



BY-LAW NUMBER 2023-

A By-law of The Corporation of the City of Barrie to establish a lobbyist registry and establish the position and duties of the Lobbyist Registrar of the City of Barrie.

WHEREAS Section 223.9 of the *Municipal Act, 2001*, as amended authorizes a municipality to establish and maintain a lobbyist registry in which shall be kept registrations and returns filed by person who lobby the City of Barrie's public office holders;

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

AND WHEREAS Sections 9 and 10 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 2 of subsection 11(2) authorized by-laws respecting the accountability and transparency of the municipality and its operations;

AND WHEREAS the Council of The Corporation of the City of Barrie through Council motion 21-G-183 desires to establish and maintain a Lobbyist Registry and appoint a Lobbyist Registrar to provide transparency about persons who lobby the City of Barrie's public office holders; and

AND WHEREAS by motion 23-G-101 and 23-G-255, the Council of The Corporation of the City of Barrie deems it expedient to pass such a by-law;

NOW THEREFORE BE IT RESOLVED the Council of the City of Barrie enacts as follows in this By-law:

1. Definitions:

- 1.1 "business day" means a day when the offices of the City are open during its regular hours of business, other than a Saturday or a Sunday or other holiday;
- 1.2 "City" – means The Corporation of the City of Barrie.
- 1.3 "Code of Conduct" means the Lobbyists' Code of Conduct;.
- 1.4. "communication" means any substantive form of communication including but not limited to a formal meeting, electronic messaging (email, text, etc.), letter, phone call or meaningful dialogue or exchange that materially advances a matter that is defined as lobbying, whether in a formal or in an informal setting.
- 1.5 "lobby" or "lobbies" 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 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.
- 1.6. "lobbyist" means:
 - 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 a 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; or
 - 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 a third party, that is lobbying.
- 1.7 "Lobbyist Registrar" means the person appointed as Lobbyist Registrar under Section 223.11 of the *Municipal Act, 2001*.
- 1.8 "Lobbyist Registry" means a system of registration in which shall be kept registers (returns) of persons who lobby public office holders and which shall include such information as determined by the Lobbyist Registrar.

- 1.9 “local board” has the same meaning as the definition of local board in section 223.1 of the *Municipal Act, 2001*.
- 1.10 “not-for-profit” means a group of organized and operated exclusively for social welfare, civic improvement, pleasure or recreation or for any other purpose, except profit (for example a club, society or organization).
- 1.11 “organization” means:
- a) A Business, Trade, Industry, Professional or Voluntary Organization;
 - b) A Trade Union or Labour Organization;
 - c) A Chamber of Commerce or a Board of Trade;
 - d) A Partnership, Trust, Association, Charitable Organization, Coalition or Interest Group; and
 - e) 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.
- 1.12 “public office holder” means:
- a) a member of City Council and any person on his or her staff
 - b) an officer or employee of the City and including but not limited to the following:
 - i. the following officers and employees of the City: the Chief Administrative Officer, the City Treasurer, Chief Building Official, Fire Chief and the City Clerk;
 - ii. the City’s Internal Auditor;
 - iii. Integrity Commissioner;
 - iv. a general manager, executive director, director or associate director, chief procurement officer;
 - v. a person authorized to act in the place of an official listed in paragraphs (i) to (iv) by Council or by the Chief Administrative Officer or another official under delegated authority;
 - vi. employees in other management positions who are in a position to influence programs and services and have direct contact with members of Council;
 - vii. employees who are not in management positions but who are in direct contact with members of Council and whose work for the city includes the following:
 - a) advice to members of Council, to Council, including, but not limited to, employees who provide legal, financial, personnel and policy advice; and
 - b) approval or enforcement services, including, but not limited to, employees who provide planning, building, licensing, inspection, grants and procurement services.
 - viii. employees who are in direct contact with members of Council in the operation of Council, Committees of Council;
 - ix. employees who work on municipal elections or by-elections in a supervisory capacity or who are employed for the purposes of the conduct of the election or by-election;
 - x. individuals providing professional services to the City during the course of providing such services;
 - xi. an accountability officer appointed under the *Municipal Act, 2001*, including, but not limited to: (a) Auditor General (b) Integrity Commissioner (c) Lobbyist Registrar (d) Ombudsman (e) Closed Meeting Investigator.

