

From: Paul Bigioni
Director, Corporate Services & City Solicitor

Subject: Establishment and Implementation of a Lobbyist Registry
- File: A - 1440

Recommendation:

1. That Report CLK 04-23 regarding the establishment and implementation of a Lobbyist Registry be received;
 2. That the draft By-law, included as Attachment #1 to CLK 04-23, be approved and enacted to implement a Lobbyist Registry;
 3. That approval be granted to enter into a Single Source agreement with J-SAS Inc., operating as Lobby Registry, for services and software, to implement an on-line registry system in the amount of \$5,000.00 (plus HST), and that such funds be included in the 2023 Budget for this purpose;
 4. That the City Clerk be authorized to create forms and establish such procedures as are necessary pertaining to the maintenance and enforcement of the Lobbyist Registry, including a mechanism and framework for complaint protocols; and,
 5. That the appropriate officials of the City of Pickering be authorized to take such actions as are necessary to give effect to the recommendations in this Report.
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Executive Summary: At its Meeting held on January 23, 2023, through Resolution #58/23, Council directed the City Clerk to engage the services of the City of Pickering's Integrity Commissioner to establish a framework for a City of Pickering Lobbyist Registry and report back to Council on the options and associated costs to implement such Registry no later than the March 27, 2023 Council meeting and to provide for the implementation of the Registry in the 2023 Budget year.

This report is provided as a result of the direction to staff and outlines the options and recommended framework for a Lobbyist Registry for the City of Pickering.

Financial Implications: The cost to implement the software needed for an online lobbyist registry is \$5,000.00 (plus HST) annually.

Costs associated with providing advice to public office holders and lobbyists, as well as any investigations required as a result of a lobbyist not complying with the provisions of the Lobbyist Registry By-law, will be undertaken by the City's Integrity Commissioner as the

Lobbyist Registrar. This work will be billed at the hourly rate of \$275.00 per hour as established in the existing agreement between Principles Integrity and the City of Pickering.

The annual costs associated with the work undertaken by the Lobbyist Registrar will not fully be known until the Registry has been in place for some time, and will be dependent on the extent to which the registry is utilized. That said, funds will be included in the 2023 Budget for Integrity Commissioner services which may be utilized to cover costs associated with the enforcement of the Lobbyist Registry.

When the registry has been in place for at least one year, staff will assess the activity and costs associated with any investigations or advice provided by the Lobbyist Registrar, and will ensure that adequate funds are included in future budgets for this purpose.

Aside from the costs noted above, staff time to manage and oversee the registry, and to work in coordination with the Lobbyist Registrar, will also be monitored, and any impacts or the need for additional resources will be reported to Council at the appropriate time.

Discussion: Part V.1 of the *Municipal Act, 2001* (the “Act”), provides parameters pertaining to accountability and transparency for local governments. Section 223.9 authorizes municipalities to establish and maintain a registry in which shall be kept returns as may be required by the municipality that are filed by persons who lobby public office holders. Section 223.9(2), provides authority for a system of registration of persons who lobby public office holders and outlines the general requirements of the registry should it be created. Section 223.9(2) enables a municipality to:

1. Define “lobby”.
2. Require persons who lobby public office holders to file returns and give information to the municipality.
3. Specify the returns to be filed and the information to be given to the municipality by persons who lobby public office holders and specify the time within which the returns must be filed and the information provided.
4. Exempt persons from the requirement to file returns and provide information.
5. Specify activities with respect to which the requirement to file returns and provide information does not apply.
6. Establish a code of conduct for persons who lobby public office holders.
7. Prohibit former public office holders from lobbying current public office holders for the period of time specified in the by-law.
8. Prohibit a person from lobbying public office holders without being registered.
9. Impose conditions for registration, continued registration or a renewal of registration.
10. Refuse to register a person, and suspend or revoke a registration.
11. Prohibit persons who lobby public office holders from receiving payment that is in whole or in part contingent on the successful outcome of any lobbying activities.

The Act further provides that the registry shall be available for public inspection in the manner and during the time that the municipality may determine, and authorizes the municipality to appoint a Registrar who is responsible for performing, in an independent manner, the functions assigned by the municipality with respect to the registry.

The Act does not prescribe any other details pertaining the registry, nor does it prescribe the information that the lobbyist is required to provide on the registry. This will be discussed in the next section of this Report under Lobbyist Framework Options.

Lobbyist Framework Options:

Out of the 444 municipalities in Ontario, 9 currently have a lobbyist registry framework in place:

- City of Brampton
- City of Burlington
- Town of Collingwood
- City of Hamilton
- Region of Niagara
- City of Ottawa
- Region of Peel
- City of Toronto
- City of Vaughan

Thorough research was conducted to compare how these municipalities have implemented their registries as well as their best practices. Through this research it was discovered that all 9 municipalities have very similar frameworks with the exception of minor differences in the deadlines for when a lobbyist must disclose the lobbying activity on the registry, the definition of public office holder, and who carries out the Registrar responsibilities. That said, the variances were mainly only seen in one municipality, and the remaining 8 municipalities all included similar parameters and provisions within their frameworks.

The research demonstrated that there are three framework models that could be implemented for a lobbyist registry:

1. Voluntary Registry – No Enforcement
 - a. A voluntary registry has no formal enforcement and lobbyists may choose to register with the Clerk who then posts the registrations online.
 - b. There is no complaint mechanism with this model.
2. Mandatory Registry – Self-Enforcement (Self-monitored)
 - a. A mandatory registry with no formal enforcement wherein anyone who wishes to undertake lobbying activities must register with the Clerk who then posts the registrations online.
 - b. Council Members are responsible for enforcement e.g. the onus is on the Member of Council not to meet with someone they consider to be a lobbyist, unless the individual has registered as a lobbyist.
 - c. Utilization of the Code of Conduct for Members of Council so that any interactions with unregistered lobbyists or acceptance of gifts from lobbyists can be enforced as breaches of the Code through complaints submitted to the Integrity Commissioner.

3. Mandatory Registry – With Enforcement Measures

- a. A mandatory registry with enforcement provisions.
- b. Development of a Code of Conduct for Lobbyists.
- c. Amend the Code of Conduct for Members of Council to codify appropriate interactions with lobbyists.
- d. Development of a complaint protocol wherein individuals may file a complaint with the Registrar (Integrity Commissioner) if they believe that a lobbyist is not following the Lobbyist Code of Conduct.
- e. Enactment of a by-law which includes penalties for contraventions of the Lobbyist Registry By-law.

