

Lobbyist Registrar

TORONTO LOBBYIST REGISTRAR

The Registrar is an independent accountability officer reporting to City Council

Provides advice and interpretation regarding the Lobbying By-law

Provides transparency in City decision-making through the public disclosure of lobbying activity on an online registry and ensures integrity in the decision-making process through a fully enforceable code of conduct Code of Conduct (Article VI of the Lobbying By-law) for lobbyists.

Mandate and governing rules are found in the Lobbying By-law (Chapter 140, Lobbying, of the Toronto Municipal Code)



Purpose of Today's Session

- A little history of our office and how we came to be
- Understand what lobbying is under the Toronto Municipal Code
- Learn when and how the Lobbying By-law applies to the Toronto Investment Board (TIB)
- Recognize and manage lobbying interactions
- Know what to do if approached by a lobbyist



The Bellamy Report was released to the public on September 12, 2005. It detailed the outcomes of an investigation into the circumstances surrounding the approval of a \$43 million contract for computer equipment, which ultimately expanded into an \$85 million dollar agreement with MFP Financial Services Ltd.

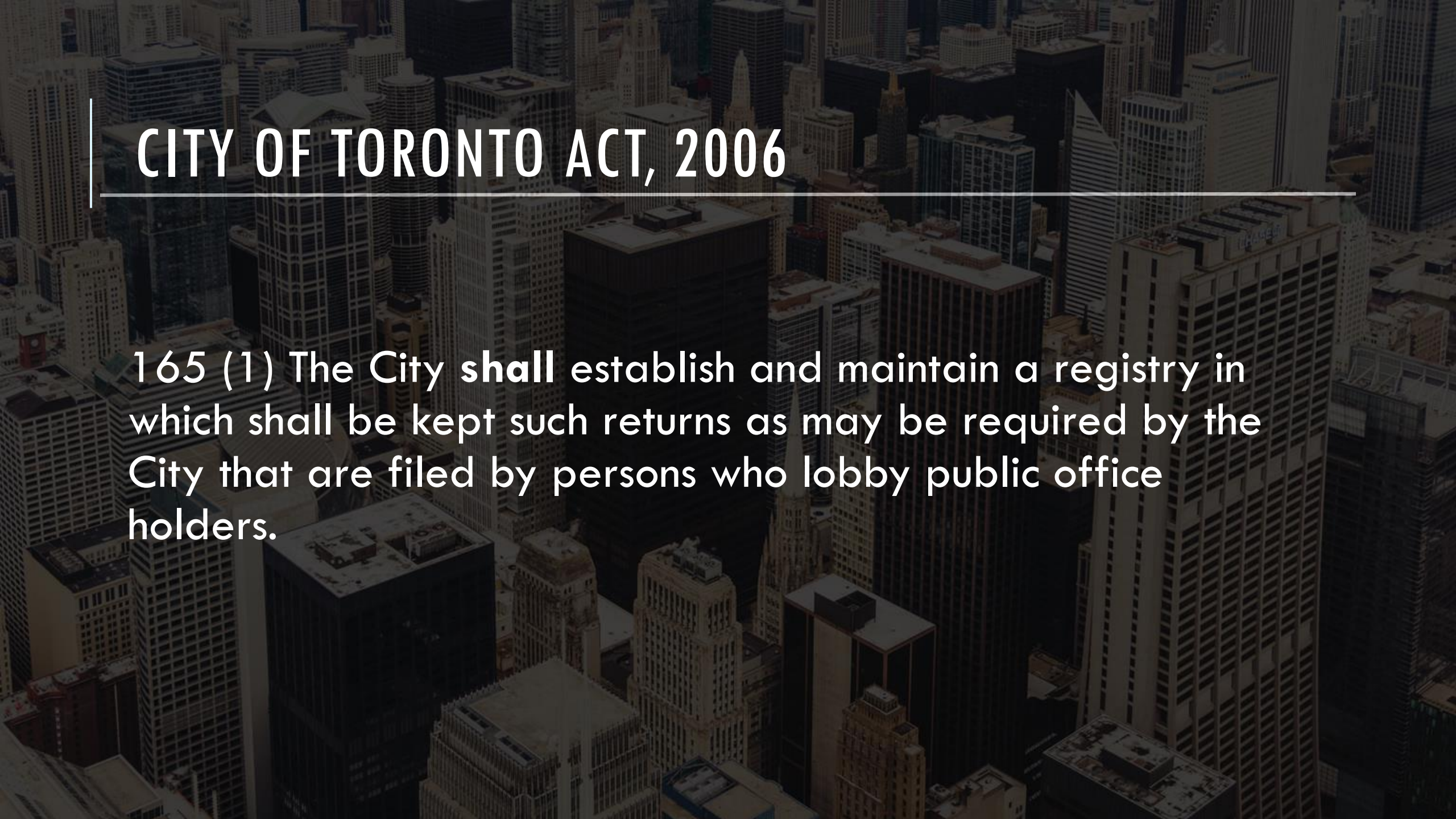
RECOMMENDATIONS



“The City should establish and maintain a lobbyist registry.”

