

Date: June 12, 2015

File: BC.x

Subject: **Lobbyist Registry By-law – Transmittal Report**

Contact: Wendi Hunter, Manager Administrative Services and Elections, 905-874-2139

Nupur Kotecha, Legal Counsel, Corporate Services, 905-874-2833

Overview:

- On April 8, 2015, Council approved the framework and processes for the proposed Lobbyist and Gift Registries and directed staff to launch stakeholder and public consultations.
- Stakeholders and the public were informed of the proposed registries through web page presence, print media, and direct mail initiatives.
- Staff have considered feedback and drafted the Lobbyist Registry By-law for consideration and enactment, to be effective January 1, 2016.
- Upon passing of the Lobbyist Registry By-law, staff will develop and implement on-line tools for the registry, and an education and awareness campaign targeting Council members, staff, stakeholders and the public.

Recommendations:

1. That the report from Wendi Hunter, Manager, Administrative Services and Elections, and Nupur Kotecha, Legal Services, Corporate Services, dated June 12, 2015, to the Corporate Services Committee meeting of June 24, 2015, re. **Lobbyist Registry By-law – Transmittal Report** (File No: BC.x), be received; and
2. That the Lobbyist Registry By-law be passed, substantially in accordance with the draft attached as Appendix D;
3. That staff be directed to initiate a request for proposals through the City's procurement process for the joint functional services of an Integrity Commissioner and Lobbyist Registrar, as set out in the *Municipal Act, 2001*, and

City by-laws, and that the staff report back to Council with a recommended award for the joint position of Integrity Commissioner / Lobbyist Registrar.

Background:

On April 1, 2015, the Corporate Services Committee considered a staff report recommending a framework for a lobbyist registry, gift registry and processes for both. Council adopted the recommendations, directed staff to launch stakeholder consultations and draft a Lobbyist Registry By-law and amendments to Council and Employee Codes of Conduct to facilitate launching both registries.

This report transmits the recommended Lobbyist Registry By-law for Council approval, and recommends a procurement process for the services of a joint Integrity Commissioner / Lobbyist Registrar to administer the Lobbyist Registry. The gift registry and related administrative process are being implemented in accordance with Council's previous approvals in April 2015, and are not the further subject of this report.

Current Situation:

Stakeholder Consultation

With the assistance of Strategic Communications, Clerk's staff developed a web page outlining the purposes of the Lobbyist and Gift Registries, providing background information, and requesting comments through feedback mechanisms such as a "contact us" form on the web page, specific email address, and through print and in person submission. Notice of stakeholder consultation was advertised through print media, and email and regular mail notices (about 450 total) were mailed to potential stakeholders identified by other departments.

Staff also delivered a presentation on the Lobbyist and Gift Registries to members of the Building Industry and Land Development Association (BILD), Peel Chapter, on May 19, 2015.

To date, eleven (11) comments have been received via "contact us," and two (2) comments have been received via email. These comments have been attached (without personal information) as Appendices A and B to this report. A letter was received from Mr. Guy Giorno, who has considerable knowledge of, and experience with, lobbying law. Mr. Giorno is currently a partner at Fasken Martineau LLP and is the chair of the Canadian Bar Association's Lobbying & Ethics Committee. He has written, lectured and provided comments to various governments on lobbying transparency laws. Mr. Giorno's letter provides specific feedback on the proposed framework and is attached as Appendix C to this report.

The City's current Integrity Commissioner has also had an opportunity to review the draft by-law.

Some changes have been made to the Lobbyist Registry framework based upon specific comments as outlined in Appendix C and from feedback from the Integrity

Commissioner where those recommended changes do not contradict previous direction given by Council. Changes are outlined in the section following.

Draft Lobbyist Registry By-law

Attached as Appendix D to this report is the draft Lobbyist Registry By-law. The draft is based upon the framework previously adopted by Council, with the addition of sections regarding prohibitions, enforcement and the inclusion of a lobbyist code of conduct. Specific changes made as a result of stakeholder input are as follows:

- i) The definition of “legislative action” is included:

“legislative action” means all actions by Council or through its authority, 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, grant or guideline;

the purchase of goods, services or construction and the award of a contract by the City; 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.

- ii) The definition of “lobby” is amended to reflect the addition of “legislative action” as a defined term:

“lobby” means 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.

