

Lobbyist and Gift Registries

Proposed Brampton Framework - *for Discussion*

**Member Services Committee Special Meeting
February 17, 2015**

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Discussion Outline

1. Definitions*
 - “Communication”
 - “Lobby”
 - “Lobbyist
 - “Public Office Holder”
2. Exemptions – Lobbying and Lobbyist*
3. Suggested Front Line Process*
4. Gift Registry
5. Next Steps

****Derived from Cities of Ottawa, Hamilton and Toronto***

DEFINITIONS

“Communication”

Any form of expressive contact, including but not limited to a meeting, email or other electronic messaging, facsimile transmission, letter, phone call or other meaningful dialogue that falls within the definition of lobbying in either a formal or informal setting.

DEFINITIONS

“Lobby”

Any communication with a public office holder by an individual who represents a business or financial interest with the goal of trying to influence any legislative action including but not limited to the:

- development, introduction, passage, defeat, amendment or repeal of a by-law, motion or resolution;
- development, approval, amendment, application or termination of a City policy, program, directive, guideline; or
- outcome of a decision on any matter before Council, a Committee of Council or a Ward Councillor or staff member acting under delegated authority.

DEFINITIONS

“Lobbyist”

Consultant Lobbyist - an individual who lobbies for payment on behalf of a client (another individual, company, partnership or organization). If the consultant arranges for a meeting between a public officer holder and a third party, this is considered lobbying.

In-house Lobbyist – an individual who is an employee, partner, sole proprietor and who lobbies on behalf of their own employer, business or organization.

Voluntary unpaid Lobbyist – an individual who lobbies without payment on behalf of an individual, business, or other organization for the benefit of the interests of the individual, business or other organization.

DEFINITIONS

“Public Office Holder”:

- Member of Council and his/her staff;
 - Includes all members of Council Office staff
- Officer or employee of the City; and
- Members of Boards and Committees established by Council.

Prohibition on former public office holders lobbying current public office holders:

- 12 months

DEFINITIONS

Discussion Points regarding Public Office Holders:

- Include Boards ?
- Include Citizen Advisory Committees?
- Include all employees or only those employees in management positions?
- Specify ELT, SMT?
- Specify that definition includes only those employees who work closely with members of Council (and Boards/Committees)?
- Include separate definition for “senior public office holder”? – Ottawa and Toronto have detailed definition.

LOBBYIST EXEMPTIONS

1. Lobbyist Registry process will not apply to the following persons/bodies acting in their professional capacity:

A. Government or public sector, other than the City:

- Members of Senate, House of Commons, legislative assemblies of provincial/territorial governments, persons on the staff of the members;
- Members of First Nations or Indian band councils, persons on the staff of the members;
- Employees or consultants retained by Government of Canada, government of a province/territory, a First Nations/Indian band Council, federal/provincial crown corporation or other federal or provincial public agency;

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LOBBYIST EXEMPTIONS

A. Government or public sector, other than the City (continued):

- Members of a council or other statutory body, including a local board, charged with the administration of the civil or municipal affairs of a municipality in Canada other than of the City, persons or staff of the members, or officers or employees of the municipality or local board; and
- Members of a national or sub-national foreign government, persons on the staff of the members, or officers, employees, diplomatic agents, consular officers or official representatives in Canada of the government.

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LOBBYIST EXEMPTIONS

B. Officials and employees of the City, the Region of Peel and other municipal bodies:

- Public office holders;
- Officers, directors, employees of a local board of the City and acting in their public capacity;
- Member of an Advisory Committee, acting in their public capacity and appointed by City Council.

2. School Boards:

- Peel District School Board;
- Peel Catholic School Board;
- Ontario French Public School Board;
- Ontario French Catholic School Board
- Universities, colleges, and other publicly-funded educational institutions.

