

Regulating Municipal Lobbying Activities

Background

- Strategic Plan item – Create a lobbyist registry
- Deferred to 2021
- Purpose of report to discuss options for promoting accountability and transparency using registry and other tools

Lobbying

- Communication with public office holder to influence decision-making
- Lobbying definitions will consider the following elements:
 - By paid and/or un-paid communication
 - With elected and/or unelected public office holders
 - In relation to all matters or prescribed matters (e.g. land use)
- Definitions often exclude communication by individuals and other public office holders

Lobbyist Registries

- Lobbying can be legitimate
- Discloses communication with public office holders
- Online, free to access and use, searchable, and updated regularly.
- May include information about
 - Lobbyist name and organization
 - Position and/or title
 - Subject matter of lobbying
 - Individual lobbied
 - Date of lobbying

Enforcing Lobbyist Rules

- Municipal lobbyist registries are often described as mandatory or voluntary
- Both methods can achieve compliance with an enforcement tool
- Mandatory
 - penalties for lobbyists who do not disclose
 - public office holders may be required disclose or to request for lobbyists to disclose
- Voluntary
 - no penalties for lobbyists who do not disclose
 - public office holders relied on to disclose or to request for lobbyists to disclose

Municipal Registries in Canada

- Provinces determine if municipalities may require lobbyists to register and impose penalties.
- Ontario allows mandatory lobbyist registries.
- Few municipalities in Ontario have any lobbyist registry.
- Municipal lobbyist registries in Edmonton, Surrey, Winnipeg.
- Calgary Code of Conduct requires councilors to disclose visitors to councilor's offices.

Calls for Change in BC

- BC does not provide authority to municipalities to require lobbyists to register
- 2017 - Municipalities through UBCM adopt Resolution B99 to be able to create a municipal registry with penalties.
- 2018 - Province responds that it is willing to discuss the matter further.
- 2019 - UBCM Resolution B74
- 2020 - Province responds that it is willing to work with municipalities to identify issues and develop options.

Surrey Lobbyist Registry

- Lobbyist Registration Policy (2008)
 - Sets lobbyist rules for paid lobbyists and lobbyists with business or financial interests for communication with a councilor about prescribed matters.
- Council Code of Conduct Bylaw (2020)
 - requires councilors to report any violations or attempts to violate lobbyist rules
 - identifies some appropriate measures for Council
- Ethics Commissioner oversees conduct of councilors and support other functions.

Issues and Analysis – Designing a Registry

- Voluntary lobbyist registry is possible
- With appropriate enforcement tools, a voluntary lobbyist registry could be effective
- Developing a voluntary registry model requires scoping.
 - Who is a lobbyist?
 - Who is being lobbied?
 - What is the subject of lobbying?
 - What form of registry?
 - How to promote disclosure of lobbying activities?
 - How does the public access this information?

Issues and Analysis – Promoting Accountability

- Registry should be considered as one part of a governance system
- Consider additional tools within an accountability framework including:
 - Lobbyist registry
 - Gift registry
 - Code of Conduct
 - Ethics/Integrity Commissioner

Recommendation

1 – That Council refer considerations for creating a lobbyist registry to the Governance Review to evaluate additional methods to strengthen accountability and transparency in local governance.