

General

Lobbyist Registration

Approved by Council on: MMMM d, yyyy

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Note:

The purpose of the Lobbyist Registration policy is to put in place registration and disclosure requirements to ensure that the residents of Burlington have access to information about persons who attempt to influence decisions of City public office holders through the use of lobbying in relation to legislative actions.

The establishment of a Lobbyist Registry is authorized by section 223.9 of the *Municipal Act, 2001*.

Policy Statement:

The Lobbyist Registry promotes transparency regarding attempts to influence municipal decision-making and ensures that complete information and disclosure of lobbyists and the clients they represent become public information for the benefit of Council and the general public.

Scope:

This Policy applies to all members of Council.

Definitions:

For the purpose of this Policy, unless otherwise stated, the following definitions shall apply:

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"**business day**" means any day on which the City's administration buildings are open for business;

"**City**" means the City of Burlington;

"**Clerk**" means the holder of statutory officer position of City of Burlington City Clerk;

"**code of conduct**" - means the Lobbyist Code of Conduct, attached as Schedule A to this Policy;

"**communication**" means a meeting (virtual or in person);

"**constituent**" means

- a. with respect to the Mayor:
 - i. an individual who resides in the City; or
 - ii. an owner or operator of a business or other organization located in the City; and
- b. with respect to a Councillor:
 - iii. an individual who resides in the Councillor's ward; or
 - iv. an owner or operator of a business or other organization located in the ward.

"**Council**" means the elected Council of the City of Burlington;

"**legislative action**" means the development, introduction, passage, defeat, amendment or repeal of a bylaw, motion, resolution or the outcome of a decision on any matter before Council or a Committee of Council.

"**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 legislative action.

"**lobbyist**" means an individual with the intent to lobbying, being a consultant lobbyist, in-house lobbyist or voluntary unpaid lobbyist and:

- (a) "consultant lobbyist" means an individual who lobbies for payment on behalf of a client (another individual, a business or other entity);
- (b) "in-house lobbyist" means 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 unpaid lobbyist" means an individual who lobbies without payment on behalf of an individual, business or other entity for the benefit of the interests of the individual, business or other entity;

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"**lobbyist registry**" means a system of registration in which registrations (returns) of persons who lobby public office holders and shall include such information as specified in subsection 3.1;

"**public office holder**" means a member of Council;

"**registration**" means a filing by a lobbyist regarding a subject matter they intends to lobby on as set out in section 2;

"**return**" means an update of a registration filed by a lobbyist as set out in subsection 3.2; and

"**undertaking**" means an undertaking by a lobbyist to lobby.

Objectives:

1. Restrictions on Application of Policy

1.1 This Policy does not apply to any of the following persons or bodies when acting in their professional official capacity:

- a) Government or public sector, other than the City:
 - i. Members of Senate, House of Commons, legislative assemblies of provincial/territorial governments, persons on the staff of the members;
 - ii. Members of First Nations or Indian band councils, persons on the staff of the members;
 - iii. Employees or consultants retained by the Government of Canada, government of a province or territory, a First Nations or Indian band Council, 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 of the City, persons or 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.

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- b) Officials and employees of the City, the Region of Halton, the Cities of Milton and Oakville and Town of Halton Hills, 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) Publicly-Funded School Boards and educational institutions:
 - i. Halton District School Board;
 - ii. Halton Catholic District School Board;
 - iii. Conseil Scolaire Viamonde
 - iv. Conseil scolaire catholique MonAvenir, and
 - v. Universities, colleges, and other publicly-funded educational institutions.
- d) Publicly-funded Healthcare Institutions, including but not limited to:
 - i. Joseph Brant Hospital; and
 - ii. Halton Healthcare.
- e) Municipal Associations, including but not limited to:
 - i. Association of Municipalities Ontario; and
 - ii. Federation of Canadian Municipalities.

1.2 . This Policy 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;
- e) Communication with a public office holder by an individual on

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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, 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 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.
 - g) 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;
 - h) 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;
 - i) Communications directly related to those City-initiated consultative meetings where an individual is participating as a stakeholder;
 - j) 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,
 - k) Communication regarding a financial interest by not-for-profit groups or organizations where such group or organization has no paid staff.

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2. Requirement to File a Lobbyist Registration

- 2.1 A registration in the prescribed form as per the City Clerk in accordance to this Policy and containing the information required by section 3 is to be filed with the Clerk by a lobbyist, within ten (10) days after entering into an undertaking to lobby.
- 2.2 Only one registration needs to be filed for each undertaking even though the lobbyist may, in connection with the undertaking, (a) communicate with one or more public office holders on one or more occasions, or (b) arrange one or more meetings between a public office holder and any other person.

3. Form and Content of Lobbyist Registration

- 3.1 Each registration filed under section 2 is to include the following information as applicable:
 - (a) the name, business address and contact information of the lobbyist;
 - (b) if they are a consultant lobbyist, in-house lobbyist or voluntary unpaid 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, on whose behalf they are lobbying;
 - (d) the name of the individual or individuals they are lobbying;
 - (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 starts;
 - (f) if the lobbyist has consulted with other elected or appointed officials of City employees about the undertaking;
 - (g) if the lobbyist has received government funding related to the undertaking; and
 - (h) the names of other parties involved in the lobbying activity.
- 3.2 The Lobbyist shall set out in the registration the subject matter in respect of which the lobbyist intends to lobby on:
 - (i) each subject matter that the lobbyist will lobby on;
 - (ii) description of the issue being lobbied, including particulars of any relevant City proposal, by-law, motion, resolution, policy, program, directive, grant, or guideline;

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(iii) 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;

(iv) names of public office holders being lobbied.

