

# **The Corporation of the City of Guelph**

## **By-law Number (2024) - 20939**

Being a by-law to establish and maintain a Lobbyist Registry for The Corporation of the City of Guelph.

Whereas Section 223.9 of the Municipal Act, 2001 authorizes the municipality to establish and maintain a registry in which shall be kept such returns as may be required by the municipality that are filed by persons who Lobby Public Office Holders;

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

And whereas Sections 8, 9, and 10 of the Act authorize the passing by-laws necessary or desirable for municipal purposes, and in particular paragraph 2 of subsection 10(2) authorizes by-laws respecting the accountability and transparency of the municipality and its operations;

And whereas Council desires to establish and maintain a Lobbyist Registry and appoint a Lobbyist Registrar to provide transparency about persons who Lobby Public Office Holders.

Now therefore the City of Guelph enacts as follows:

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## 1. Definitions

**"Advisory Committee"** means a committee created by Council, to report to the Committee of the Whole on a specific subject and is comprised entirely of members of the public.

**"Committee of Council"** means Committee of the Whole, or another committee, sub-committee or similar entity, appointed by City Council and is comprised entirely of members of City Council.

**"City"** means The Corporation of the City of Guelph.

**"Clerk"** means the City Clerk, or their designate.

**"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.

**"Council"** means the Council of The Corporation of the City of Guelph.

**"Financial Interest"** means a stake in a policy outcome that can reasonably be determined to have monetary impact, whether a dollar value can be easily determined or not.

**"Local Board"** means a local board of the City of Guelph as defined in the Municipal Act.

**"Lobby"** or **"Lobbies"** or **"Lobbying"** means any communication with a Public Office Holder by an individual who is paid or represents a financial interest with the goal of influencing any legislative action including development, introduction, approval, defeat, amendment or repeal of a by-law, motion, resolution or other decision before City Council, a committee of City Council, an Advisory Committee or a member of staff acting under delegated or statutory authority.

**"Lobbyist"** means an individual who lobbies as defined in this by-law.

**"Lobbyist Registrar"** means the individual appointed by Council in accordance with Section 223.11 of the Municipal Act, 2001.

**"Lobbyist Registry"** means a system of registration in which shall be kept the Registrations and Returns of persons who lobby Public Office Holders, and which shall include such information as determined by the City Clerk in consultation with the Lobbyist Registrar.

**"Public Office Holder"** means:

- a. A member of Council.
- b. A member of the City's Executive Team and/or Leadership Team.
- c. A member of a Committee of Council or Advisory Committee.
- d. An officer or employee of the City acting under delegated or statutory authority.

**"Registration"** means an initial registration of a Lobbyist within the Lobbyist Registry.

**"Return"** means a unique filing of a specific instance of lobbying by a lobbyist who has already registered including information of the lobbyist, who was being lobbied, when the lobbying occurred and a brief description of the topic being discussed.

## **2. Establishment of a Lobbyist Registry**

- 2.1 The Lobbyist Registry is established pursuant to Section 223.9 of Part V.1 of the Municipal Act, 2001.
- 2.2 The Lobbyist Registry shall be available for public inspection on the City's website.

## **3. Exemptions**

The following shall not be considered a Lobbyist when acting in their public capacity:

- 3.1 Any individual, when acting in their capacity as:
  - a. Officials and/or employees of the City of Guelph.
  - b. Members of Local Boards.
  - c. Members of Advisory Committees.
  - d. Government or other public sector employees.
  - e. Individuals acting in their public capacity in the public sector (such as those from first nations, school boards, healthcare institutes, etc.).

The following activities are exempt from the definition of Lobbying:

- 3.2 Specific activities:
  - a. Communication that is a matter of the public record.
  - b. Communication that occurs during a meeting of Council or a Committee of Council.
  - c. 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 any application.
  - d. Communication related to a request for information.
  - e. Communication related to compliments or complaints about a service or program.
  - f. Communication with a Public Office Holder by an individual regarding:
    - i. The enforcement, interpretation or application of any Act or by-law.
    - ii. The implementation or administration of any policy, program, directive or guideline.
  - g. Communication by an applicant, an interested party or their representatives with respect to an application for a service, grant, planning approval, bid proposal as part of the procurement process, permit or other license or permission if the communication is part of the normal course of the approval process.
  - h. Communications directly related to City initiated consultative or engagement meetings and processes where an individual is participating as a stakeholder.
  - i. Communication with a Public Office Holder by an individual in direct response to a written request from the Public Office Holder.
  - j. 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.

#### **4. Lobbyist Registrar**

- 4.1 The City of Guelph may appoint a Lobbyist Registrar in accordance with section 223 of the Municipal Act, 2001.
- 4.2 The Lobbyist Registrar is independent of City staff.
- 4.3 The Lobbyist Registrar has the authority to conduct inquiries in respect of a request made by Council, a Member of Council or by a member of the public about compliance with the Lobbyist Registry By-law or the Lobbyist Code of Conduct, as set out under section 223.12 of the Municipal Act, 2001.
- 4.4 The Lobbyist Registrar's responsibilities include:
  - a. Providing advice, opinions and interpretation pertaining to the administration, application and enforcement of this By-law to Public Office Holders, Lobbyists and residents in response to written inquiries.
  - b. Conducting, confidentially, inquiries to determine whether contraventions of this by-law have occurred, which may include requesting that a Public Office Holder gather information concerning the Lobbying of themselves and provide that information to the Lobbyist Registrar.
  - c. Removing a Registration or Return.
  - d. Enforcing this By-law.
  - e. Advising City Council on Lobbying matters and recommending improvements to this By-law.
  - f. Providing an annual report to Council and any other reports as the Lobbyist Registrar considers appropriate.
  - g. Performing other duties as may be assigned by Council.