“The City of Toronto should set out its own code of conduct for lobbyists.”

*The Honourable Madam Justice Denise E. Bellamy, Commissioner
Toronto Computer Leasing Inquiry Report*



CITY OF TORONTO ACT, 2006

165 (1) The City shall establish and maintain a registry in which shall be kept such returns as may be required by the City that are filed by persons who lobby public office holders.

LEGISLATION

- ***City of Toronto Act, 2006***
- **Chapter 140, Toronto Municipal Code – the Lobbying By-law**
- **Chapter 3, Toronto Municipal Code – Policy Framework for Toronto's Accountability Officers**

PRINCIPLES

- The City government's duty to make decisions in the public interest should not be impeded;
- Open and unfettered access to City government is a vital aspect of local democracy;
- Lobbying public office holders is a legitimate activity
- Public office holders and the public should be able to know who is attempting to influence City government.

PRINCIPLES

- Public disclosure of lobbying activity and standards of conduct for lobbyists are important to the integrity of City government decision-making; and
- A system for the registration of lobbying and regulation of conduct of lobbyists should not impede access to the City government.

LOBBYING

“Lobbying is best understood broadly as an organized effort to influence the development or ultimate fate of anything the government does: pass a law, develop a policy or program, award a contract, or give away money.”

*The Honourable Madam Justice Denise E. Bellamy, Commissioner
Toronto Computer Leasing Inquiry Report*

Lobbying under the By-law includes communicating with public office holders on a range of subjects including decisions on by-laws, policies and programs, grants, purchasing, and applications for services, permits, licences or other permission.

RISKS OF UNREGULATED LOBBYING



“Public money, politics and private interests are a volatile mix, and a source of scandal throughout history.”

“Sometimes, it is easy for a cynical public to assume that lobbyists are up to no good, pushing the democratic process unfairly in the direction of their well-heeled clients.... There is also the perception that money talks, and those with the deepest pockets might get the best hearing.”

*The Honourable Madam Justice Denise E. Bellamy, Commissioner
Toronto Computer Leasing Inquiry Report*

GENERAL RULE

No person shall lobby a public office holder without being registered

Four Part Test:

Is the individual lobbying?

Is the individual either a consultant lobbyist, in-house lobbyist, or voluntary lobbyist?

Is the subject of the lobbying a public office holder?

Do any exemptions apply?

DEFINITION OF 'LOBBY' S. 140-1

Section A – Broad Scope:

- Communicating with a public office holder about the development, passage, amendment, or repeal of a by-law, bill, or resolution.

Section B – Non-Exhaustive Examples of A:

- Creating, changing, or ending a policy, program, directive, or guideline
- Procurement of goods, services, or construction, and awarding contracts
- Applications for services, grants, permits, licenses, or planning approvals
- Awarding financial contributions or benefits
- Transferring City assets or business interests
- Determining how a City service is delivered



Key Point: Lobbying does not require intent to influence—subject matter alone may bring it within scope.

TYPES OF LOBBYISTS UNDER THE LOBBYING BY-LAW



Consultant Lobbyist:

- **A person who, for payment, lobbies on behalf of a client.**



In-house Lobbyist:

- **An employee, partner, or sole proprietor who lobbies on behalf of their employer.**



Voluntary Lobbyist:

- **A person who lobbies without payment on behalf of a business or other for-profit entity or organization.**

WHO IS A PUBLIC OFFICE HOLDER?

- **Investment Board = City Board**

COTA, O. Reg. 610/06, s. 46(2)

Delegated authority to manage City investments = City board.

- **City Boards = Local Boards**

COTA, s. 142(3)

All City boards are deemed local boards.

- **Local Board (Restricted Definition) = Lobbying By-law Applies**

COTA, s. 156

Investment Board is not excluded from the restricted definition.

- **Members = Public Office Holders**

COTA, s. 156 – “public office holder” definition

Members of a local board (restricted definition) are public office holders under the Lobbying By-law.

 Key Takeaway:

Independent, non-staff members of the Toronto Investment Board are public office holders under the Lobbying By-law.