- iii) Under the definition of “lobbyist”, the description of an “in-house lobbyist” is amended to include “*a member of a board of directors.*”

- iv) Under Part IV – Exemptions the subsections dealing with “publicly-funded school boards,” “publicly-funded health care institutions,” and “municipal associations”, were amended to include “*members, directors, officers, employees and consultants*”.

Next Steps

Upon approval by Council of the Lobbyist Registry By-law, staff will develop education and awareness campaigns, targeting Council members, staff, potential lobbyists, and the public. The campaign will roll out in late fall, anticipating the January, 2016 launch of the Lobbyist Registry.

Clerk's staff are working with staff from Information Technology to develop online tools in advance of the 2016 launch.

The Lobbyist Registrar:

In April 2015, Council directed staff to negotiate with the current Integrity Commissioner to assume the role of Lobbyist Registrar, including consultation on the Lobbyist registry and changes to the Code of Conduct for members of Council, and report back to Council. City Clerk's staff met with the Integrity Commissioner in April 2015, and subsequently invited comment on the Lobbyist Registry Framework and draft by-law, as outlined in this report. The Integrity Commissioner is currently reviewing the Mayor and Council Code of Conduct to identify proposed revisions based on best practices in place in other jurisdictions (particularly the City of Vaughan, as discussed at a recent meeting of the Member Services Committee) to incorporate provisions for lobbying and gift registration, as well as other recommendations identified by the Commissioner.

The Integrity Commissioner also expressed interest in assuming the additional duties of the Lobbyist Registrar. This would necessitate an amendment to the current contract provisions in place between the City and the Integrity Commissioner. The current contract is a four (4) year contract commencing in July 2014, so there are effectively three years remaining in the contract. The contract may be terminated for convenience, without showing cause, upon written notice provided by the City to the Integrity Commissioner.

Given the anticipated additional and regularized work demands placed on the Registrar functions, e.g., approve lobbyists, provide guidance, investigate complaints of non-compliance, educate the public, lobbyists, Members and staff, provide advice, interpretations and notices under the Lobbyist Registry, as compared to the current Integrity Commissioner functions, and given the staff position that a joint position continues to make sense for the City of Brampton, it is recommended that the City initiate a new procurement process for the joint position of Integrity Commissioner / Lobbyist Registrar. The current Integrity Commissioner contract and functions would continue in effect until Council decides on the position of the joint Integrity Commissioner / Lobbyist Registrar.

The Gift Registry:

With regards to the Gift Registry, staff will report to Corporate Services Committee in the fall of 2015 with suggested changes to the Council Code of Conduct, and will make appropriate changes to the Employee Code of Conduct. Tools for online posting of the Gift Registry will be launched in the fall once the program is implemented.

Corporate Implications:

Financial Implications:

Financial implications regarding development and implementation of both the Lobbyist and Gift Registries were outlined in the staff report considered by Corporate Services Committee on April 1, 2015.

A 2016 budget request will be made to accommodate costs for administering the Registries, including the addition of 1 FTE for policy development and administrative tasks, and costs incurred through the work of the Lobbyist Registrar.

Other Implications: n/a

Strategic Plan:

Establishing a Lobbyist Registry framework and a Gift Registry framework will help achieve all the strategic initiatives under the Strategic Plan, and in particular Community Engagement and Corporate Excellence, by enhancing transparent and accountable governance.

Conclusion:

As required by Council, staff have conducted stakeholder consultation and drafted the Lobbyist Registry By-law. The proposed by-law includes welcome feedback from stakeholders and experts, and sets a firm framework upon which the Lobbyist Registry will operate.

Upon passing of the by-law, staff will develop and implement education and awareness campaigns, targeting Council members, staff, potential lobbyists, and the public.

Wendi Hunter
Manager, Administrative Services and
Elections, Corporate Services

Peter Fay
City Clerk, Corporate Services

Nupur Kotecha,
Legal Counsel, Corporate Services

Roberto Zuech
Acting City Solicitor, Corporate Services

Appendices:

- Appendix A - Comments Received via “Contact Us” on brampton.ca
- Appendix B - Comments Received via email
- Appendix C - Letter from Guy Giorno
- Appendix D - Draft Lobbyist Registry By-law

Report authored by: Wendi Hunter, Corporate Services, 905-874-2139, and Nupur Kotecha, Corporate Services, 905-874-2833

Approval for Submission:		
	Initials	Date
Chair, SMT		
Department Chief		
Chief Administrative Officer		