Of all the municipalities who have implemented a lobbyist registry, all are utilizing Option 3, a mandatory registry with enforcement measures, with the exception of the City of Burlington who has implemented Option 2, a mandatory registry with self-enforcement (self-monitored). In collaboration with the City's Integrity Commissioner, the model being recommended for the City of Pickering is Option 3, a mandatory registry with enforcement measures, and the framework being proposed is based largely on the Town of Collingwood.

Under the Option 3 model, the onus rests mainly with the lobbyist who will be required to register lobbying activity within 10 business days from the activity occurring. The registration could be made either before or after the lobbying has occurred as long as it is within the 10 business days. Despite the responsibility of the lobbyist in this regard, it is also prudent for a public officer holder who is being lobbied, to proactively check the registry to see whether an individual who is lobbying them has registered and if not, the public office holder should inform the lobbyist of their responsibilities to do so and direct them to the Clerk's Office should they require any further information regarding the process.

Under the draft By-law (Attachment #1), there are three categories of Lobbyists, and they are defined as follows:

- a) "Consultant Lobbyist": an individual who lobbies for payment on behalf of a client (another individual, a business, partnership, organization or other entity);
- b) "In-house Lobbyist": an individual who is an employee, partner or sole proprietor and who lobbies on behalf of his or her own employer, business or other entity; and
- c) "Voluntary Lobbyist": an individual who lobbies without payment on behalf of an individual, business or any other entity for the benefit of the interests of the individual, business or entity.

Lobbying activity is defined in the draft By-law as "any communication with a Public Office Holder by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development, introduction, passage, defeat, amendment or repeal of a by-law, motion, resolution or the outcome of a decision on any matter before Council, a Committee of Council, or a staff member acting under delegated authority." Under Section 1 of the draft By-law "communication" is defined as any substantive form of communication including a formal meeting, email, letter, phone call or meaningful dialogue or exchange, that materially advances a matter that is defined as Lobbying, whether in a formal or an informal setting.

Public Office Holder means:

- a) A member of Council;
- b) An officer or employee of the City in a management position or with decision making powers or who has direct contact with Council, a committee and/or local board;
- c) A member of a local board or committee established by Council;
- d) Employees who work on municipal elections in a supervisory role;
- e) An Accountability Officer, including but not limited to the Integrity Commissioner, the Lobbyist Registrar, Ombudsman, and Closed Meeting Investigator;
- f) Individuals providing professional services to the City during the course of providing such services.

Anyone who lobbies a Public Office Holder must register themselves on the Lobbyist Registry and must also register any lobbying activity that will or has occurred. Lobbying activity must be registered within 10 business days of the initial communication. Under the provisions of the draft By-law, the Registration shall include:

- a) the name, address and contact information of the Lobbyist;
- b) if they are a Consultant Lobbyist, In-house Lobbyist or Voluntary Lobbyist;
- c) the name of the individual, client or other entity, including all business names under which the individual, client or other entity is operating, and on whose behalf they are Lobbying;
- d) the name of the individual or individuals being Lobbied;
- e) the subject matter and date on which the Lobbying will start and finish, with the date on which the Lobbying finishes being no more than one year after the date on which the Lobbying began; and,
- f) such further information as the Lobbyist Registrar may require.

In addition to the items listed above, the lobbyist will also be required to acknowledge that they have read the Lobbyist Registry By-law and Lobbyist Code of Conduct by making a declaration statement at the time of registration.

In accordance with Section 223.11(1) of the Act, the municipality may appoint a lobbyist registrar who is responsible for performing, in an independent manner, the functions assigned by the municipality with respect to the registry. As outlined in Section 6 of the draft By-law, these responsibilities have been shared between the City Clerk and the Integrity Commissioner. Should a lobbyist contravene any provisions of the By-law, they will be temporarily banned from communicating with any public office holders in a lobbying capacity. The length of time for the ban varies based on the number of times the By-law has been contravened by any one lobbyist. The first contravention will result in a 30 day ban, the second contravention a 60 day ban, and a third contravention will be a time determined by the Lobbyist Registrar that will be longer than 60 days. If a lobbyist contravenes the By-law, they will receive a written notice advising them of the temporary ban and the notice will be copied to all Members of Council and applicable staff for their awareness. Upon receipt of notice, public office holders must ensure that they do not meet with those lobbyists who are on a temporary ban. These penalties are consistent with most lobbyist registry by-laws in Ontario.

It should be noted that Sections 3 and 4 of the draft By-law provide for exempted persons, organizations and activities that do not fall under the provisions of the Lobbyist Registry By-law:

Exempted Persons and Organizations:

“The following persons shall not be considered Lobbyists when acting in their public capacity:

- a) Government or public sector, other than the City:
 - (i) Members of the Senate or House of Commons of Canada, the legislative assembly of a province, the council or legislative assembly of a territory, or persons on the staff of the members
 - (ii) Members of a First Nation council as defined in the Indian Act or of the 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 Nation council, a federal or provincial crown corporation or other federal or 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;
 - (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 and other municipal bodies:
 - (i) Public Office Holders;
 - (ii) Members or employees of a local board of the City;
 - (iii) Appointed members of a committee established by Council.

- c) Other public sector:
 - (i) Persons communicating on behalf of local school boards;
 - (ii) Persons communicating on behalf of healthcare institutions.”