3. Hospitals? – For Discussion

LOBBYING EXEMPTIONS

The Lobbyist Registry process will not apply to the following activities:

- Communication that is a matter of public record or occurs during a meeting of Council or a Committee of Council;
- Communication that occurs during a public process such as a public meeting, hearing, consultation, open house or media event held or sponsored by the City or a public office holder or related to an application;
- Communication restricted to a request for information;

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LOBBYING EXEMPTIONS

- Communication restricted to compliments and complaints about a service or program;
- Communication with a public office holder by an individual on behalf of an individual, business or other organization:
 - The enforcement , interpretation or application of any Act or by-law by the public office holder and with respect to the individual, business or organization,
 - The implementation or administration of any policy, program, directive or guideline by the public office holder and with respect to the individual, business, organization,
 - A personal matter of the individual, business or organization , unless it is communication that is in respect of a matter that falls under the definition of lobbying, that is for the special benefit of the individual, business or organization,

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LOBBYING EXEMPTIONS

- Communication by an applicant, an interested party or their representatives with respect to an application for service, grant, planning approval, permit or other license or permission;
 - With an employee of the City or a Member of Council if the communication is restricted to providing general information on an application, including a proposed or pending application or to inquire about the application or the review process,
 - With an employee of the City if the communication is part of the normal course of the approval process,
 - If the communication is with an employee of the City who has a role in the processing of a planning application during the formal pre-application consultation, the filing of the application and the application review process, including the preparation of development agreements.

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LOBBYING EXEMPTIONS

- Submitting a bid proposal as part of a procurement process and any communication with designated employees of the City as permitted in the procurement policies and documents of the City;
- Communication with a public office holder by an individual on behalf of an individual, business or organization in direct response to a written request from the public office holder;
- Communication to a Member of Council by a constituent of the Member of Council, or an individual on behalf of a constituent of the Member of Council on a general neighborhood or public policy issue;

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LOBBYING EXEMPTIONS

- Communications directly related to those City-initiated consultative meetings where an individual is participating as a stakeholder;
- Communication for or against a policy or program that state a position where the primary focus is broad community benefit or detriment, whether City-wide or local, and where that position would have no direct, indirect or perceived benefit to a business or financial interest of the individual, business or other organization on whose behalf the communication is undertaken.

Suggested Front Line Processes

Step 1 – Registration as a Lobbyist

- Person with intent to lobby must register as lobbyist:
 - Each person from a common company who engages in lobbying activity must register;
 - Registering as a lobbyist could take place before any lobbying takes place, or as soon as the lobbyist begins lobbying activity;
 - Registrar or designate to approve or refuse registration.

Suggested Front Line Processes

Step 2 – Registration of subject matter:

- Separate subject matter registration for each issue;
- Subject matter registration should occur before lobbying takes place, or within 3 business days of lobbying beginning;
- Registrar to approve or refuse registration
 - Example of reason for refusal –
 - attempting to lobby when matter is part of a procurement process,
 - registering when registration is not required – complaint, exchange of factual information, etc.

Suggested Front Line Processes

Step 3 - Lobbyist to register **each** lobbying communication;

- Communication includes email, regular mail, meetings, telephone conversations;
- Registration particulars include who was lobbied, when and by what method (meeting, email, etc.);
- Approval not required;
- Notice will be sent (hopefully automated) to official who was subject to the communication.

Suggested Front Line Processes

Step 4 – Closure of subject matter registration:

- Subject matter registration should be closed when lobbying is complete
 - This assists with some code of conduct issues, for example, Council members and staff should not be accepting gifts, benefits, hospitality, etc. from active lobbyists

Administrative Support

Subject to budget approval:

- It is anticipated that much of the process will be automated;
- Optimally, an online system of registration will be developed, encompassing all steps in the registration process
 - Estimate of a year to complete an online registration system,
 - Manual process will be developed to fill the gap.