3.3 A lobbyist shall file a return updating any change their registration within ten (10) business days of the change taking place.

3.4 The subject matter shall be closed once lobbying is complete or within twelve (12) months of lobbying commencing, whichever is sooner.

3.5 The lobbyist shall close the subject matter registration they have filed not later than thirty (30) days after the completion or termination of the lobbying activity.

3.6 The lobbyist is solely responsible for meeting the requirements with respect to registrations and returns set out in this section.

4. Responsibilities of the Lobbyist

4.1 An individual with the intent to lobby must file registration if they intend to lobby public office holders at the City of Burlington in accordance with this Policy.

4.2 An individual who lobbies shall register their activity no later than ten (10) business days after the lobbying takes place.

4.3 Lobbyists must disclose if they have held a public office holder position at the City and the date the individual ceased to hold the position.

4.4 Lobbyists must disclose if they hold a position on a local board of the City. and,

4.5 Lobbyists must adhere to the Code of Conduct, attached as Schedule "A" to this Policy, during the conduct of lobbying activities with public office holders.

5. Responsibility of the Public Office Holders

5.1 The Public Office Holder is responsible for:

- i) Advising individuals with an intent to lobby of the City's Corporate Policy on Lobbyist Registration; and
- ii) Not commencing, or alternatively ceasing, lobbying-related communication with an individual who has the intent to lobby who has not filed a registration in accordance with section 2 of this Policy.

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6. Certification of Registration and Date of Receipt

- 6.1 An individual who submits a registration, to the Clerk under this Policy is to certify: (a) on the document; or (b) in the manner specified by the Clerk, if the document is submitted in electronic or other form under section 7, that, to the best of the individual's knowledge and belief, the information contained in the document is true.
- 6.2 Subject to sections 7.2 and 8.5, for the purposes of this Policy the date on which a registration is received by the Clerk is the date on which the return is considered to have been filed.

7. Submission of Documents in Electronic or Other Form

- 7.1 A registration that is required to be submitted to the Clerk under this Policy may be submitted in electronic or other form by the means and in the manner specified by the Clerk.
- 7.2 For the purposes of this Policy, any registration or other document that is submitted in accordance with section 7.1 is deemed to be received by the Clerk at the time provided for in this Policy.

8. Duties of the Clerk

- 8.1 The Clerk will establish and maintain a registry in which a record of all registrations submitted to the Clerk under this Policy is to be kept.
- 8.2 The registry will be organized in the manner and kept in the form as the Clerk may determine to be reasonable.
- 8.3 The Clerk may do one or more of the following:
- (a) verify the information contained in the registration;
 - (b) subject to section 8.4, refuse to accept a registration that does not comply with the requirements of this Policy or that contains information not required to be supplied or disclosed under this Policy;
 - (c) delegate, in writing, to a person employed in the Clerk's office any of the Clerk's functions under this Policy; and
 - (d) authorize a person to whom functions are delegated under subsection (c) to subdelegate those functions to another person employed in the Clerk's office.
- 8.4 On refusing to accept a return or other document under section 8.3(b), the Clerk will:

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(a) inform the individual who submitted it of the refusal and the reason(s);
and

(b) allow a reasonable extension of the time set under this Policy for filing the registration if that individual cannot reasonably be expected to file another registration immediately.

8.5 A registration that is filed within the time allowed under section 8.4(b) and is accepted by the Clerk in place of one refused under section 8.3(b) is deemed to have been filed or submitted, as the case may be, on the date the Clerk received the one that was refused.

9. Public Access to Registry

9.1 The Lobbyist Registry shall be available for public inspection through electronic, web-based access at all reasonable times.

Principles:

The Lobbyist Registry supports the transparency, accountability and integrity of the government decision-making process.

The Lobbyist Registry promotes open dialogue between the many stakeholders that complement our community and increases customer service and information sharing.

References:

Municipal Act, 2001 R.S.O.

City of Burlington Accountability and Transparency Corporate Policy

City of Burlington Code of Good Governance

City of Burlington Code of Conduct for Local Boards and Committees

Roles:

Accountable:

Position in the organization answerable for the timely review, updating and dissemination of the policy in the functional area. Completion of this field is mandatory.

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Responsible:

Position in the organization performing the work to achieve the task. Typically one position although others can be delegated to assist in the work required. Completion of this field is mandatory.

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Schedule A – Lobbyist Code of Conduct

- **Honesty**
 - Lobbyists shall be expected to conduct themselves with honesty and integrity.
- **Openness**
 - Lobbyists shall be open and transparent regarding their activities.
- **Disclosure of Identity and Purpose**
 - Lobbyists shall disclose the identity of the person(s) or organization(s) on whose behalf they are acting, as well as the reasons for the communication.
 - Lobbyists shall register their activities in accordance with the Lobbyist Registry requirements.
- **Information and Confidentiality**
 - Lobbyists shall inform their client, employer, or organization of their obligations under the Lobbyist Registry.
 - Lobbyist shall only provide factual information to public office holders.
 - Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.
 - Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.
- **Competing Interests**
 - Lobbyists shall not represent competing or conflicting interests without receiving permission of those different parties.
 - Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.
 - Lobbyists shall not lobby on a matter regarding which they have also provided advice to the City.
- **Improper Influence**
 - Lobbyists shall avoid the appearance of, and reality of, impropriety.
 - Lobbyists shall not knowingly place public office holders in a conflict of interest, or breach of their own code of conduct.