2. General

- 2.1 The Lobbyist Registry is established pursuant to Section 223.9 of Part V.1 of the *Municipal Act, 2001*.
- 2.2 The Office of the City Clerk shall develop and maintain a Lobbyist Registry, under the oversight of the Lobbyist Registrar, in which shall be kept all registrations and returns filed under this by-law.

- 2.3 The Lobbyist Registry shall be available for public inspection through electronic, web-based access at all reasonable times.
- 2.4 All lobbyists shall file a return regarding a specific lobbying communication within five (5) business days of the communication occurring.
- 2.5 Consultant lobbyists shall identify in the return the client for which the lobbying has been undertaken.
- 2.6 Lobbyists shall disclose if they have held a senior public office holder position at the City and the date the individual ceased to hold the position.
- 2.7 Lobbyists shall disclose if they hold a position on a local board of the City.
- 2.8 Lobbyists shall adhere to the Code of Conduct identified in Appendix "A" to this By-law during the conduct of lobbying activities with public office holders.
- 2.9 Lobbyists shall review their profiles every six (6) months to ensure that the information contained therein is current and complete.
- 2.10 A person who lobbies as defined by the By-law is subject to the By-law whether they are registered or not.

3. Exempted Persons and Organizations

- 3.1 That this by-law does not apply to the following persons when acting in their public capacity:
 - a) government or public sector, other than the City;
 - b) 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;
 - c) 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;
 - d) 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;
 - e) 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;
 - f) 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;
 - g) officials and employees of the City and other municipal bodies:
 - i. Public office holders;
 - ii. officers, directors or employees of a local board of the City and acting in their public capacity; and
 - iii. a member of an Advisory Committee, acting in their committee authorized by and delegated by City Council.
 - h) persons communicating on behalf of the local school boards;
 - i) persons communicating on behalf of healthcare institutions.

4 Restriction of Application for Certain Activities

- 4.1 That this by-law does not apply to the following activities:
 - a) communication that is a matter of the public record or occurs during a meeting of Council, 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) advocacy communication for or against a policy or program that state 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 the business or for-profit organization on whose behalf the communication is undertaken;
- d) communication that is restricted to a request for information; and
- e) communication that is restricted to compliments or complaints about a service or program;
- f) communication with a public office holder by an individual on behalf of an individual, business or organization 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 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;
 - iv. 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:
 - a) 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 review process;
 - b) with an employee of the City if the communication is part of the normal course of the approval process; and
 - c) with respect to planning and development applications, 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.
 - v. 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;
 - vi. 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 neighbourhood or public policy issue;
 - vii. communications directly related to those City-initiated consultative meetings and processes where an individual is participating as a stakeholder; and
 - viii. communication regarding a financial interest by not-for-profit groups or organizations where such group or organization has not paid staff.

5. Prohibition

- 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.
- 5.1 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.
- 5.2 No former public officer holder shall engage in lobbying activities for a period of twelve (12) months after ceasing to be a public office holder at the City.

6. Post-employment Lobbying Restrictions

- 6.1 No person who is a former public office holder of the City shall lobby the City for a period of one year after the date the person ceased to be:
- a) A Statutory Officer of the City, including:
 - i. The City Treasurer;
 - ii. The City Clerk;
 - iii. The City's Integrity Commissioner;
 - iv. The City's Chief Building Official;
 - v. Chief Administrative Officer;
 - vi. Fire chief; and
 - vii. Internal auditor.
 - b) A member of the City's Executive Management Team, Senior Leadership Team, and managers;
 - c) An elected official; and
 - d) A staff member of an elected official.

7. Appointment of the Lobbyist Registrar

- 7.1 The City shall appoint a Lobbyist Registrar in accordance with section 223.11 of the *Municipal Act, 2001*.
- 7.2 The Integrity Commissioner may also serve as the Lobbyist Registrar.
- 7.3 If the Office of the Lobbyist Registrar is vacant, the City Clerk is authorized to assume the role of Lobbyist Registrar for an interim period.