Appendix A

Comments Received via “Contact Us” on brampton.ca

- There should be full disclosure and strict rules about not accepting anything more than a basic value not exceeding \$25.00 for any gifts. There should be 100% disclosure on all communication, personal services, and tracking of solicitation with regards to any city business item.
- It's very simple. Politicians and staff are to receive no gifts or money from lobbyist. Pure and simple. Time for it to end.
- NO gifts...EVER.
Lobbying should be done via email, therefore a written copy is on record. Personal conversations are NOT public. And we ALL know what happens when an honour system is invoked.
- The exception in section 1.b.ii creates a huge hole into which a lot of groups can be fitted at the discretion of Council, I.e BIA, perhaps BSC, Rose Theatre Orchestra, etc.
Basically makes the whole polity a PR sham.
- Most of the private sector has abolished accepting gifts of any kind, over 20 years ago. Its human nature to wish to return favours, and by denying gift giving, you eliminate any change of favourable treatment.
- A registry is only encouraging those that need favours. There is no honour among thieves
There are OTHER ways to give GIFTS
- PUT YOUR RESOURCES TO BETTER USE. THIS IS A JOKE.
- I support the Lobbyist Registry and Gift Registry fully and will be more than happy to register upon implementations. Please keep me updated.
- This is an excellent initiative. It is refreshing to see progress at City Hall in the short time since Mayor Jeffrey took office.
- I was a customer service/sales rep for years relative to industry, construction, commerce, local & provincial municipal buyers at all levels of responsibility. Firstly, I recommend a zero tolerance for GIFTS. That is NO gifts of any kind for anybody for any purpose at any time. Secondly, records of benefits & hospitality be maintained as stipulated with a minor addition. A supervisor signature be

required on any benefit or hospitality which may have a estimated value of more than \$100. Recording and posting information to continue as already indicated.

- I agree with the need for a Lobbyist Registry and a Gift Registry. Both of these will enhance the transparency that the public wants while providing us with the access we desire to the records of persons who lobby public office holders outside of public forums like Council and Committee meetings or public open houses. While in addition provide the people access to reports disclosing the gifts, benefits, and hospitality council and or city staff they have received every year. This should save the tax payers lots of money on auditor reports as these registries' will deter shady investors/lobbyists.

Appendix B

Comments Received by Email

- End the practice entirely . It gives the wealthy an opportunity to influence decision making that is not available to the common citizen. The problem is money talks(as we all know) and the needs of the community are often secondary to the desires of developers, and wealthy investors. This is the problem with modern politics..big money gets too loud a voice and the squeaky ,little guy is ignored. Why don't they develop a procedure called FAIRNESS FOR ALL?
- What public office holder (elected or non-elected) should be receiving a gift? And who from?

I cannot believe that any public office holder should be receiving any gift at all – from anyone. End of story.

Anyone who receives a “gift” should be required to turn it over to a suitable charity.

It seems that no one at city hall has learned anything about integrity. This is another slap in the taxpayers' faces.

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June 3, 2015

Lobbyist and Gift Registries Consultation
City Clerk's Office
Corporation of the City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

Dear Ms Hunter and Ms Kotecha:

Re : Lobbyist Registry

I am pleased to provide specific feedback on the draft lobbyist registry framework.

My comments are made in my personal capacity, and do not necessarily reflect the views of my law firm or any organization to which I belong. This letter represents nobody's opinion or position except my own.

At the outset, allow me to explain my background in this area and why my experience gives me particular insight into the issues being considered. I am a lawyer who has made particular study of lobbying laws across Canada. I regularly speak, write, train and advise clients on this area of law. I am co-author of the legal text *Lobbying in Canada*, I chair the "Law of Lobbying and Ethics" committee of the Canadian Bar Association, and I serve on the steering committee of the international Council on Governmental Ethics Laws. Many observers have stated that I am considered to be Canada's leading legal expert on lobbying transparency laws. (I repeat that, despite my associations with various organizations, the comments that follow are made exclusively in a personal capacity.)

The City of Brampton, the Mayor and Council are to be congratulated for embracing lobbying transparency: for championing the public's right to know who is trying to influence government decisions. It is true that to advocate to government – to lobby – is a fundamental, centuries-old democratic right that can be traced to *Magna Carta* in 1215. However, lobbyist registration in no way interferes with citizens' right to communicate with their government: it simply makes the communication transparent. The principle of

lobbying transparency can be summarized in this maxim: Everybody has the right to try to influence government, but nobody has the right to influence government in secret.

