



TO: GENERAL COMMITTEE

SUBJECT: LOBBYIST REGISTRY – ADDITION OF SPECIAL INTEREST GROUPS

PREPARED BY AND KEY CONTACT: W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES, EXT. 4560

SUBMITTED BY: W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES

GENERAL MANAGER APPROVAL: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the draft Lobbyist Registry By-law approved on May 3, 2023, for presentation at a future meeting, and with the effective date of January 1, 2024, be amended as follows:

To add the following definition:

“Organization”

- A Business, Trade, Industry, Professional or Voluntary Organization;
 - A Trade Union or Labour Organization;
 - A Chamber of Commerce or a Board of Trade;
 - A Partnership, Trust, Association, Charitable Organization, Coalition or Interest Group;
 - A Government, other than the Government of Canada; and
 - A Corporation without share capital incorporated to pursue, without financial gain to its members, objects of a national, provincial, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character or other similar objects.
2. That the City Clerk be authorized to make any administrative amendments to the by-law resulting from the revised definitions prior to presentation to Council.

PURPOSE & BACKGROUND

Purpose

3. The purpose of this Staff Report is to provide information in response to City Council’s direction to investigate the feasibility of adding special interest groups to those groups required to register as a lobbyist in accordance with motion 23-G-101. The Report also recommends adding a definition to the draft Lobbyist Registry By-law that was approved as part of this motion to address the addition of special interest groups.

Background

4. On December 14, 2022, Council directed staff in the Legislative and Court Services Department to investigate the creation of a Lobbyist Registry to ensure the public disclosure of lobbying activities and oversee the regulation of lobbyists' conduct, and report back to General Committee.
5. On April 25, 2023, staff reported back to General Committee with a draft Lobbyist Registry By-law including a Code of Conduct for Lobbyists, changes to the Procedural By-law for the reporting of the Lobbyist Registrar, a recommendation for the appointment of an interim Lobbyist Registrar and sought authority to undertake a procurement process for a permanent Lobbyist Registrar.
6. On May 3, 2023, City Council adopted the recommendations identified above with minor amendments. In addition, Council provided the following direction as part of motion 23-G-101:

"That the City Clerk investigate the feasibility of adding special interest groups to those groups required to register as a lobbyist and their lobbying activities and report back to General Committee before November 2023".
7. The act of lobbying as initially set out in the draft Lobbyist Registry By-law was defined as meaning 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 but not limited to, 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 Ward Councillor or staff member acting under delegated authority.
8. Special Interest Groups/Interest Groups are defined in Encyclopedia Britannica as "any association of individuals, organizations usually formally organized, that, on the basis of one or more shared concerns, attempts to influence public policy in its favour."
9. The following are definitions of the different types of lobbyists previously approved by City Council:
 - a) Consultant lobbyist: an individual who lobbies for payment on behalf of a client (another individual, company, partnership or organization). Additionally, if the consultant lobbyist arranges for a meeting between a public office holder and the client or other third party, that is lobbying;
 - b) In-house lobbyist: an individual who is an employee, partner, or sole proprietor and who lobbies on behalf of their own employer, business, or organization; and
 - c) Voluntary unpaid lobbyist: an individual who lobbies without payment on behalf of a business or for-profit organization for the benefit of the interests of the for-profit entity or organization. Additionally, if the voluntary unpaid lobbyist arranges a meeting between a public office holder and the business or for-profit organization or a third party, that is lobbying.
10. As most existing Lobbyist Registry By-law activities of other municipalities had been focused on activities of the business community and staff had included similar definitions, staff were of the opinion, at the time the Lobbyist Registry By-law recommendations were approved by Council, that the above definitions did not explicitly include special interest groups. Staff were directed at that time to report back to Council concerning the feasibility of applying the By-law to such groups.

ANALYSIS

11. During the preparation of this Staff Report, staff contacted other municipalities to determine how or if their By-laws applied to special interest groups. The responses received by the municipalities contacted were consistent with those received previously in that their individual by-laws do not specifically define special interest groups.
12. Staff also reviewed the Federal Guidelines for Lobbyist Registry. Staff found that interest groups were included under the “organization” definition, as noted below.

“Organization” includes:

- A Business, Trade, Industry, Professional or Voluntary Organization;
- A Trade Union or Labour Organization;
- A Chamber of Commerce or a Board of Trade;
- A Partnership, Trust, Association, Charitable Organization, Coalition or Interest Group;
- A Government, other than the Government of Canada; and
- A Corporation without share capital incorporated to pursue, without financial gain to its members, objects of a national, provincial, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character or other similar objects.

City of Barrie Definitions

13. As a result of this review, and given all our lobbyist categories reference organizations, staff are recommending adding the above noted definition to the draft by-law that was approved in April 2023. The Lobbyist By-law will be presented to Council at the end of November 2023, with an effective date of January 1, 2024.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

14. There are no environmental and/or climate change impact matters directly related to the recommendation.

ALTERNATIVES

15. The following alternatives are available for consideration by General Committee:

Alternative #1: General Committee could decide not to proceed with amending the definitions.

This alternative is available but not recommended. Expanding the scope of the definitions for In-House Lobbyist and Volunteer Lobbyist allows for the registration of lobbying activities of the additional groups.

FINANCIAL

16. There are no direct financial implications associated with the recommendations in this Report.

LINKAGE TO 2022-2026 COUNCIL STRATEGIC PLAN

17. The recommendation(s) included in this Staff Report supports the following goals identified in the 2022-2026 Strategic Plan:

Responsible Governance

Expanding the definition of groups/individuals that the Lobbyist By-law will apply to ensures further accountability and transparency to the public of lobbyist activities directed to Council and Staff.