Exempted Activities:

“Lobbying does not include:

- a) communication that 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 that is restricted to a request for information;
- d) communication that is restricted to compliments or complaints about a service or program;
- e) communication with a Public Office Holder by an individual on behalf of an individual, business or other entity about:

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- (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 other entity;
 - (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 other entity;
 - (iii) a personal matter of the individual, business or other entity 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 other entity;
- f) communication by an applicant, an interested party or their representatives with respect to an application for a service, grant, planning approval, permit or other license or permission;
- (i) with a Public Office Holder if the communication is restricted to providing general information on an application, including a proposed or pending application, or to inquire about the application review process;
 - (ii) with an employee of the City if the communication is part of the normal course of the approval process;
 - (iii) with an employee of the City if the communication is with respect to planning or development applications and the officer or employee has a role in the processing of a planning or development 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 the procurement process and any communication with designated employees of the City as permitted in the procurement policies and procurement documents of the City;
- h) communication with a Public Office Holder by an individual on behalf of an individual, business or other entity in direct response to a written request from the Public Office Holder;
- i) communication to a Public Office Holder by a constituent, or an individual on behalf of a constituent on a general neighbourhood or public policy issue;
- j) communication directly related to those City-initiated consultative meetings and processes where an individual is participating as a stakeholder; communication for or against a policy or program that states a position where the primary focus is a 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 entity on whose behalf the communication is undertaken;”

Section 4.2 of the draft By-law further states that the Lobbyist Registrar may exempt Lobbying from some or all the requirements of the Bylaw if they are satisfied in advance by a Lobbyist that registration could reasonably be expected to prejudice the economic interests of the City of Pickering or the competitive position of the City of Pickering.

Implementation of the Lobbyist Registry

As part of the implementation of a lobbyist registry, there will be a communication plan to help educate lobbyists, the public and public office holders on how the registry works and the expectations outlined in the Lobbyist Registry By-law. Through the use of a dedicated

webpage, infographics, FAQs, and the City's social media channels, information will be provided on the new program. As part of the education roll out, the penalties outlined in the draft By-law are proposed to not take effect until the registry has been in place for at least 6 months. This 6 month penalty free period has proven successful in other municipalities and offers a grace period to provide education and information to those who will be utilizing the Registry. Accordingly, it is recommended that the By-law be enacted at the March 27, 2023 Council Meeting to allow staff to proceed with the setup of the registry software and begin the education process, but that the penalties outlined under Section 6 of the draft By-law not take effect until November 1, 2023.

On-line Registry Software

Staff reached out to the municipalities who currently have a lobbyist registry to inquire about what software was used to house the registry and provide for lobbyist registration. Through this outreach, we discovered that the software was either created in-house by respective Information Technology Departments, or municipalities undertook a Request for Proposal (RFP) process for software and related services to build the registry. As most of the registries have been in place for quite some time, we were informed that when municipalities were establishing their lobby registry programs, there was no company that specialized in these services. As a result, bids were obtained through an RFP process and resulted in awarding bids in excess of \$100,000 - \$150,000 as the vendor(s) had to build a customized lobby registry platform.

Since that time, a new Canadian company called J-SAS Inc., operating as Lobby Registry, has been established and it offers an affordable, "out-of-the-box", yet customizable solution, specifically for Lobbyist Registries. Staff in Legislative Services, Information Technology (IT), and the City's Website Coordinator, received a demonstration of the product and were satisfied that the solution was a viable option. Through discussions with IT, an in-house solution, which would be similar to an embedded spreadsheet on the City's Lobbyist Registry webpage, would take upwards of six months to establish, and would not guarantee the reporting features that the Lobby Registry software solution offers.

J-SAS Inc. is based in Mississauga, and all of the data contained in the Lobby Registry cloud-based solution resides in Canada. The software offers an easy to use platform for a lobbyist to register their profile and any lobbying activity, as well as easy access search functions for the public to explore any lobbying activity that has taken place. In addition to these features, the software provides for robust reporting that will provide metrics on lobbying trends which will inform annual reports on lobbying activity. Additionally, with the Lobby Registry software allowing for an individual to register as a lobbyist and register their lobbying activity independently, it removes the need to have a dedicated staff person manually enter in all of the data. Providing a mechanism in which the lobbyist can register their own profiles and activity, in accordance with the provisions of the draft By-law, eliminates any delays in the information being included on the registry. Staff in the Clerk's Office will continue to work with the Lobbyist Registrar (Integrity Commissioner) and will oversee the on-line Registry and its maintenance, however, it will be a much more streamlined process than an in-house, manual type of entry system, which some municipalities advised was a cumbersome and time consuming process.

The software solution costs for Lobby Registry are based on population. With Pickering being just under the 100,000 population count, the solution will cost \$5,000.00 (plus HST) annually. Once the population increases above 100,000, the cost of the solution will increase to \$7,500.00 (plus HST) annually. As this is the only company that City staff could find that has an “out-of-the-box” solution for a lobbyist registry at an affordable cost, staff are requesting approval to single source this expense and are proposing to use it for one year to determine whether it meets the City’s needs. Should it prove inadequate, staff will report back to Council and advise on next steps to find another more suitable solution which could then involve embarking on a full RFP process.

In conclusion, staff have conducted research into the various lobbyist frameworks currently being used by those 9 municipalities in Ontario that have one, and are recommending a mandatory lobbyist registry with a penalty system for the City of Pickering. Staff seek Council’s approval of the attached draft by-law and to enter into a single source for the purchase of software and services from Lobbyist Registry for an on-line lobbyist registry system, after which time staff will move forward with the setup of the Registry and carry out the communication and education plan.

Attachments:

1. Draft Lobbyist Registry By-law and Lobbyist Code of Conduct
 2. Lobby Registry Product Screenshots
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Prepared By:

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Paul Bigioni
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Solicitor**Approved/Endorsed By:**

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Recommended for the consideration
of Pickering City Council

Original Signed By:

Marisa Carpino, M.A.
Chief Administrative Officer

The Corporation of the City of Pickering

By-law No. 8003/23

Being a by-law to establish and maintain a Lobbyist Registry for
The Corporation of the City of Pickering

Whereas access to local government is an essential element of democratic governance;

And Whereas lobbying by honest and appropriate means is a legitimate activity;

And Whereas it is reasonable for Members of Council and the public at large to know the nature and amount of legitimate lobbying of local government;

And Whereas Council desires to establish and maintain a Lobbyist Registry and appoint a Lobbyist Registrar to provide transparency about persons who lobby the City of Pickering's Public Office Holders;

And Whereas Section 223.9 of the *Municipal Act, 2001*, authorizes the City of Pickering to establish and maintain a Lobbyist Registry in which shall be kept Registrations and Returns filed by persons who Lobby the City of Pickering's Public Office Holders;

And Whereas Section 223.11 of the *Municipal Act, 2001*, authorizes the City of Pickering to appoint a Lobbyist Registrar who is responsible for performing in an independent manner the functions assigned by the City of Pickering with respect to the Lobbyist Registry;