Against the backdrop of high praise for the principles of Brampton's initiative, please allow me to make several specific (and I hope constructive) suggestions. I will present each suggestion succinctly, but would be pleased to elaborate if you seek further context or have any questions.

1. Lobbying on procurement should expressly be covered, not addressed by implication. The federal, all provincial, and the Toronto and Hamilton lobbying laws expressly address lobbying on procurement or for contract awards – there is no confusion about whether (and where) procurement is covered. On the other hand, the Brampton framework appears to be based on the Ottawa by-law, which does not mention procurement or contract awards in the “lobby” definition. There is no doubt that lobbying on Ottawa procurement is, unless exempt under paragraph 4(h), intended to be covered, but I know from experience that the definition has confused many stakeholders in the city. A layperson should not be required to ascertain whether a purchasing decision is a “legislative action, including ...the outcome of a decision on any matter before ... [a] staff member acting under delegated authority.” Far better for Brampton to state explicitly that communication to influence procurement is, except as exempted in 2(g), included in the “lobby” definition.
2. The in-house lobbyist definition should include members of boards of directors. The experience of other jurisdictions is that the status of directors (when they lobby) is unclear and confused unless their status is expressly addressed by the definition. To treat them as in-house lobbyists is intuitive and consistent with the advice of the federal Commissioner of Lobbying based on more than two decades of federal experience with lobbyist registration. The Toronto precedent of treating directors as “volunteers” is counter-intuitive and increases the complexity of drafting, as evidenced by § 140-27 of the Toronto by-law.
3. The inclusion of volunteer lobbyists should be reconsidered. Across Canada, only the municipal by-laws (Toronto, Ottawa, Hamilton) apply to voluntary lobbying. The provincial and federal laws do not venture in this direction, and with very good reason.

The problem with the “voluntary unpaid lobbyist” category is its potential to sweep in ordinary residents exercising their democratic right to comment on civic affairs. It is relatively easy to determine who is an employee and who is a paid consultant. Conversely, it is much, much more difficult to distinguish between

the citizen whose views coincidentally align with the interests of a business and the citizen who “represents” a business or financial interest.

Evidence of the great potential for confusion lies in Toronto’s convoluted grass-roots communication exemption period, § 140-10.1 of the Toronto by-law. Toronto was forced to introduce § 140-10.1, as an amendment, to cure the harm caused by the combination of (i) its voluntary lobbyist definition and (ii) its inclusion of grass-roots communication as lobbying. The purpose of this complex provision is to ensure that ordinary members of the public are not required to register as lobbyists when they respond to grass-roots communication (*i.e.*, when they respond to advertising urging them to call/email/write their councillors).

Obviously, a lobbying transparency regime should not apply to the ordinary resident who picks up the phone or composes an email to comment on a decision before Council. Certainly the registration regime should not turn ordinary residents into illegal, unregistered lobbyists because an over-broad definition captures their voluntary activity. In this respect, Toronto’s § 140-10.1 is far from an optimal outcome. On the contrary, § 140-10.1 is a cumbersome “solution” to a problem unnecessarily created by the ill-conceived decision to enact a voluntary unpaid lobbyist definition so broad that it captures the civic engagement of ordinary residents.

Lobbying by directors (and even shareholders) can be captured by proper drafting of the in-house lobbyist definition. These groups so covered, there is no public policy reason to create a third category of volunteer lobbyist, with its attendant risk of capturing civic participation by ordinary residents.

4. The exemptions should consistently identify people and not entities. Their structure should mirror the definitions of categories of lobbyists, which capture people, not entities.

The following are some examples of exemptions that exempt people: Members of the Senate, members of First Nations band councils, and employees or consultants retained by the Government of Canada are all people. On the other hand, the proposed exemptions in 1(c), (d) and (e) list entities and not people: Peel District School Board is an entity, AMO is an entity, *etc.*

The problem with exempting entities is the lack of clarity about which people are meant to be exempt. Are only employees and officers of the entities exempt? What about consultants retained by the entities? Or members of the entities? The exemptions should indicate precisely which categories of people are exempt.