EXAMPLES OF EXEMPT COMMUNICATIONS (NO LOBBYING REGISTRATION REQUIRED)

- Responding to a publicly posted Request for Proposal (RFP) or other competitive procurement through permitted channels
- Making a formal presentation at a public meeting (e.g., speaking at a City Council committee)
- Submitting written comments as part of a public consultation or policy review
- Requesting information or asking routine questions (e.g., “When is the next board meeting?”)
- Communicating as an official representative of another level of government (e.g., provincial or federal agency)
- Communication on behalf of not-for-profit or charitable organizations (subject to some exceptions)

COMMON EXAMPLES OF LOBBYING RELEVANT TO TIB

Lobbying may involve:

- Unsolicited vendors promoting their investment services
- Firms seeking to be hired as an external investment manager
- Financial institutions offering new investment products
- Requests to modify or influence the City's Investment Policy Statement
- Communications about upcoming procurement opportunities
- Efforts to secure meetings with TIB members or the Treasurer to discuss investment options



In 2023,
the City of Toronto
procured approximately
\$2.5 Billion
in Goods and Services,
Professional Services, and
Construction.

Procurement Lobbying: Toronto



Communicating about the procurement of goods, services or construction and awarding a contract is:

LOBBYING

Widget



Procurement Lobbying: Toronto

We have not posted a solicitation for Widgets



Register

We have posted and awarded the contract for Widgets



Register

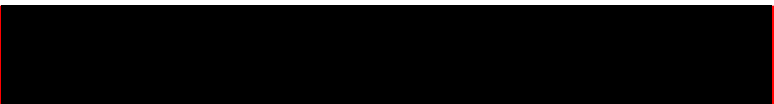
solicitation for
Widgets Posted



Call for Widgets
Awarded



Blackout Period



EXAMPLES

Unsolicited Asset Manager Pitch

A representative from XYZ **Capital Partners** cold-emails the City Treasurer offering a presentation on their firm's fixed-income strategy, suggesting that they be considered as an investment manager for the City's long-term funds.



This is lobbying — the firm is seeking business and attempting to influence a City official's investment decision.

Bank Markets New Investment Product

A relationship manager from a major bank requests a meeting with a TIB member to promote a new ESG (Environmental, Social, and Governance) fund they claim would align with the City's responsible investing goals.



This is lobbying — even if framed as “informational,” the intent is to encourage selection of their product.

EXAMPLES CONT

Lobbying Through a “Thought Leadership” Meeting

A private equity fund offers to give a “free” educational lunch-and-learn session to TIB members on infrastructure investments, subtly promoting their fund and track record.

✓ This is lobbying — indirect promotion intended to influence future decisions or vendor selection.

Advisor Requests a Spot on a Vendor List

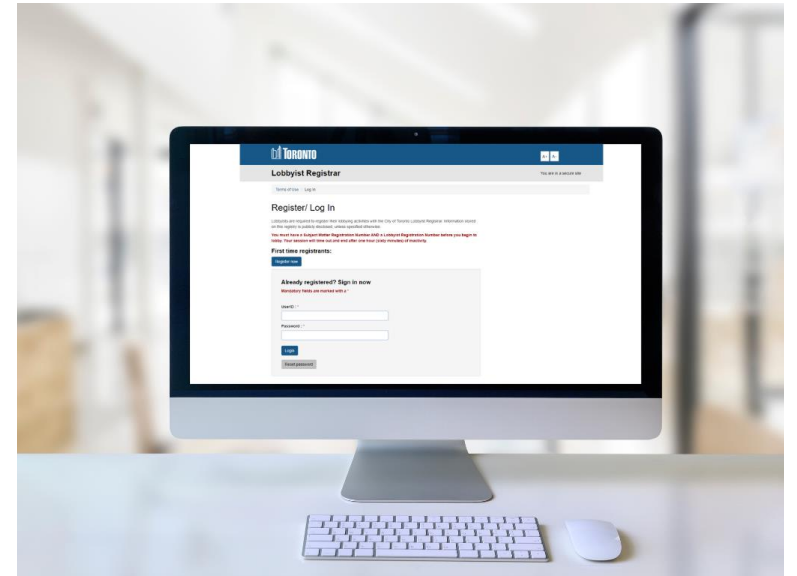
A boutique investment advisory firm asks City staff how they can be added to the City’s list of eligible managers and offers to meet with TIB members to explain their firm’s strengths.

✓ This is lobbying — seeking access and influence in a selection process.

WHAT MUST A LOBBYIST ALWAYS DO?

Lobbyists must:

1. Register before lobbying
2. Report lobbying activities within 3 business days
3. Adhere to the Lobbyists' Code of Conduct



WHAT ARE LOBBYISTS PROHIBITED FROM DOING?