And Whereas Sections 8, 9, and 10 of the *Municipal Act, 2001*, authorize the City of Pickering to pass by-laws that are necessary or desirable for municipal purposes, and in particular paragraph 2 of subsection 10(2) authorizes by-laws respecting the accountability and transparency of the municipality and its operations;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

Part 1: Definitions

1. For the purposes of this By-law:

"City" means The Corporation of the City of Pickering

"Communication" means any substantive form of communication including a formal meeting, email, letter, phone call or meaningful dialogue or exchange, that materially advances a matter that is defined as Lobbying, whether in a formal or an informal setting;

"Council" means the Council of The Corporation of the City of Pickering;

"Lobby" or **"Lobbying"** means any communication with a Public Office Holder by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development, introduction, passage, defeat, amendment or repeal of a by-law, motion, resolution or the outcome of a decision on any

matter before Council, a Committee of Council, or a staff member acting under delegated authority;

"Lobbyist" means:

- a) **"Consultant Lobbyist"**: an individual who lobbies for payment on behalf of a client (another individual, a business, partnership, organization or other entity);
- b) **"In-house Lobbyist"**: an individual who is an employee, partner or sole proprietor and who lobbies on behalf of his or her own employer, business or other entity; and
- c) **"Voluntary Lobbyist"**: an individual who lobbies without payment on behalf of an individual, business or any other entity for the benefit of the interests of the individual, business or entity;

"Lobbyist Registrar" means the individual appointed by Council in accordance with Section 223.11 of the *Municipal Act, 2001*;

"Lobbyist Registry" means a system of registration in which shall be kept the Registrations and Returns of persons who lobby Public Office Holders and which shall include such information as determined by the Lobbyist Registrar;

"Public Office Holder" means:

- a) A member of Council;
- b) An officer or employee of the City in a management position or with decision making powers or who has direct contact with Council, a committee and/or local board;
- c) A member of a local board or committee established by Council;
- d) Employees who work on municipal elections in a supervisory role;
- e) An Accountability Officer, including but not limited to the Integrity Commissioner, the Lobbyist Registrar, Ombudsman, and Closed Meeting Investigator;
- f) Individuals providing professional services to the City during the course of providing such services.

"Registration" means a first filing by a Lobbyist regarding a subject matter they intend to Lobby on as set out in subsection 8.1 of this By-law; and,

"Return" means an update of a Registration filed by a Lobbyist as set out in subsection 8.2 of this By-law.

Part 2: Establishment of a Lobbyist Registry

2. Lobbyist Registry

2.1. The Lobbyist Registry is established pursuant to Section 223.9 of Part V.1 of the *Municipal Act, 2001*.

- a) The Lobbyist Registry shall be available for public inspection through electronic, web-based access at all reasonable times.
- b) The Lobbyist Code of Conduct is attached hereto as Schedule “A” and forms part of this By-law.

3. Exempted Persons and Organizations

3.1. The following persons shall not be considered Lobbyists when acting in their public capacity:

- a) Government or public sector, other than the City:
 - (i) Members of the Senate or House of Commons of Canada, the legislative assembly of a province, the council or legislative assembly of a territory, or persons on the staff of the members;
 - (ii) Members of a First Nation council as defined in the *Indian Act* or of the 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 Nation council, a federal or provincial crown corporation or other federal or 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;
 - (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 and other municipal bodies:
 - (i) Public Office Holders;
 - (ii) Members or employees of a local board of the City;
 - (iii) Appointed members of a committee established by Council.
- c) Other public sector:
 - (i) Persons communicating on behalf of local school boards;
 - (ii) Persons communicating on behalf of healthcare institutions.

4. Exempted Activities

4.1. Lobbying does not include:

- a) communication that 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 that is restricted to a request for information;
- d) communication that is restricted to compliments or complaints about a service or program;
- e) communication with a Public Office Holder by an individual on behalf of an individual, business or other entity about:
 - (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 other entity;
 - (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 other entity;
 - (iii) a personal matter of the individual, business or other entity 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 other entity;
- f) communication by an applicant, an interested party or their representatives with respect to an application for a service, grant, planning approval, permit or other license or permission;
 - (i) with a Public Office Holder if the communication is restricted to providing general information on an application, including a proposed or pending application, or to inquire about the application review process;
 - (ii) with an employee of the City if the communication is part of the normal course of the approval process;
 - (iii) with an employee of the City if the communication is with respect to planning or development applications and the officer or employee has a role in the processing of a planning or development 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 the procurement process and any communication with designated employees of the City as permitted in the procurement policies and procurement documents of the City;
- h) communication with a Public Office Holder by an individual on behalf of an individual, business or other entity in direct response to a written request from the Public Office Holder;

- i) communication to a Public Office Holder by a constituent, or an individual on behalf of a constituent on a general neighbourhood or public policy issue;
- j) communication directly related to those City-initiated consultative meetings and processes where an individual is participating as a stakeholder; communication for or against a policy or program that states a position where the primary focus is a 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 entity on whose behalf the communication is undertaken;

4.2. The Lobbyist Registrar may exempt Lobbying from some or all the requirements of this Bylaw if they are satisfied in advance by a Lobbyist that Registration could reasonably be expected to prejudice the economic interests of the City of Pickering or the competitive position of the City of Pickering.

5. Prohibitions

- 5.1. No person, on whose behalf another person undertakes Lobbying activities, shall make a payment for the Lobbying activities that is in whole or in part contingent on the successful outcome of any Lobbying activities.
- 5.2. No person who Lobbies a Public Office Holder shall receive payment that is in whole or in part contingent on the successful outcome of any lobbying activities.
- 5.3. 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 of the City.

6. Lobbyist Registrar

6.1. The City of Pickering's Integrity Commissioner is herein appointed as the Lobbyist Registrar in accordance with section 223.11 of the *Municipal Act, 2001*. The City Clerk, or their designate, will work in collaboration with the Lobbyist Registrar to achieve their respective responsibilities as follows:

6.2. The Lobbyist Registrar's responsibilities include:

- a) providing advice, opinions and interpretation pertaining to the administration, application and enforcement of this By-law;
- b) conducting inquiries in respect of a request made about compliance with this By-law, which may include requesting that a Public Office Holder gather information concerning Lobbying of themselves and provide that information to Lobbyist Registrar;
- c) enforcing this By-law;
- d) suspending, revoking or refusing a Registration or Return;
- e) advising Council on Lobbying matters and recommending improvements to this Bylaw; and,

- f) providing an annual report to Council and any other reports as the Lobbyist Registrar considers appropriate.