#### **5. Complaints**

- 5.1 Council, a member of Council, or a member of the public may file a complaint to the Lobbyist Registrar regarding non-compliance with this By-law.

#### **6. Investigations**

- 6.1 The Lobbyist Registrar has the authority to conduct investigations with respect to a complaint from Council, a member of Council or the public about compliance with the Lobbyist Registry By-law or the Lobbyist Code of Conduct, as set out under section 223.12 of the Municipal Act, 2001.
- 6.2 Upon receiving a complaint, the Lobbyist Registrar may pursue an investigation in accordance with Section 223.12 (1) of the Municipal Act, 2001.
- 6.3 If the Lobbyist Registrar is of the opinion that a complaint is frivolous, vexatious, not made in good faith, that there are insufficient grounds, or that complaint is covered by other legislation or complaint procedures, the Lobbyist Registrar shall dismiss the request and not conduct an investigation.
- 6.4 Following the completion of an investigation, if the Lobbyist Registrar determines that a contravention of this By-law did occur, the Lobbyist Registrar may impose the Penalties as outlined in Section 7 of this By-law.
- 6.5 Following the completion of an investigation, the Lobbyist Registrar's final report shall be made public by posting on the City's website.

- 6.6 In accordance with section 223.12(7) of the Municipal Act, 2001, if the Lobbyist Registrar determines, when investigating a complaint, 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 Lobbyist 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 Council.

## **7. Penalties**

- 7.1 Following the completion of an investigation as outlined in Section 5, if the Lobbyist Registrar determines that a contravention of this by-law occurred, they may impose penalties in accordance with the following:
- a. First Offence: up to 30-day prohibition from lobbying activities, at the discretion of the Lobbyist Registrar.
  - b. Second Offence: up to 60-day prohibition from lobbying activities, at the discretion of the Lobbyist Registrar.
  - c. Third Offence: 90 days or more prohibition from lobbying activities up to and including a permanent ban on lobbying, at the discretion of the Lobbyist Registrar.

In addition to the penalties listed above, the Lobbyist Registrar may also require information and education training sessions, either performed by the Registrar or City Clerk's Office, with completion to the satisfaction of the trainer.

- 7.2 When the Lobbyist Registrar prohibits an individual from Lobbying, the Lobbyist Registrar:
- a. Shall notify the individual and all Public Office Holders of the prohibition, the length of the prohibition and the reason for the prohibition.
  - b. In coordination with the City Clerk, shall post the prohibition and the reason for the prohibition on the City's website.
- 7.3 The Lobbyist Registrar may, in consultation with the City Clerk, remove a Registration or Return from the Lobbyist Registry if the Lobbyist Registrar finds that the individual who filed the Registration or Return has contravened this By-law.
- 7.4 When a registration is removed from the Lobbyist Registry, the individual who filed it shall be deemed, for the purposes of their existing and future obligations under this by-law, not to have filed the registration.

## **8. Registration and Returns**

- 8.1 A person with an intent to Lobby shall register as a Lobbyist prior to, or up to ten (10) days following, their first instances of Lobbying. A Registration is only required to be completed once.
- 8.2 A person who Lobbies shall file a Return prior to, or up until ten (10) days following, an instance of Lobbying. A Return must be completed for each instance of Lobbying.
- 8.3 Prior to a person's first instance of Lobbying, an individual may submit their Registration and, immediately following, file a return noting the instance of Lobbying.

8.4 A Lobbyist shall update any changes to their Registration or instance(s) of Return within ten (10) business days of the change taking place by notifying the City Clerk of the changes required.

## **9. Responsibilities of a Lobbyist**

9.1 A Lobbyist shall comply with the requirements of the Lobbyist Registry By-law.

9.2 A Lobbyist shall adhere to the Lobbyist Registry Code of Conduct during all lobbying activities.

## **10. Responsibilities of Public Office Holders**

10.1 Respond and provide information to Lobbyists and potential Lobbyists as is reasonable.

10.2 Cease communication which qualifies as Lobbying with a Lobbyist who is prohibited from Lobbying.

10.3 Support, in a timely manner, requests and inquiries from the Lobbyist Registrar.

## **11. Confidentiality and Public Disclosure**

11.1 The Lobbyist Registrar, and every person acting under their jurisdiction, shall preserve and maintain confidentiality where this does not interfere with the course of any investigation. This includes the confidentiality of the complainant.

11.2 When the Lobbyist Registrar reports the results of an investigation, the identity of the person who is the subject of the investigation shall not be treated as confidential information if the Lobbyist Registrar concludes that a contravention of this By-law has occurred.

## **12. General Rules**

12.1 This by-law comes into force on October 1, 2024 with the exception of Section 7 Penalties, which shall come into force on January 1, 2025.

**Passed this Twenty Third day of July, 2024.**

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**Cam Guthrie, Mayor**

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**Dylan McMahon, Acting City Clerk**