8 Accountability

- 8.1 The Lobbyist Registrar is independent of the City administration.
- 8.2 The Lobbyist Registrar shall report to City Council, or to a Committee of Council as may be directed by City Council in their capacity.

9 Responsibilities

- 9.1 The Lobbyist Registrar is responsible for:
- a) overseeing the administration of the lobbyist registration system;
 - b) providing advice, opinions and interpretations pertaining to the administration, application and enforcement of this by-law;
 - c) making the Lobbyist Registry available for public inspection through electronic, web based access at all reasonable times and in a manner that the Lobbyist Registrar may determine
 - d) conducting, in private, investigations or inquiries to determine whether contraventions of this by-law have occurred, as permitted under section 223.12 of the *Municipal Act, 2001*;
 - e) suspending or revoking a registration;
 - f) the enforcement of this by-law;
 - g) advising Council on lobbying matters and recommending improvements and amendments to this by-law;
 - h) providing an annual report to Council and any periodic reports and information as the Registrar considers appropriate; and
 - i) performing other duties as may be assigned by Council.

10. Complaints and Investigations

- 10.1 Request for an investigation of non-compliance may be made by City Council as a whole, a member of Council or a member of the public in accordance with the Complaint Process as identified in Appendix "B" (paragraph 1) to this By-law.
- 10.2 The Lobbyist Registrar may impose a temporary ban on communication in accordance with the following steps if the Lobby Registrar finds that the requirements of this by-law have not been met:
- a) First breach: the lobbyist is banned from communicating with public office holders for 30 days;
 - b) Second breach: the lobbyist is banned from communicating with public office holders for 90 days; and
 - c) Third breach: The Lobbyist Registrar to determine an appropriate sanction.

10.3. If the Lobbyist Registrar decides to impose a temporary ban on communication, the Lobbyist Registrar shall inform the individual of the suspension and the reason for the suspension in the manner that the Lobbyist Registrar determines.

10.4. If the Lobbyist Registrar imposes a temporary ban on communication, the Lobbyist Registrar shall notify all Public Office Holders and notice of the temporary ban shall be posted on the City's website.

11. Removal from Registry

11.1. The Lobbyist Registrar may remove a registration or return from the Lobbyist Registry if the individual who filed the registration or return if the Lobbyist Registrar finds that the lobbyist has not complied with the requirements of this by-law.

11.2. When a registration or return is removed from the Lobbyist Registry, the individual who filed it shall be deemed, for the purposes of his or her existing and future obligations under this by-law, not to have filed the registration or return.

12. Referral to Appropriate Authorities

12.1. Pursuant to subsection 223.12(7) of the *Municipal Act, 2001*, should the Lobbyist Registrar shall determine, when conducting an inquiry, that there are reasonable grounds to believe that an individual has contravened any other Act or the Criminal Code (Canada), the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry pending the outcome of any resulting police investigation.

13. Short Title

13.1. That this By-law may be referred to as the "Lobbyist Registry By-law".

THAT this By-law shall come into force and effect on January 1, 2024.

READ a first and second time this 22nd day of November, 2023.

READ a third time and finally passed this 22nd day of November, 2023.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – ALEX NUTTALL

CITY CLERK – WENDY COOKE

APPENDIX A TO BY-LAW 2023 -

Lobbyists Code of Conduct

Lobbyists are expected to comply with the standards of behaviour for lobbyists and the conduct of lobbying activities set out in this Code of Conduct when lobbying public office holders.

Honesty

1. Lobbyists shall conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

Openness

2. Lobbyists shall, at all times, be open and frank about their lobbying activities, while respecting confidentiality.

Disclosure of Identity and Purpose

3. Lobbyists communicating with a public office holder shall disclose the identity of the individual, corporation or organization on whose behalf they are acting, as well as the reasons for the communication.
4. Lobbyists shall register the subject matter of all communication with public office holders that constitutes lobbying under the Lobbyist Registry By-law.
5. Lobbyists communicating with a public office holder on a duly registered and disclosed subject matter shall not use that opportunity to communicate on another subject matter, unless first having registered as required and disclosing the identity and purpose.