Service  Ottawa

City of Ottawa Lobbyist Registry

Search Criteria

Keyword

Lobbyist

Person(s) Lobbied

Date Range

From:  To: 

Subject Matter

Affordable Housing
Agriculture/Rural Affairs
Arts/Culture
Attractions/Tourism
Budget
By-law/Regulation
Childcare

Affected Ward(s)

CW - City Wide
1 - Orléans
2 - Innes
3 - Barrhaven
4 - Kanata North
5 - West Carleton-March
6 - Stittville

Search Results

Found 1 Records. Showing Page 1 of 1

Results Page Size

Lobbyist	Subject Matter	Person(s) Lobbied	Date Range	Activities
Lauren Dobson-Hughes Voluntary Unpaid	Budget Health budgets	Taylor, Mark - Councillor, Ward 7 Fleury, Mathieu - Councillor, Ward 12 Qadri, Shad - Councillor, Ward 6	16-Dec-2014 20-Jan-2015	<input type="button" value="View"/>

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Lobbyist

Lauren Dobson-Hughes

President of the Board

Planned Parenthood Ottawa
403-2197 Riverside Dr
Ottawa
ON K1H 7X3

Registration Type

Voluntary Unpaid

Status

Approved

Have you held a senior public office position at the City of Ottawa? No

N/A

Are you affiliated with any local boards of the City of Ottawa? No

N/A

Client & Lobbying File

Planned Parenthood Ottawa
403-2197 Riverside Dr
Ottawa
ON K1H 7X3

Subject Matter

Budget

Status

ACTIVE

Affected Ward(s)

CW - City Wide

Issue

Health budgets

Activities

Date	Method	Person(s) Lobbied
20-Jan-2015	Meeting	Qadri, Shad : Councillor, Ward 6
13-Jan-2015	Meeting	Taylor, Mark : Councillor, Ward 7
16-Dec-2014	Meeting	Fleury, Mathieu : Councillor, Ward 12

[Get All Lobbyists](#)

Administrative Support

- The Integrity Commissioner will act as Registrar and oversee the program, provide opinions and advice, and investigate and issue decisions regarding compliance.
- For at least the first 12 to 18 months, full time administrative/policy support will be required to:
 - assist with policy development;
 - set-up, monitor and maintain registers;
 - keep officials informed of changes to the registers
 - ensure availability of registers to the public;

Administrative Support

- Administrative/policy support, cont'd
 - work with IT to develop on line system;
 - communicate processes and procedures to lobbyists and officials; and
 - process complaints and provide research to assist IC with decision making.
- This person could also manage the gift registry.
- Staffing and structure to be reassessed after a full year of operation of the registry.

Gift Registry

Policy Decisions Required:

- Define Gift,
 - gifts, benefits, hospitality (includes tickets).
- Set threshold amount to be reported,
 - cumulative value over one year.
- Determine who may receive gifts.
- Approve changes to Council and Employee Codes of Conduct.

Gift Registry

Administrative Support Model

- Standard disclosure statement (see next slide) for documenting each gift – could be paper or on-line form.
- Form to be forwarded to Registrar,
 - Administrative staff to track accumulation, post on brampton.ca lists of gifts exceeding threshold quarterly.

Gift/Benefit Disclosure Statement

Subsection 14 (6) of the Council Code of Conduct regarding the acceptance of gifts and benefits, requires members to disclose the receipt of certain gifts and benefits if the dollar value of a single gift or benefit exceeds \$300 or if the total value of gifts and benefits received from one source in a calendar year exceeds \$300. The Disclosure Statement is to be used to report on such gifts and benefits and shall be filed with the Clerk within thirty (30) days of receipt of such gift or benefit, or upon reaching the annual limit. Disclosure Statements are a matter of public record.

Name of Council Member: _____

1. Nature of Gift/Benefit Received: _____

2. Source of Gift/Benefit: _____

3. Date of Receipt of Gift/Benefit: _____

4. Circumstances under which Gift/Benefit Given and Received: _____

5. Estimated Value of Gift/Benefit: \$ _____

6. Intended Use of the Gift/Benefit: (i.e. will it be donated or provided to the Town): _____

Signature of Member

Date

Date Statement Received by Clerk

Next Steps

- Approval in Principle by Member Services Committee.
- Report to Council February 25:
 - approval in principle;
 - approval of definitions, exemptions and process;
 - endorsement of Integrity Commissioner/Lobbyist Registrar combined roles;
 - approval for staff to move forward in policy and system development.