5. The CEO (or senior officer however titled) should be responsible for registering all in-house lobbyists in a company. This is the practice in the vast majority of Canadian jurisdictions, including Toronto. (You will note that the Ontario Legislature recently passed amendments to move away from individual registration by each in-house lobbyist.) Far from diminishing accountability for lobbying activity, the single-filer system (for in-house registration) promotes and enhances accountability by making the company CEO responsible for all lobbying undertaken by company representatives.
6. The by-law will need an enforcement mechanism. Experience in various Canadian jurisdictions confirms that a lobbying transparency regime is only as good as its enforcement. While education, training, encouragement and outreach will go a long way to secure compliance, the lobbyist registration requirement must be backed by sanctions for contravention.
7. The by-law should include a code of conduct for lobbyists. Toronto, Ottawa, Canada, Quebec and Newfoundland and Labrador already have codes. As you are aware, the Ontario Legislature recently amended the provincial Act to provide for a code of conduct.

Thank you for your consideration. I would be pleased to elaborate on any of these points, to answer questions or to provide more information.

Respectfully submitted,



Guy W. Giorno

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LOBBYIST REGISTRY BY-LAW ____-2016

A By-law to establish and maintain a Lobbyist Registry in the City of Brampton

RECITALS

City Council has determined that it is desirable to establish and maintain a Lobbyist Registry to provide transparency and oversight with regards to persons who lobby the City of Brampton's public office holders, both elected and non-elected.

Sections 8, 9, and 11 of the *Municipal Act, 2001* authorize Council to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 2 of subsection 11(2) authorizes by-laws respecting the accountability and transparency of the municipality and its operations.

Section 223.9 of the *Municipal Act, 2001* permits the City of Brampton to establish and maintain a Lobbyist Registry in which shall be kept registrations and returns filed by persons who lobby the City of Brampton's public office holders, both elected and non-elected.

Section 223.11 of the *Municipal Act, 2001* permits the City of Brampton to appoint a Lobbyist Registrar who is responsible for performing in an independent manner the functions assigned by the City of Brampton with respect to the Lobbyist Registry.

Sections 23.1 and 23.2 of the *Municipal Act, 2001* permits the City of Brampton to delegate its powers and duties, including legislative and quasi-judicial powers under the *Municipal Act, 2001*, to an individual who is an officer, employee or agent of the City of Brampton.

The Council of the Corporation of the City of Brampton ENACTS AS FOLLOWS:

PART I – TITLE, SCOPE AND INTERPRETATION

1. Lobbyist Registry By-law ____-2016 may be referred to as the "Lobbyist Registry By-law".
2. The Lobbyist Registry By-law applies to all public office holders in the City of Brampton, subject to the exemptions noted in Part IV of the Lobbyist Registry By-law.
3. The Lobbyist Registry By-law applies to all lobbying activities in the City of Brampton, subject to the exemptions noted in Part IV of the Lobbyist Registry By-law.
4. For the purposes of the Lobbyist Registry By-law:

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- (a) Words defined in Part II of the Lobbyist Registry By-law shall be interpreted as having a corresponding meaning if used as a noun, verb, adverb or adjective.
- (b) References to items in the plural include the singular, as the context requires.

PART II – DEFINITIONS

- 5. For the purposes of the Lobbyist Registry By-law:
 - (a) “**business day**” means a day when the offices of the City of Brampton are open during its regular hours of business.
 - (b) “**City**” means the Corporation of the City of Brampton.
 - (c) “**Code of Conduct**” means the Lobbyist Code of Conduct, attached as Schedule “A” to the Lobbyist Registry By-law.
 - (d) “**communication**” means 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.
 - (e) “**constituent**” means,
 - i. An individual who resides in the City; or
 - ii. An owner or operator of a business or other organization located in the City.
 - (f) “**legislative action**” means all actions by Council or through its authority, including, but not limited to the:
 - i. development, introduction, passage, defeat, amendment or repeal of a by-law, motion or resolution;
 - ii. development, approval, amendment, application or termination of a City policy, program, directive, grant or guideline;

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- iii. outcome of a decision on any matter before Council, a Committee of Council or a Ward Councillor or staff member acting under delegated authority; or
 - iv. the purchase of goods, services or construction and the award of a contract by the City.
- (g) “**lobby**” means 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.
- (h) “**lobbyist**” means,
- i. **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 office holder and a third party, this is considered lobbying.
 - ii. **in-house lobbyist** – an individual who is an employee, partner, or sole proprietor, or a member of a board of directors and who lobbies on behalf of their own employer, business or organization.
 - iii. **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.
- (i) “**Lobbyist Registry**” means a system of registration in which shall be kept registrations of persons who lobby public office holders and which shall include such information as determined by the Lobbyist Registrar.
- (j) “**local board**” has the same meaning as the definition of a local board in section 223.1 of the *Municipal Act, 2001*.
- (k) “**public office holder**” means,
- i. A Member of Council and any person on his or her staff;

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- ii. An officer or employee of the City;
 - iii. A Member of a local board or committee established by Council and any person on his or her staff; and
 - iv. An accountability officer appointed under the *Municipal Act, 2001*, including but not limited to: Auditor General, Integrity Commissioner, Lobbyist Registrar, Ombudsman, and Closed Meeting Investigator.
- (l) “**Lobbyist Registrar**” means the person appointed as Lobbyist Registrar under section 223.11 of the *Municipal Act, 2001*.