6.3. The City Clerk's responsibilities include:

- a) overseeing the establishment and maintenance of a Lobbyist Registry, including determining the Lobbyist Registry's form and content, in which shall be kept the Registrations and Returns filed by Lobbyists under Section 8 of this By-law;
- b) making the Lobbyist Registry available for public inspection through electronic, web-based access at all reasonable times, namely:
 - (i) that a Registration or Return is on the Lobbyist Registry within a reasonable timeframe after it is filed; and,
 - (ii) that the Lobbyist Registry is accessible except during regular maintenance or due to circumstances beyond the City of Pickering's control.

7. Responsibilities of a Public Office Holder

7.1. A Public Office Holder's responsibilities include:

- a) responding, in a timely and complete manner, to a request from the Lobbyist Registrar under subsection 6.2 of this By-law to gather and provide information; and,
- b) ending, as soon as practicable, Lobbying by a Lobbyist who is prohibited from Lobbying and reporting, in a timely manner, such Lobbying to the Lobbyist Registrar.

7.2. Except when responding to a request from the Lobbyist Registrar under subsection 6.2, a Public Office Holder's responsibilities under this By-law do not include gathering or providing information concerning Lobbying of the Public Office Holder.

Part 3: Registration and Reporting of Lobbying Activity

8. Registrations and Returns

8.1. All Lobbyists shall file a Return regarding Lobbying communication within ten (10) business days of the initial communication occurring. The Registration shall include:

- a) the name, address and contact information of the Lobbyist;
- b) if they are a Consultant Lobbyist, In-house Lobbyist or Voluntary Lobbyist;
- c) the name of the individual, client or other entity, including all business names under which the individual, client or other entity is operating, and on whose behalf they are Lobbying;
- d) the name of the individual or individuals being Lobbied;
- e) the subject matter and date on which the Lobbying will start and finish, with the date on which the Lobbying finishes being no more than one year after the date on which the Lobbying began; and,

- f) such further information as the Lobbyist Registrar may require.
- 8.2. A Lobbyist shall file a Return updating any change to their Registration immediately.
- 8.3. If Lobbying continues for more than one year, a Lobbyist shall file a new Registration for each year the Lobbying continues.
- 8.4. The Lobbyist is solely responsible for meeting the requirements with respect to Registrations and Returns set out in this section.
- 8.5. Lobbyists shall read and adhere to the Code of Conduct for Lobbyists during all Lobbying activities with Public Office Holders.

Part 4: Enforcement and Penalties

9. Penalties

- 9.1. The Registrar may impose a temporary ban on communication in accordance with the following scheme if the Registrar finds that the requirements of this By-law and Code of Conduct have not been met:
- a) for 30 days for a first contravention;
 - b) for 60 days for a second contravention;
 - c) for a period of time longer than 60 days as determined by the Lobbyist Registrar for a third or subsequent contravention.
- 9.2. When the Lobbyist Registrar prohibits an individual from Lobbying, the Lobbyist Registrar:
- a) shall notify the individual and all Public Office Holders of the prohibition and the reason for the prohibition in such manner as the Lobbyist Registrar determines; and,
 - b) may post the prohibition and the reason for the prohibition on the City's Lobbyist Registry webpage/website.
- 9.3. The Lobbyist Registrar may, in collaboration with the City Clerk, remove a Registration or Return from the Lobbyist Registry if the Lobbyist Registrar finds that the individual who filed the Registration or Return has contravened this By-law.
- 9.4. When a Registration or Return is removed from the Lobbyist Registry, the individual who filed the Registration or Return is deemed, for the purposes of their existing and future obligations under this By-law, not to have filed the Registration or Return.
- 9.5. In accordance with subsection 223.12(7) of the *Municipal Act, 2001*, should the Lobbyist Registrar determine, 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 appropriate authorities and suspend the inquiry pending the outcome of any resulting police investigation.

Part 5: Title, Scope, and Interpretation

10. This By-law shall be known as the Lobbyist Registry By-law.
11. In the event of a conflict between the provisions of this By-law and the provisions of another By-law of the Corporation of the City of Pickering, the provisions of the more restrictive enactment shall prevail.
12. In the event any provision, or part thereof, of this By-law is found by a court of competent jurisdiction, to be ultra vires, such provision or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this by-law shall remain in full force and effect.
13. This By-law shall come into force and effect on March 27, 2023, with the exception of Part 4: Enforcement and Penalties, which shall come into force and effect on November 1, 2023.

By-law passed this 27th day of March, 2023.

Kevin Ashe, Mayor

Susan Cassel, City Clerk

Schedule "A"

Lobbyist Code of Conduct

Lobbyists are expected to comply with the standards of behaviour for Lobbyists and the conduct of Lobbying activities as set out in this Code of Conduct when Lobbying Public Office Holders.

