

**Lobbyist Registry –
A Guide for Public Office Holders**

— *City of* —
PICKERING

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What is Lobbying?

"Lobby" 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 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 staff member acting under delegated authority.

Under By-law Number 8003/23, "communication" means any substantive form of communication including a formal meeting, email, letter, phone call or meaningful dialogue or exchange, that materially advances a matter that is defined as Lobbying, whether in a formal or an informal setting.

Who is a Lobbyist?

The City of Pickering's Lobbyist Registry By-law identifies three types of Lobbyists:

Consultant Lobbyist - an individual who lobbies for payment on behalf of a client (another individual, a business, partnership, organization or other entity).

In-house Lobbyist - 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.

Voluntary Lobbyist - an individual who lobbies without payment on behalf of an individual, business or any other entity for the benefit of the interests of the individual, business or entity.

Who is a Public Office Holder?

A Public Office Holder is:

- A Member of Council;
- An officer or employee of the City in a management position or with decision making powers or who has direct contact with Council, a committee and/or local board;
- A member of a local board or committee established by Council;
- Employees who work on municipal elections in a supervisory role;
- An Accountability Officer, including but not limited to the Integrity Commissioner, the Lobbyist Registrar, Ombudsman, and Closed Meeting Investigator;
- Individuals providing professional services to the City during the course of providing such services.

What are my responsibilities as a Public Office Holder?

1. Responding, in a timely and complete manner, to a request from the Lobbyist Registrar, to gather and provide information when they are enforcing the Lobbyist Registry By-law.
2. Ending, as soon as practicable, Lobbying by a Lobbyist who is prohibited from Lobbying and reporting, in a timely manner, such Lobbying to the Lobbyist Registrar.

What should I do when being Lobbied?

Public officer holders who are being lobbied, should proactively check the Lobbyist Registry to see whether an individual who is lobbying them has registered and if not, the public office holder should inform the lobbyist of their responsibilities to do so and direct them to the Clerk's Office should they require any further information regarding the process.

Who is NOT a Lobbyist?

The following persons shall not be considered Lobbyists when acting in their public capacity:

- a) Government or public sector, other than the City:
 - (i) 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;
 - (ii) 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;
 - (iii) 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;
 - (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 the City, persons on staff of the members, or officers or employees of the municipality or local board;
 - (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.
- b) Officials and employees of the City and other municipal bodies:

- (i) Public Office Holders;
- (ii) Members or employees of a local board of the City;
- (iii) Appointed members of a committee established by Council.

c) Other public sector:

- (i) Persons communicating on behalf of local school boards;
- (ii) Persons communicating on behalf of healthcare institutions.

What is considered NOT Lobbying?

- a) communication that occurs during a meeting of Council or 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) communication that is restricted to a request for information;
- d) communication that is restricted to compliments or complaints about a service or program;
- e) communication with a Public Office Holder by an individual on behalf of an individual, business or other entity 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 other entity;
 - (ii) the implementation or administration of any policy, program, directive or guideline by the Public Office Holder and with respect to the individual, business or other entity;
 - (iii) a personal matter of the individual, business or other entity 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 other entity;
- f) 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;
 - (i) 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;

- (ii) with an employee of the City if the communication is part of the normal course of the approval process;
 - (iii) with an employee of the City if the communication is with respect to planning or development applications and the officer or employee has a role in the processing of a planning or development application during the formal pre-application consultation, the filing of the application and the application review process, including the preparation of development agreements;
- g) 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;
 - h) communication with a Public Office Holder by an individual on behalf of an individual, business or other entity in direct response to a written request from the Public Office Holder;
 - i) communication to a Public Office Holder by a constituent, or an individual on behalf of a constituent on a general neighbourhood or public policy issue;
 - j) communication directly related to those City-initiated consultative meetings and processes where an individual is participating as a stakeholder;
 - k) communication for or against a policy or program that states 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 a business or financial interest of the individual, business or other entity on whose behalf the communication is undertaken.

In accordance with Section 4.2 of By-law Number 8003/23, the Lobbyist Registrar may exempt Lobbying from some or all the requirements of the Lobbyist Registry By-law if they are satisfied in advance by a Lobbyist that Registration could reasonably be expected to prejudice the economic interests of the City of Pickering or the competitive position of the City of Pickering.

Who is the Lobbyist Registrar for the City of Pickering?

In accordance with the Lobbyist Registry By-law and Section 223.11 of the Municipal Act, 2001, the City of Pickering's Integrity Commissioner is the Lobbyist Registrar and will enforce the penalties under the By-law.

What are the Penalties for not disclosing Lobbying Activity?

The Registrar may impose a temporary ban on communication in accordance with the following scheme if the Registrar finds that the requirements of the By-law and Lobbyist Code of Conduct have not been met:

- a) for 30 days for a first contravention;
- b) for 60 days for a second contravention;
- c) for a period of time longer than 60 days as determined by the Lobbyist Registrar for a third or subsequent contravention.

Note: The above penalties come into effect on November 1, 2023.

Where should I direct Lobbyists to find out more Information?

For more information, visit www.pickering.ca/lobbyistregistry or email the Clerk's Office at clerks@pickering.ca.