

Report To:	Chair and Members of the Administration and Finance Committee
From:	Mark G. Meneray, Commissioner, Legislative and Planning Services and Corporate Counsel
Date:	August 6, 2009
Report No. - Re:	LPS86-09 - Report on the Feasibility and Desirability of Creating a Lobbyist Registry for Halton Region

RECOMMENDATION

1. THAT Regional Council approve in principle the establishment of a lobbyist registry in Halton Region pursuant to section 223.9 of the *Municipal Act, 2001*.
2. THAT Report No. LPS86-09 re: “Report on the Feasibility and Desirability of Creating a Lobbyist Registry for Halton Region” be forwarded to the Procedural By-Law Review Sub-Committee and that the Sub-Committee investigate lobbyist registry options and develop guidelines for a lobbyist registry in Halton Region for the Administration and Finance Committee’s and Regional Council’s consideration.

REPORT

Purpose

This report is in response to Councillor Johnston’s request that staff report back to Council on the feasibility of and requirements for creating a lobbyist registry in Halton Region.

As Council is aware, amendments to the *Municipal Act, 2001* (the “Act”) effective January 1st, 2007, provided municipalities with jurisdiction to establish a lobbyist registry and to appoint a lobbyist registrar to be responsible for performing functions assigned by the municipality related to the lobbyist registry. A lobbyist registry records or regulates communications between public office holders and those who engage in lobbying activities by tracking communications between them and making this information available for public inspection. Generally the intent of a lobbyist registry is to provide citizens with a tool which enhances open, accountable and transparent government.

Lobbyist registries currently exist at the Federal and Provincial levels and are not specifically intended to prohibit lobbying or to regulate the conduct of elected officials but to provide information regarding the lobbying that occurs at their respective levels of government to the

public. The City of Toronto is the only municipality in Ontario to have established a formal lobbyist registry to date.

Legislative Requirements

The provisions pertaining to lobbyist registries of the Act are permissive in nature and allow a municipality to tailor its registry to suit its individual needs so long as it is compliant with the Act's general requirements. However, there are some basic requirements outlined in the legislation that must be considered when developing a lobbyist registry, including:

- Determining the mandate of the lobbyist registry;
- Defining which activities are to be considered as lobbying and which activities are deemed exempt from the obligation to report to the registry; and
- Deciding who is considered a lobbyist and establish which activities and persons are to be exempt from the requirement to provide information to the registry.

In addition, the Act also sets out a number of options that a municipality may consider when establishing a lobbyist registry, such as:

- Developing a lobbyist code of conduct which serves to govern Councillor interaction with lobbyists;
- Appointing a lobbyist registrar to perform in an independent manner the functions assigned by the municipality with respect to the registry;
- Developing conditions for registration, renewals of registration, and prohibiting or restricting certain persons from registering as lobbyists; and
- Prohibiting persons from receiving payment which is contingent upon successful lobbying activities.

Halton's Experience

Since its inception, Halton Regional Council has maintained a strong record of ethically sound behaviour on the part of its Councillors, as evidenced among other things through voluntary compliance with all relevant Regional policies such as the Procedural By-Law (including the Council Code of Conduct) and the Purchasing By-Law. As is noted in the preamble to the Code of Conduct, Halton Regional Council has demanded and enjoyed a high level of integrity and ethical conduct from its members.

The Council Code of Conduct and the Purchasing By-Law provide an extensive set of guidelines that govern Councillor behaviour as it relates to third parties including lobbyists. These policies can provide comfort to the public that Regional Councillors are acting in an appropriate manner in their dealings with third parties and include:

- The requirement to ensure openness, accountability and transparency while protecting the financial best interests of the Regional Corporation;

- The requirement to avoid conflicts between the interests of the Regional Corporation and those of the Regional Corporation's employees and Councillors;
- A prohibition from accepting directly or indirectly from any person, company, firm or corporation to which any purchase order or contract is or might be awarded, any rebate, gift or money except those of very small intrinsic value or moderate hospitality which would not be perceived by others as influencing the making of a business decision; and
- The requirement that no Councillor shall use the influence of office for any purpose other than for the exercise of his/her official duties.

In addition, Councillors are bound by the provisions of the *Municipal Conflict of Interest Act* which regulates the conduct of municipal councillors as it relates to pecuniary conflicts of interest. Halton Council has shown a strong awareness of these obligations as evidenced by the establishment of a Conflict of Interest Legal Opinion Fund which proactively assists them in being mindful of their obligations under this Act.

Conclusion

Although a comprehensive set of guidelines governing Councillor interactions with third parties currently exists, the establishment of a lobbyist registry would provide the Region with an additional mechanism to further enhance open, accountable and transparent government. As Council is aware, the Region's Procedural By-Law (including the Council Code of Conduct) is currently being reviewed by the Procedural By-Law Review Sub-Committee. Given that the purpose of a lobbyist registry is consistent with the philosophy of the Procedural By-Law (and the Council Code of Conduct), staff recommend that the Procedural By-Law Review Sub-Committee undertake the task of developing guidelines for a lobbyist registry in conjunction with their review of the Procedural By-Law.

FINANCIAL/PROGRAM IMPLICATIONS

It should be noted that should a lobbyist registry be established for Halton Region it will require resources sufficient to ensure its effective operation. The extent of resources required would depend upon the complexity of the registry created and whether an independent lobbyist registrar is appointed.

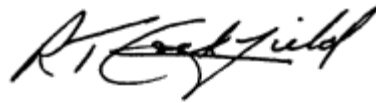
RELATIONSHIP TO THE STRATEGIC PLAN

This report has a direct relationship to the 2007-2010 Strategic Plan specifically Theme 6: Ensure Excellence in Government and Fiscal Responsibility, Goal 4: Strengthen and Enhance Communication and Public Engagement.

Respectfully submitted,



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Approved by



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If you have any questions on the content of this report, please contact: Jason Lewis

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