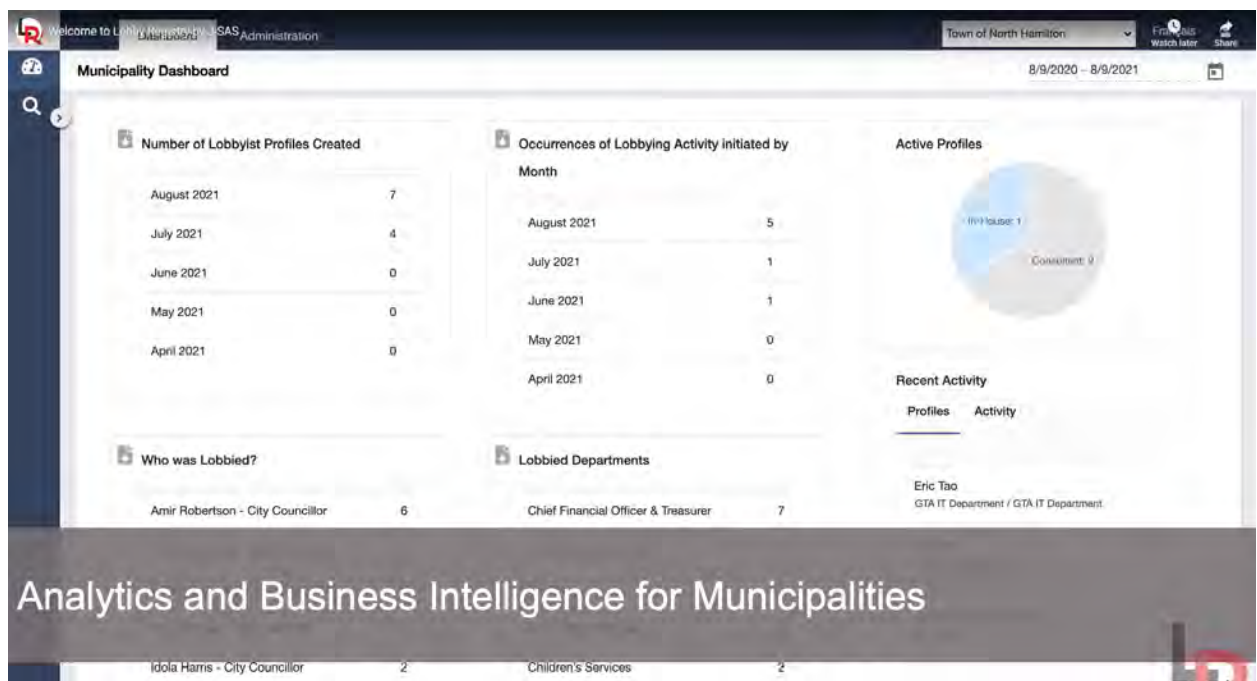
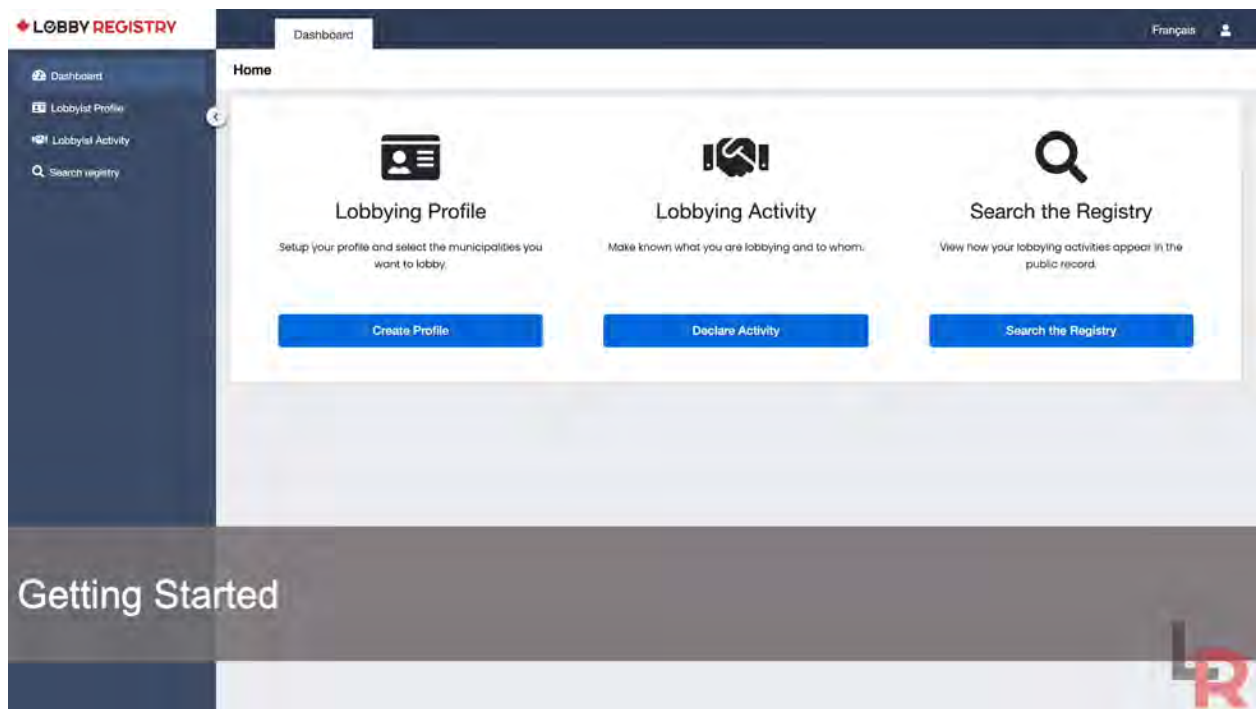
1. Honesty:
Lobbyists shall conduct themselves with honesty and integrity in all dealings with Public Office Holders, clients, employers, the public and other Lobbyists.
2. Openness:
Lobbyists shall be open and transparent about their Lobbying activities at all times while maintaining necessary confidentiality.
3. Disclosure of Identity and Purpose:
 - a. Lobbyists communicating with Public Office Holders shall, at all times, disclose the identity of the individual, business or organization on whose behalf they are Lobbying, as well as the subject matter of the communication.
 - b. Lobbyists shall register their name and company information and all Lobbying activity with Public Office Holders on the Lobbyist Registry according to the Lobbyist By-law.
4. 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.
5. 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.
6. Improper Influence:
- a. Lobbyists shall avoid both the deed and the appearance of impropriety.
 - b. Lobbyists shall not knowingly place a Public Office Holder in a conflict of interest or in a breach of Council and Staff Code of Conducts.
7. Restriction on Communication:
- a. Lobbyists shall not communicate with Public Office Holders in relation to a procurement process except as stipulated in 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 Activities with the City for a specified time period.



