma Corporation” and “Lakeshore Arena Corporation” to the list of exempted municipal level corporations and other bodies in Schedule A, as set out in Appendix 1 to the Report.
2. City Council authorize the following amendments to the list of exempted municipal level corporations and other bodies in Schedule A of Municipal Code Chapter 140, Lobbying, as set out in Appendix 1 to the Report, to reflect name changes:
 - a. remove “Toronto Economic Development Corporation” and replace it with “Toronto Economic Development Corporation (operating as Toronto Port Lands Company)”;
 - b. remove “Toronto Waterfront Revitalization Corporation” and replace it with “Toronto Waterfront Revitalization Corporation (operating as Waterfront Toronto)”;
 - c. remove “Toronto Transit Consulting Ltd.” and replace it with “Toronto Transit Infrastructure Ltd.”.
3. City Council authorize an amendment to Municipal Code Chapter 140, Lobbying, by removing “Enwave Energy Corporation” from the list of exempted municipal level corporations and other bodies in Schedule A, as set out in Appendix 1 to the Report, and request the Lobbyist Registrar to communicate this change and its implications to Enwave Energy Corporation.
4. City Council authorize and direct the appropriate City Officials to introduce the necessary bills and to take the necessary actions to give effect thereto.

Financial Impact

There are no financial impacts from the adoption of the recommendations in this report. The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

COMMENTS

As required by the *City of Toronto Act, 2006*, Municipal Code Chapter 140, Lobbying, provides for the registration of lobbyists and public disclosure of their communications with City public office holders, unless an exemption applies. A key governance principle embedded in Chapter 140 is that public office holders, including the members, employees and officers of the City and its agencies, are not required to register in order to communicate with one another when acting in their official capacity. (Under the Act,

Chapter 140 generally cannot apply to the Toronto Public Library or the Police Services Board.)

In the case of City owned and partnered corporations, board members, officers and employees of these corporations routinely communicate with City officials. The lobbyist registration requirement was not intended to apply to this type of relationship. To facilitate ongoing governance relations, City Council at the outset approved an exemption from the lobbyist registration requirements for City owned and partnered corporations, as well as certain other bodies. This measure ensured that City corporations would be treated in a manner similar to City agencies in terms of being exempt from the lobbyist registration requirements under Chapter 140 when communicating with City officials.

Several changes have occurred with respect to City owned and partnered corporations and amendments are required to the list of exempted municipal level corporations and other bodies in Schedule A of Municipal Code Chapter 140, Lobbying. These amendments will ensure the governance principles embedded in Schedule A of Chapter 140 are applied consistently across all City owned and partnered corporations.

Specific amendments proposed to the list of exempt corporations and municipal-level bodies in Schedule A of Chapter 140, as set out in attached Appendix 1, include:

- adding Casa Loma Corporation and Lakeshore Arena Corporation to Schedule A to exempt their board members, employees and officers from the lobbyist registration requirement when acting in their official capacity;
- replacing “Toronto Economic Development Corporation” with “Toronto Economic Development Corporation (operating as Toronto Port Lands Company)” in Schedule A to reflect the operating name;
- replacing “Toronto Waterfront Revitalization Corporation” with “Toronto Waterfront Revitalization Corporation (operating as Waterfront Toronto)” in Schedule A to reflect the operating name;
- replacing “Toronto Transit Consulting Ltd.” with “Toronto Transit Infrastructure Ltd.” to reflect the change in the legal name of the corporation;
- removing Enwave Energy Corporation from Schedule A in order to end the exemption from the registration requirements now that the City has disposed of its shareholder interest in this former partnered corporation; and
- re-numbering the list of bodies in Schedule A to accommodate these amendments.

Enwave Energy Corporation will be formally notified of the applicable amendment to Schedule A of Municipal Code Chapter 140, Lobbying. As new requirements arise for Enwave Energy Corporation under this amendment to Chapter 140, it would be appropriate for the City’s Lobbyist Registrar to take carriage of this communication.

CONTACT

Peter Notaro, Strategic & Corporate Policy
Phone: 416.392.8066 Email: pnotaro@toronto.ca

Martin Herzog, Strategic & Corporate Policy
Phone: 416.392.5491 Email: mherzog@toronto.ca

SIGNATURE

Joseph P. Pennachetti
City Manager

ATTACHMENTS

Appendix 1 - Proposed Amendments to Schedule A, Municipal Code Chapter 140, Lobbying

Appendix 1

Proposed Amendments to Schedule A, Municipal Code Chapter 140, Lobbying

SCHEDULE A TO CH. 140 EXEMPTED MUNICIPAL LEVEL CORPORATIONS AND OTHER BODIES § 140-3C(2)

- A. Board of Trustees of the Metro Toronto Pension Plan.
- B. Board of Trustees of the Metro Toronto Police Benefit Fund.
- C. Build Toronto Inc.
- D. Canadian National Exhibition Association.
- E. Casa Loma Corporation.
- ~~E. F.~~ Clean Air Partnership.
- ~~F.~~ ~~Enwave Energy Corporation.~~
- G. Invest Toronto Inc.
- H. Lakeshore Arena Corporation.
- ~~H. I.~~ Toronto Association of Business Improvement Areas.
- ~~I. J.~~ Toronto Civic Employees' Pension and Benefit Fund Committee.
- ~~J. K.~~ Toronto Coach Terminal Inc.
- ~~K. L.~~ Toronto Community Housing Corporation.
- ~~L. M.~~ ~~Toronto Economic Development Corporation.~~ Toronto Economic Development Corporation (operating as Toronto Port Lands Company).
- ~~M. N.~~ Toronto Fire Department Superannuation & Benefit Fund Committee.
- ~~N. O.~~ Toronto Hydro Corporation.
- P. Toronto Pan Am Sports Centre Inc.*
- ~~Q. Q.~~ Toronto Police Services Board.
- ~~P. R.~~ Toronto Public Library Board.
- ~~Q. S.~~ ~~Toronto Transit Consulting Ltd.~~ Toronto Transit Infrastructure Ltd.
- ~~R. T.~~ ~~Toronto Waterfront Revitalization Corporation.~~ Toronto Waterfront Revitalization Corporation (operating as Waterfront Toronto).
- ~~S. U.~~ TTC Insurance Company Limited.
- ~~T. V.~~ York Employees' Pension and Benefit Fund Committee.

* Added by City Council at its meeting on October 8, 2013.