PART III – PROHIBITIONS

- 6. No person, on whose behalf another person undertakes lobbying activities, shall make payment for the lobbying activities that is in whole or in part contingent upon the successful outcome of any lobbying activities.
- 7. No lobbyist shall lobby on behalf of his or her client where the payment to the lobbyist is in whole or part contingent on the successful outcome of any lobbying activities.
- 8. No former public office holder shall engage in lobbying activities for a period of twelve (12) months after ceasing to be a public office holder at the City.
- 9. No lobbyist shall communicate with a public office holder in relation to a procurement where it is not permitted by the City’s Purchasing By-law 35-2012, as amended, procurement policies or procurement documents..
- 10. No lobbyist shall undertake in lobbying activities where the Lobbyist Registrar has prohibited them from doing so pursuant to Part VII of the Lobbyist Registry By-law.

PART IV – EXEMPTIONS

- 11. The Lobbyist Registry By-law does not apply to the following persons or bodies acting in their professional capacity:
 - (a) Government or public sector, other than the City:

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- i. Members of the Senate, House of Commons, legislative assemblies of provincial/territorial governments, persons on the staff of the members;
 - ii. Members of a First Nations Council as defined in the *Indian Act* or council of an Indian band established by an Act of the Parliament of Canada, or persons on the staff of the members;
 - iii. Employees or consultants retained by the Government of Canada, the government of a province or territory, a First Nations or Indian band Council, federal or provincial crown corporation or other federal or other provincial public agency;
 - iv. 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 the City, persons on staff of the members, or officers or employees of the municipality or local board; and
 - v. 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.
- (b) Officials and employees of the City, the Cities of Mississauga and Caledon, the Region of Peel and other municipal bodies:
- i. Public office holders;
 - ii. Officers, directors, employees of a local board of the City and acting in their public capacity;
 - iii. Member of an Advisory Committee, acting in their public capacity and appointed by City Council.
- (c) Members, directors, officers, employees or consultants retained by the following publicly-funded school boards and educational institutions:

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- i. Peel District School Board;
 - ii. Dufferin-Peel Catholic District School Board;
 - iii. Ontario French Public School Board;
 - iv. Ontario French Catholic School Board; and
 - v. Universities, colleges, and other publicly-funded educational institutions.
- (d) Members, directors, officers, employees or consultants retained by the following publicly-funded healthcare institutions:
- i. Brampton Civic Hospital; and
 - ii. Peel Memorial Centre for Integrated Health and Wellness
- (e) Members, directors, officers, employees or consultants retained by the following municipal associations:
- i. Association of Municipalities of Ontario; and
 - ii. Federation of Canadian Municipalities.
12. The Lobbyist Registry By-law does not apply to the following activities:
- (a) Communication that is a matter of public record or occurs during a meeting of Council, a Local Board or Committee of Council;
 - (b) 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;
 - (c) Communication restricted to a request for information;
 - (d) Communication restricted to compliments or complaints about a service or program;

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- (e) Communication with a public office holder by an individual on behalf of an individual, business or other organization regarding:
 - i. 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;
 - ii. The implementation or administration of any policy, program, directive or guideline by the public office holder and with respect to the individual, business or organization;
 - iii. 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;
- (f) Communication by an applicant, an interested party or their representatives with respect to an application for service, grant, planning approval, permit or other license, permission or approval:
 - i. With an employee of the City 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;
 - ii. With an employee of the City if the communication is part of the normal course of an approval process; and
 - iii. With respect to planning and development applications, 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.
- (g) 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 procurement documents of the City;

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- (h) 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;
- (i) Communication to a Member of Council by a constituent, or an individual on behalf of a constituent on a general neighborhood or public policy issue;
- (j) Communications directly related to those City-initiated consultative meetings where an individual is participating as a stakeholder; and
- (k) 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.