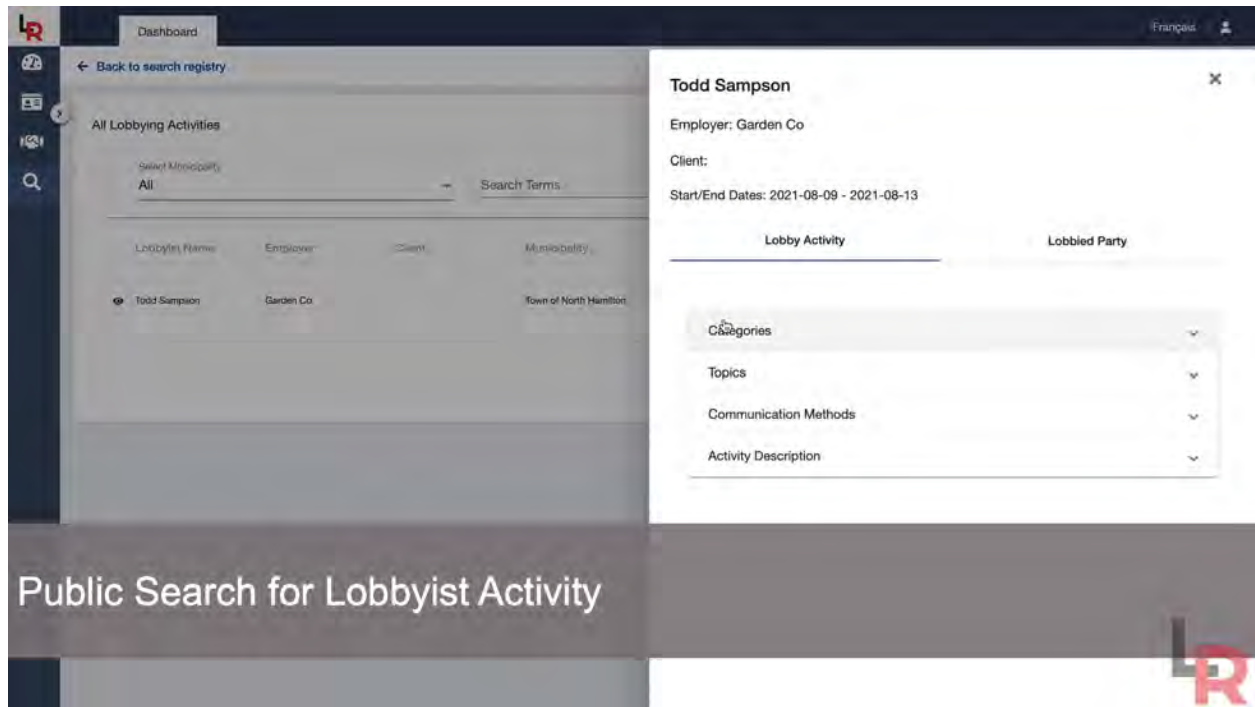
LOBBY REGISTRY

Appendix A: Product Screenshots



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LOBBY REGISTRY



The screenshot shows a web application interface for the Lobby Registry. On the left, there is a sidebar with navigation icons and a search bar. The main content area displays a search result for 'Todd Sampson'. The profile information includes: Employer: Garden Co, Client: (blank), and Start/End Dates: 2021-08-09 - 2021-08-13. Below this, there are two columns: 'Lobby Activity' and 'Lobbied Party'. A dropdown menu is open, showing options for 'Categories', 'Topics', 'Communication Methods', and 'Activity Description'. A semi-transparent banner at the bottom of the screenshot reads 'Public Search for Lobbyist Activity'.



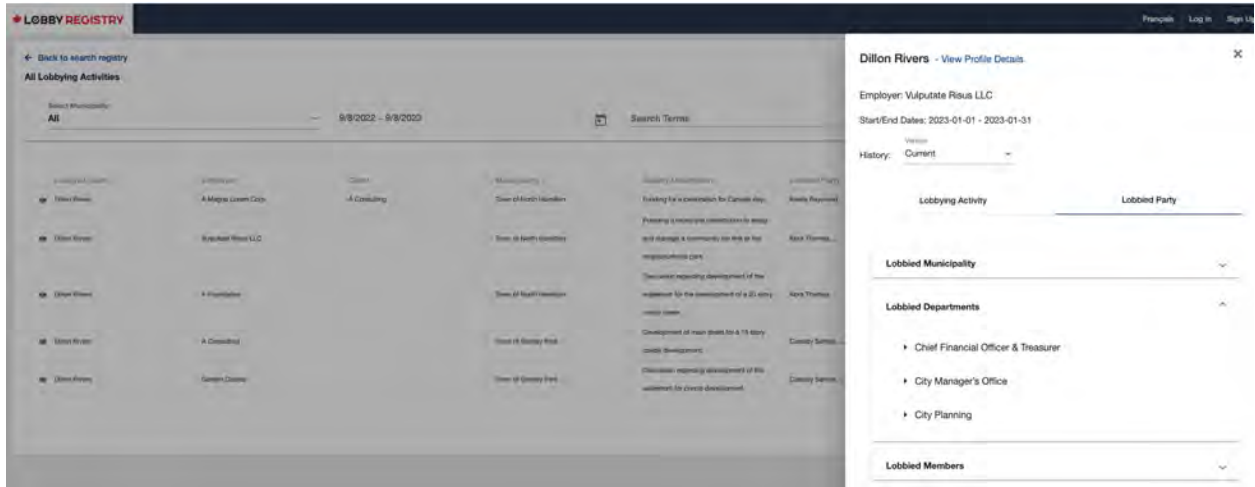
The screenshot displays the 'All Lobbyist Profiles' section of the Lobby Registry. A search filter is set to 'All' with a date range of '3/8/2022 - 3/8/2022'. A table lists several lobbyist profiles with columns for 'Lobbyist Name', 'Topic', 'Municipality', 'Employer', and 'Status'. The profile for 'Dillon Rivers' is highlighted. To the right, a detailed view of the 'Dillon Rivers' profile is shown, including sections for 'Lobbyist Details', 'Employer Details', and 'Municipality Declarations'. The 'Municipality Declarations' section is expanded to show the 'Town of North Hamilton' declaration form, which includes questions about previous service as an elected official, anticipated lobbying activity, and municipal funding.