Information and Confidentiality

6. Lobbyists shall inform their client, employer or organization of the obligations under the Lobbyist Registry By-law and their obligation to adhere to the Lobbyists' Code of Conduct.
7. Lobbyists shall provide information that is accurate and factual to public office holders.
8. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.
9. 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.
10. Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

Competing Interests

11. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
12. 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.
13. Lobbyists who provide advice to the City shall not lobby public office holders on the same subject matter.

Improper Influence

14. Lobbyists shall avoid both the deed and the appearance of impropriety.
15. Lobbyists shall not knowingly place public office holders in a conflict of interest, obligations under legislation or in breach of the public office holders' codes of conduct or standards of behaviour.
16. Lobbyists with active lobbying registrations, their registered clients or their employees shall not, directly or indirectly, offer or provide any gift, benefit or hospitality to Members of Council or their staff.

Restriction on Communication

17. Lobbyists shall not communicate in relation to a procurement process, except as permitted by the City's procurement by-law and documentation.
18. Lobbyists shall not engage in lobbying activities where the Lobbyist Registrar has prohibited them from lobbying for a specified time period.

APPENDIX “B” TO BY-LAW 2023-XXX

Complaint Process – Lobbyist

Complaints Regarding Non-compliance

1. A request for an inquiry about non-compliance with the Lobbyist Registry By-law or Lobbyists’ Code of Conduct may be made by City Council, a member of Council or a member of the public.

Filing of Complaint and Classification by Lobbyist Registrar

2. The complaint shall be filed with the Lobbyist Registrar for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Lobbyist Registry By-law and not covered by other legislation or other Council policies.

Complaints Outside Lobbyist Registrar Jurisdiction

3. If the complaint is not, on its face, a complaint with respect to non-compliance with the Lobbyist Registry By-law or the complaint is covered by other legislation or complaint procedure, the Lobbyist Registrar shall advise the complainant in writing.

Refusal to Conduct Investigation

4. The Lobbyist Registrar may refuse to investigate a complaint or may terminate an investigation, if the Lobbyist Registrar is of the opinion that:
 - a) there are no grounds or insufficient grounds for an investigation;
 - b) the complaint is frivolous, vexatious or not made in good faith; or
 - c) an investigation, or continuation of an investigation, would serve no useful purpose.

Investigation

5. The Lobbyist Registrar will proceed as follows, except where otherwise required by the *Public Inquiries Act*:
 - a) Provide the complaint and supporting material to the lobbyist whose conduct is in question with a request that a written response to the allegation be provided within ten business days.
 - b) If necessary, after reviewing the submitted materials, the Lobbyist Registrar may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.

Suspension and referral to appropriate authorities

6. As required by subsection 223.12(7) of the *Municipal Act, 2001*, if at any time during the inquiry the Lobbyist Registrar determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code of Canada*, the Registrar shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to City Council.

Recommendation report

7. Following the completion of an investigation, the Lobbyist Registrar shall provide the lobbyist with a copy of a draft report and offer the lobbyist the opportunity to provide comments within five business days.
8. Where the complaint is sustained in whole or in part, the Lobbyist Registrar shall report to Council outlining the findings, the terms of any settlement and/or any recommended corrective actions or sanctions under Section 10 of the By-law.
9. The Lobbyist Registrar shall give a copy of the final report to the lobbyist whose conduct is concerned.
10. Where the complaint is not sustained, except for in exceptional circumstances, the Lobbyist Registrar shall not report to Council the result of the investigation except as part of an annual or other periodic report.

Report to Council

11. Upon receipt of a report, the City Clerk shall publish the report on the next Agenda for City Council.

Duty of Council

12. Council shall consider and respond to the report at the meeting at which the report is published.

Public Disclosure

13. The Lobbyist Registrar and every person acting under their jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol.
14. The Lobbyist Registrar shall retain all records related to the complaint and investigation.
15. At the time of the Lobbyist Registrar's report to Council, the identity of the person who is the subject of the complaint shall not be treated as confidential information if the Lobbyist Registrar finds that a breach has occurred.
16. All reports from the Lobbyist Registrar to Council will be made available to the public on barrie.ca.