PART V – RESPONSIBILITIES

13. The Lobbyist Registrar is responsible for the following:
- (a) Overseeing the establishment and administration of the Lobbyist Registry;
 - (b) Enforcing the Lobbyist Registry By-law;
 - (c) Suspending, revoking or refusing registration;
 - (d) Providing advice, opinions and interpretation pertaining to the administration, application and enforcement of the Lobbyist Registry By-law;
 - (e) Advising Council on lobbying matters and recommending improvements to the Lobbyist Registry By-law;
 - (f) Conducting inquiries in respect of a request made by Council, a member of Council or a member of the public about compliance with the Lobbyist Registry By-law and the Lobbyist Code of Conduct attached as Schedule “A” to this By-law, as set out under section 223.12 of the *Municipal Act*, 2001.

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- (g) Making the Lobbyist Registry available for public inspection through electronic, web-based access at all reasonable times and in a manner that the Lobbyist Registrar may determine.
 - (h) Providing an annual report to Council and any other reports as the Lobbyist Registrar considers appropriate.
 - (i) Performing other duties as may be assigned by Council.
14. The public office holder is responsible for:
- (a) Advising lobbyists of the requirements to register with the Lobbyist Registry at the start of lobbying activities;
 - (b) Ceasing lobbying-related communication with a lobbyist who is prohibited from lobbying and reporting in a timely manner such lobbying to the Lobbyist Registrar.
 - (c) Responding and providing information in a timely manner to the Lobbyist Registrar with regards to an inquiry conducted under Section 13(f) of the Lobbyist Registry By-law.
15. The lobbyist is responsible for:
- (a) Complying with the requirements of the Lobbyist Registry By-law; and
 - (b) Complying with the Code of Conduct, attached as Schedule "A" to the Lobbyist Registry By-law.

PART VI – REGISTRATION PROCESS

16. No person shall lobby a public office holder without being registered as required under this Part unless otherwise exempted under Part IV.
17. A person with the intent to lobby may register as a lobbyist prior to the first lobbying communication with a public office holder and shall do so no later than five (5) business days after the lobbying communication takes place.

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Step 1: Registration as a Lobbyist

18. The lobbyist shall set out in the registration the following information:
 - (a) Name, title, and business address (where applicable);
 - (b) Whether the lobbyist is a consultant lobbyist, in-house lobbyist or voluntary unpaid lobbyist;
 - (c) The name of the individual, client or other organization, including all business names under which the individual, client or other organization is operating, on whose behalf the lobbyist is lobbying; and
 - (d) Such further information as the Lobbyist Registrar may require.

Step 2: Subject Matter Registration

19. The lobbyist shall set out in the registration the subject matter in respect of which the lobbyist intends to lobby the public office holder on:
 - (a) Each subject matter that the lobbyist will lobby on;
 - (b) Description of the issue being lobbied, including particulars of any relevant City proposal, by-law, motion, resolution, policy, program, directive, grant, or guideline;
 - (c) Date on which the lobbying will start and finish, with the date on which the lobbying finishes being no more than twelve (12) months after the date on which the lobbying starts;
 - (d) Names of Members of Council and titles of other public office holders being lobbied; and
 - (e) Such further information as the Lobbyist Registrar may require.
20. A lobbyist shall update any changes to his or her registration within five (5) business days of the change taking place.

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21. The Lobbyist Registrar will approve or refuse the registration in accordance with the requirements of the Lobbyist Registry By-law.

Step 3: Closure of Subject Matter Registration:

22. The lobbyist shall close the subject matter registration he or she has filed not later than thirty (30) days after the completion or termination of the lobbying activity.
23. The subject matter shall be closed once lobbying is complete or within twelve (12) months of lobbying commencing, whichever is sooner.
24. A subject matter registration may be extended beyond twelve (12) months at the sole discretion of the Lobbyist Registrar.

PART VII – ENFORCEMENT AND PENALTIES

25. The Lobbyist Registrar has the authority to conduct inquiries in respect of a request made by Council, a member of Council or by a member of the public about compliance with the Lobbyist Registry By-law or the Lobbyist Code of Conduct, attached as Schedule “A” to this By-law, as set out under section 223.12 of the *Municipal Act, 2001*.
26. The Lobbyist Registrar may impose the following penalties if he or she has determined that a lobbyist has not complied with the requirements of the Lobbyist Registry By-law:
 - (a) First contravention – a lobbyist may be prohibited from lobbying public office holders for 30 days;
 - (b) Second contravention – a lobbyist may be prohibited from lobbying public office holders for a period of 90 days; and
 - (c) Third or subsequent contravention – the Lobbyist Registrar will determine an appropriate penalty that is greater than a penalty for a second contravention.
27. Where the Lobbyist Registrar has suspended a lobbyist from lobbying, the Lobbyist Registrar shall inform the individual of the suspension in writing and provide the reason for the suspension in a manner determined by the Lobbyist Registrar.