Configurable Municipal Declarations

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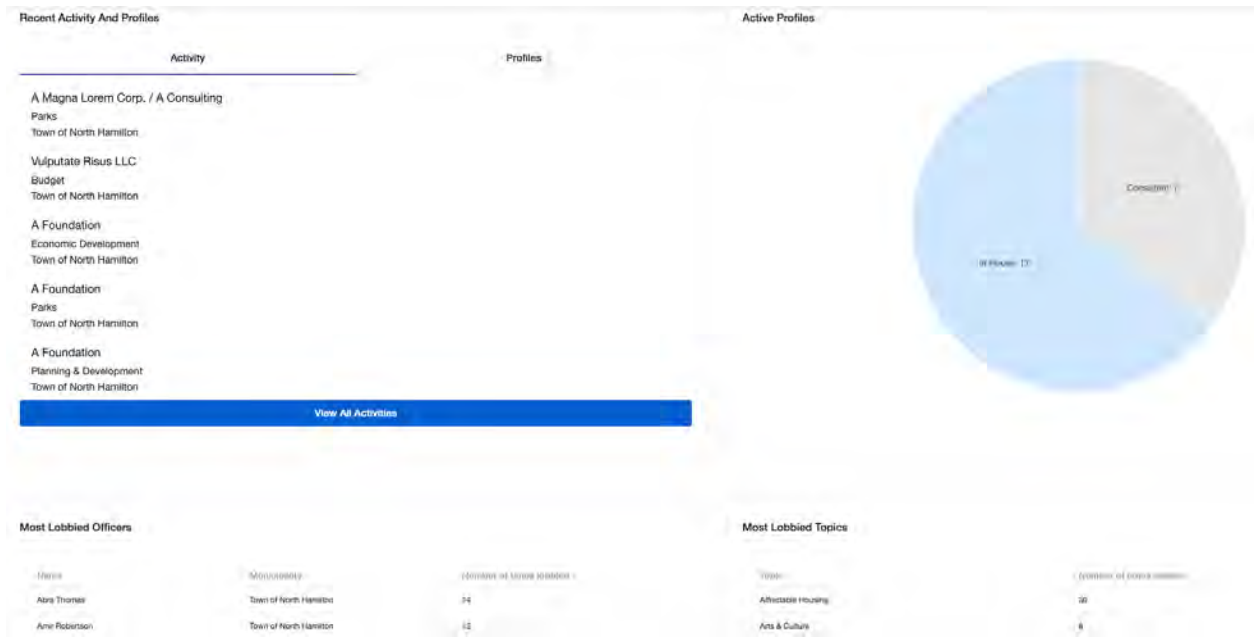
Lobby Registry | 4 Robert Speck Parkway, Suite 1500 Mississauga, Ontario L4Z 1S1

LOBBY **REGISTRY**



The screenshot displays the Lobby Registry interface. On the left, there is a search and filter section for 'All Lobbying Activities' with a date range of 9/9/2022 - 9/9/2022. The main area shows a table of activities with columns for Name, Client, Municipality, Lobbying Association, and Lobbied Party. On the right, a detailed profile for 'Dillon Rivers' is shown, including the employer 'Vulpate Rius LLC', start/end dates, and a list of lobbied departments: Chief Financial Officer & Treasurer, City Manager's Office, and City Planning.

Configurable municipal departments



The dashboard provides a comprehensive overview of lobbying activities. It features a 'Recent Activity And Profiles' section with tabs for 'Activity' and 'Profiles'. The 'Activity' tab lists recent entries such as 'A Magna Lorem Corp. / A Consulting' and 'Vulpate Rius LLC'. A 'View All Activities' button is located at the bottom of this section. To the right, an 'Active Profiles' section contains a pie chart showing the distribution of profiles, with 'Profiles' at 17 and 'Consulting' at 1. Below the dashboard, two summary cards are visible: 'Most Lobbied Officers' and 'Most Lobbied Topics'.

Name	Municipality	Number of Lobby Sessions
Alex Thomas	Town of North Hamilton	24
Alex Robinson	Town of North Hamilton	11

Topic	Number of Lobby Sessions
Affordable Housing	26
Arts & Culture	8

Rich dashboard to inform constituents and municipalities

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Lobby Registry | 4 Robert Speck Parkway, Suite 1500 Mississauga, Ontario L4Z 1S1



LOBBY REGISTRY

LOBBY REGISTRY

Franshise Log in Sign Up

← Back to search registry

All Lobbying Activities

Select Municipality: **Town of North Hamilton** | Date From: 9/9/2022 - 9/9/2023 | Search Terms: Clear Search

Start and End Dates: | All Categories: | Lobbyist/Client:

Council/Board Member Being Lobbied: | Department/Office being Lobbied: | Lobbyist Name:

Client Name of Consultant (Lobbyist): | Lobbyist Employer Name:

Lobbyist Name	Employer	Client	Municipality	Activity Description	Lobbyist Priority	Start Date	End Date
Dillon Rivers	A Magna Loren Corp.	in Consulting	Town of North Hamilton	Funding for a celebration for Canada day	Kaelie Raymond	2023-04-01	2023-05-01
Dillon Rivers	Vulpitate Risus LLC		Town of North Hamilton	Propose a municipal contribution to setup and manage a community ice rink at the neighbourhood park	Alexa Thomas	2023-01-01	2023-01-31
Dillon Rivers	A Foundation		Town of North Hamilton	Discussion regarding development of the site/lot for the development of a 20 story condo tower	Alexa Thomas	2023-03-01	2023-03-31

Extract to Excel | Items per page: | 1-3/3

Advanced search capabilities

Municipality Dashboard 3/8/2023

Number of Lobbyist Profiles Created

March 2023	2
February 2023	0
January 2023	0
December 2022	0
November 2022	0

Occurrences of Lobbying Activity initiated by Month

March 2023	2
February 2023	0
January 2023	1
December 2022	0
November 2022	0

Who was Lobbied?

Abra Thomas - City Councillor	3
Amir Robertson - City Councillor	2
Annie Jacobson - City Councillor	2
Stacie Hensley - Mayor	2
Kaelie Raymond - City Councillor	2

Lobbied Departments

City Planning	4
City Manager's Office	2
Building	1
City Clerk's Office	1
Chief Financial Officer & Treasurer	1

Topic Categories

Lobbying Purpose

Active Profiles

Recent Activity

Profiles | Activity

- Dillon Rivers
A Magna Loren Corp. / A Consulting
- Dillon Rivers
Vulpitate Risus LLC
- Dillon Rivers
A Foundation
- Priya Narine
Test PN / Test PN

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Ability for municipalities to download all data to create customized reports

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Lobby Registry | 4 Robert Speck Parkway, Suite 1500 Mississauga, Ontario L4Z 1S1