1. Lobbyists may NOT donate to Council Member-Organized Community Events
2. Lobbyists may NOT offer, provide or bestow entertainment, gifts, meals, trips or favours of any kind to public office holders
3. Lobbyists may NOT lobby during a procurement period
4. Lobbyists must NEVER bestow an improper benefit or use improper influence
5. Lobbyists must NOT place a public office holder in a conflict of interest or in breach of code of conduct

WHAT TO DO IF YOU'RE APPROACHED

- Ask if they're registered
- To help determine if they are required to register, you may refer to the interactive tool on the Toronto Lobbyist Registrar webpage
- Notify our office if unsure
- Don't ignore lobbying attempts

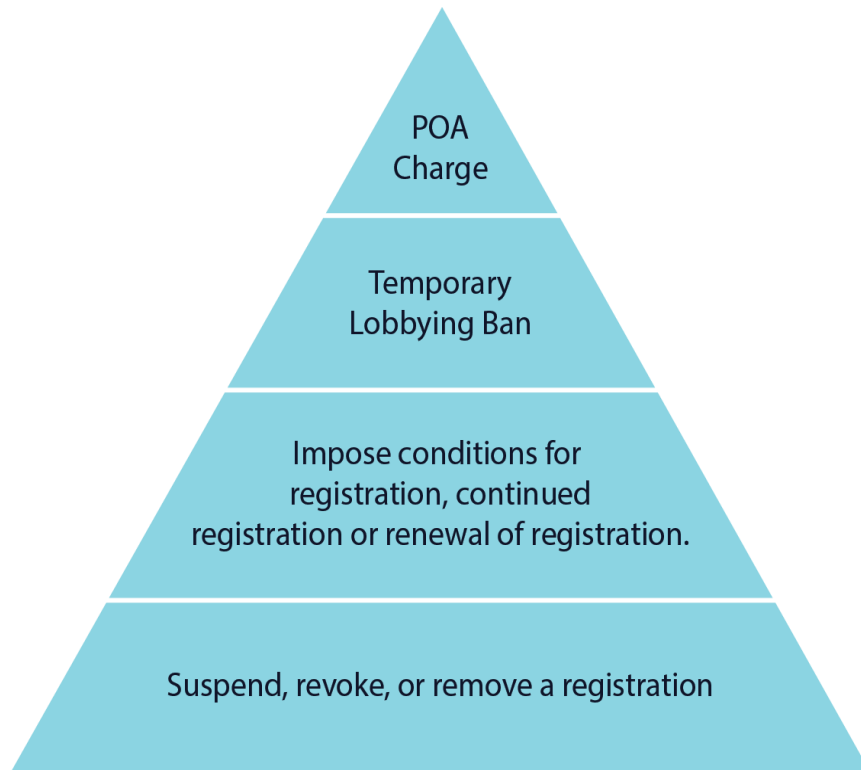
HOW WE SUPPORT YOU

- Interpretation advice
- Real-time guidance
- Bulletins and training
- Confidential reporting

KEY TAKEAWAYS

- Know when it's lobbying
- Ask, don't assume
- Refer to Registry
- Contact us for help

ENFORCEMENT OF THE LOBBYING BY-LAW



The Toronto lobbyist Lobbyist Registrar:

1. Conducts investigations of alleged breaches;
2. Imposes penalties where a breach has been found; and
3. Accepts confidential inquiries regarding allegations of potential breaches of the Lobbying By-law

RESOURCES ON THE TORONTO LOBBYIST REGISTRAR INTRANET AND INTERNET WEBPAGES

■ Disclaimer for automatic emails:

Communicating with Public Office Holders at the City of Toronto on certain subject matters (e.g. all communication covering sales information, pricing and business development) may require you to register as a lobbyist. To help determine if you are required to register, you may refer to the [interactive tool](#) on the Toronto Lobbyist Registrar [webpage](#). You may also contact the Toronto Lobbyist Registrar Office by phone at 416-338-5858 or by email at lobbyistregistrar@toronto.ca.

Lobbyist Registrar Advisors are available to answer questions or discuss any concerns.

lobbyistregistrar@toronto.ca

375 University Ave, Suite 201, Toronto, ON

416-338-5858

TLR Intranet Webpage

- [FAQs for Public Office Holders](#)
- [Interactive Tool: Am I being lobbied?](#)
- [Flow chart](#)

TLR Internet Webpage

- [Search the Lobbyist Registry](#)
- [Guidelines and Regulatory Bulletins](#)
- [Newsletters](#)
- [Reports](#)