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28. Where the Lobbyist Registrar has suspended a lobbyist from lobbying, the Lobbyist Registrar shall post a notice of suspension on the City's website.
29. The Lobbyist Registrar may remove a lobbyist registration or subject-matter registration from the Lobbyist Registry if the Lobbyist Registrar determines that the individual did not comply with the requirements of the Lobbyist Registry By-law.
30. When a registration is removed from the Lobbyist Registry, the individual who filed it shall be deemed, for the purposes of his or her existing and future obligations under the Lobbyist Registry By-law, not to have filed the registration.
31. Pursuant to subsection 223.12(7) of the *Municipal Act, 2001*, if the Lobbyist Registrar determined, when conducting an inquiry, that there are reasonable grounds to believe that an individual has contravened a provincial Act or the Criminal Code of Canada, the Lobbyist Registrar shall immediately refer the matter to the appropriate authorities and suspend the inquiry pending the outcome of any resulting police investigation.

PART VIII – REVIEW OF THIS BY-LAW

32. The Lobbyist Registry By-law shall be reviewed no later than twelve (12) months after the day on which it comes into force.

PART IX – BY-LAW ADMINISTRATION

33. The Lobbyist Registrar shall administer the Lobbyist Registry By-law and establish any practices, policies, procedures necessary to implement the Lobbyist Registry By-law.
34. The Lobbyist Registrar shall prescribe all forms and notices, including any orders, necessary to implement the Lobbyist Registry By-law and may amend such forms and notices from time to time as the Lobbyist Registrar deems necessary.

PART X - GENERAL

35. All schedules attached hereto form part of the Lobbyist Registry By-law.
36. If any section, subsection or part or parts thereof are declared by a court of competent jurisdiction to be illegal, invalid or otherwise unenforceable, such provision shall be

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deemed to be severable and the remainder of the Lobbyist Registry By-law shall be declared to be separate and independent and enacted as such.

37. The Lobbyist Registration By-law shall come into effect on _____, 2016

READ a FIRST, SECOND and THIRD TIME, and PASSED in OPEN COUNCIL, this _____, day of _____, 2016.

THE CORPORATION OF THE CITY OF BRAMPTON

LINDA JEFFREY – MAYOR

PETER FAY, CITY CLERK

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SCHEDULE "A"

Lobbyist Code of Conduct

1. Honesty

- a. Lobbyists shall conduct themselves with honesty and integrity in all dealings with public office holders and the City and at all times be open about their lobbying activities while maintaining any required confidentiality.

2. Disclosure of Identity and Purpose

- a. Lobbyists communicating with public office holders shall disclose the identity of the individual, business or organization on whose behalf they are lobbying, as well as the subject matter of the communication.

3. Information and Confidentiality

- a. Lobbyists shall inform their client, employer or organization of the obligations under the Lobbyist Registry By-law and their obligations to adhere to the Lobbyist Code of Conduct.
- b. Lobbyists shall provide information that is accurate and factual to public office holders.
- c. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.
- d. Lobbyists shall not divulge confidential information unless they have obtained informed consent of their client, employer or organization or unless disclosure is required by law.
- e. Lobbyists shall not use any confidential information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

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4. Competing Interests

- a. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- b. Lobbyists shall advise public office holders that they have informed their clients of any potential or actual conflict of interest and obtained the written consent of each client concerned before proceeding or continuing lobbying activities.
- c. Lobbyists shall not lobby public office holders on a subject matter for which they provide advice to the City.

5. Improper Influence

- a. Lobbyists shall avoid both the deed and the appearance of impropriety.
- b. Lobbyists shall not knowingly place public office holders in a conflict of interest or in a breach of the public office holder's codes of conduct or standards of behaviour.

6. Restriction on Communication

- a. Lobbyists shall not communicate in relation to a procurement process except as permitted by the City's procurement policies and procurement documents.
- b. Lobbyists shall not engage in lobbying activities where the Lobbyist Registrar has prohibited them from lobbying for a specified time period.