

Lobbyist and Gift Registries

Proposed Brampton Framework Corporate Services Committee April 1, 2015

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Presentation Outline

1. Lobbyist Registry Framework
 - Definitions
 - Exemptions – Lobbying and Lobbyist
2. Lobbyist Registry Processes
3. Gift Registry Framework
4. Stakeholder Consultation
5. Timelines

DEFINITIONS

“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.

DEFINITIONS

“Constituent” means

With respect to the Mayor:

An individual who resides in the City; or

An owner or operator of a business or other entity located in the City; and

With respect to a Councillor:

An individual who resides in the Councillor’s ward; or

An owner or operator of a business or other entity located in the ward.

DEFINITIONS

“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, 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” means

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” means

- A Member of Council and any person on his or her staff;
- An officer or employee of the City; and
- A Member of a Local Board or Committee established by Council and any person on his or her staff;
- Auditor General, Integrity Commissioner, Lobbyist Registrar, Ombudsman, Closed Meeting Investigator.

LOBBYIST EXEMPTIONS

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, Cities of Mississauga and Caledon and other municipal bodies:

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

C. Publicly Funded School Boards and Educational Institutions:

- 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.

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LOBBYIST EXEMPTIONS

D. Publicly-funded Healthcare Institutions, including but not limited to:

- Brampton Civic Hospital; and
- Peel Memorial Centre for Integrated Health and Wellness

E. Municipal Associations, including but not limited to:

- Association of Municipalities Ontario; and
- Federation of Canadian Municipalities.

LOBBYING EXEMPTIONS

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

- A. Communication that is a matter of public record or occurs during a meeting of Council or a 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;

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LOBBYING EXEMPTIONS

- D. Communication restricted to compliments and complaints about a service or program;
- E. 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

- 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 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

- 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 documents of the City;
- 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 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

- J. Communications directly related to those City-initiated consultative meetings where an individual is participating as a stakeholder;
- 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.

Lobbyist Registry Processes

- Registration may take place before lobbying takes place
- Registration **must** take place within 5 business days of lobbying commencing

Lobbyist Registry 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 (consultant and in-house lobbyists)
- Registrar or designate to approve or refuse registration
- Registration Particulars to include:
 - Name of the lobbyist
 - Name of lobbyist's employer (for consultant lobbyists)
 - Name of person, organization, client, or other entity, on whose behalf he or she is lobbying
- Lobbyist Registration may remain valid for term of Council
 - Registrar's Office to confirm particulars yearly

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Lobbyist Registry Processes

Step 2 – Registration of Subject Matter:

- Separate subject matter registration for each issue
- Issue being lobbied will be categorized by broader topic and/or sub-topics as defined by the City or Lobbyist Registrar from time to time
- Subject matter registration will include:
 - Description of the issue being lobbied
 - Who will be lobbied (specific individuals)
 - When lobbying will begin and end (maximum of one year)
- Registrar to approve or refuse registration
- Subject matter registration valid for maximum of 12 months
 - May be renewed/extended if necessary

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Lobbyist Registry Processes

Step 3 – Closure of Subject Matter Registration:

- Subject matter registration shall be closed when lobbying is complete
- May be automatic closure, if registration exceeds one year

Lobbyist Registry Processes

Sample Subject Matter Categories

Agriculture/Rural Affairs

Arts/Culture

Attractions/Tourism

Budget

Building permits/inspection

By-laws/Regulation

Economic Development

Emergency Planning and Services (incl
Fire)

Environment

Financial Services

Grants/Funding

Information Technology

Infrastructure

Licences

Parking

Parks & Recreation

Planning and Development

Procurement

Public Sector Union

Real Estate/Property

Signs

Tax Policy

Transit

Transportation

Water/Sewer

Gift Registry Framework

A gift, benefit or hospitality provided with the Council Member's or employee's knowledge to a Council Member's or employee's spouse, child, or parent, or to a Council Member's staff that is connected directly or indirectly to the performance of the Council Member's duties, is deemed to be a gift to that Council Member or employee.

Disclosure of all gifts, benefits and hospitality will be encouraged.

Council Members and employees shall disclose in a Gift Registry all gifts, benefits, and hospitality received with an individual value of **\$50 CAD or more** from one source in a calendar year.

- The Council member or employee must specify in the Gift Registry:
 - The nature of the gift, benefit or hospitality;
 - The source of the gift, benefit or hospitality and date of receipt;
 - Estimated value of the gift, benefit or hospitality; and
 - The intended use or disposition of the gift, benefit or hospitality.

Gift Registry Process

- For each gift to which the Registry applies, recipient Member of Council or Employee shall complete a Gift Disclosure Statement, which shall include the following information:
 - Name of recipient
 - Nature of Gift/Benefit Received
 - Source of Gift/Benefit
 - Date of Receipt of Gift/Benefit
 - Circumstances under which Gift/Benefit Given and Received
 - Estimated Value of Gift/Benefit
 - Intended Use of the Gift/Benefit: (e.g. will it be donated elsewhere)
- The Gift Disclosure Statement shall be forwarded to the Registrar or designate
- Statements of gifts received shall be posted quarterly on brampton.ca

Stakeholder Consultation

- A web page will be established through brampton.ca, providing information regarding the proposed framework and structure for both Registries.
- Council members and staff will be asked to identify stakeholders.
- All identified stakeholders will receive notice that the consultative process has begun.
- Media releases will be issued to encourage the public and stakeholders to participate.
- The web page will remain live for four to six weeks, and will provide opportunities for feedback – online, through email or regular mail, and in person at City Hall.

Results of stakeholder consultation will be reported to Council.

Timelines

Mid-April to End-May

- Drafting of proposed by-law and amendments to Codes of Conduct
- Public and stakeholder consultation
- Creation of forms and processes for Lobbyist and Gift Registries
- Consultation with Integrity Commissioner (as Lobbyist Registrar)

Early June

- Presentation to Council of proposed Lobbyist Registry and amendments to Council and Staff Codes of Conduct
- Presentation to Council of results of public and stakeholder consultation
- Enactment of legislative framework for both Registries

Timelines (cont'd)

July to December

- Development and implementation of training and communication for Council members, staff, the public and stakeholders
- Further consultation with Integrity Commissioner/Lobbyist Registrar for refinement of framework, processes and tools
- Development of online Lobbyist Registry tools

January, 2016

- Registries fully implemented

December, 2016

- Review of Registries