

Office of the Lobbyist Registrar Annual Report

The City of Guelph
**Lobbyist
Registry**
guelph.ca/lobbying

Overview

In fulfilment of my role of the City's appointed Lobbyist Registrar pursuant to the rules of Part V.1 of the Municipal Act, I respectfully submit the Annual Report for this Office for the City of Guelph's Council consideration and receipt.

Subsection 223.11(1) of the Municipal Act states that “[the Municipal Act provisions] authorize the municipality to appoint a registrar who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the registry...”. In accordance with the Agreement with the City, the Lobbyist Registrar shall provide an annual report to Council respecting any significant matters or recommendations in respect of the Lobbyist Registrar's duties carried out in the previous reporting period. This Report covers the reporting period from my appointment in August 2024 to December 31, 2024.

The City of Guelph enacted By-law Number (2024) – 20939 (the “By-law”) to establish and maintain a Lobbyist Registry, as authorized by the Municipal Act, 2001. The intent of the By-law is to enhance transparency and accountability by requiring individuals who lobby Public Office Holders to register and file returns detailing their lobbying activities. The By-law came into force on October 1, 2024, with penalties for non-compliance effective as of January 1, 2025. The Lobbyist Registrar is independent appointed Officer with 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.

The Lobbyist Registrar's responsibilities include:

- a. Providing advice, opinions and interpretation pertaining to the administration,
- b. Conducting, confidentially, inquiries to determine whether contraventions of the 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. Advising City Council on Lobbying matters and recommending improvements to this By-law.

Key Facts

Generally, municipal lobbying by-laws create three categories of lobbyists.

- Consultant lobbyist - an individual who lobbies for payment on behalf of a client, which can be another individual, company, partnership 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 unpaid lobbyist - an individual who lobbies without payment on behalf of an individual, business, or other organization for the benefit of the interests of the individual, business or other entity.

Under the By-law, a lobbyist is required to register a return whenever he or she communicates with a Public Office Holder. A Public Office Holders includes:

- Members of Council and their staff
- Officers and employees of the municipality in certain management positions or with direct contact with Council.
- Members of local board or committees
- Employees who work on municipal elections in a supervising role.
- An accountability officer of the municipality
- Individuals providing professional services to the municipality

Most normal communication is not considered lobbying, including:

- Everyday communication with the municipality as a resident
- Businesses with a financial interest if the communication is part of the municipality's procurement, planning or other established or statutory process
- Communication by representatives of other public institutions, such as hospitals, schools, First Nations or other governments.

The Office of the Lobbyist Registrar

The Office of the Lobbyist Registrar oversees a system of registration in which registrations are kept (returns) of persons who lobby public office holders and which include such information as determined by the Lobbyist Registrar. The Lobbyist Registry is a tool that provides accountability and transparency to lobbying activities by giving the public access to information about who is communicating with public office holders.

Lobbying is any communication conducted by interested parties to elected officials or senior executives. This activity is in many respects a positive contributor to debate and is an important part of the governing process. The lobbying of Members of Council and staff on municipal issues can enhance the deliberative process by providing the perspective of stakeholders that might otherwise be lost. Greater transparency of who is communicating which Member of Council or senior staff, will enhance the public's perception that decisions are being made in an accountable way.

Businesses with a financial interest may not be considered to be lobbying if the communication is part of the City's procurement process or planning process, by invitation or general charitable endeavours where the purpose of the communication is

a furtherance of the operation of that organization.

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,

Following the completion of an investigation, if the Lobbyist Registrar determines that a contravention of the By-law did occur, the Lobbyist Registrar may impose the Penalties as outlined in Section 7 of the By-law, which include:

- First Offence: Up to 30-day prohibition from lobbying.
- Second Offence: Up to 60-day prohibition from lobbying.
- Third Offence: 90-day prohibition from lobbying up to a permanent ban.
- Additional Measures: May include mandatory education/training sessions.

Lobbyist Registry Complaints

	Oct – Dec 31, 2024
Formal complaints	0
Informal complaints	0
Total Complaints	0

Education and Outreach

In collaboration with the Office of the City Clerk, in September 2024, this Office participated in 2 Public Information Sessions and 2 Council Information Sessions at which the City Clerk's Office and this Office provided general information on the Lobbyist Registry By-law and responded to questions.

Examples of Questions to the Lobbyist Registrar

Q. A Member of Council wrote to ask to have a better understanding of whether a named company should be registered with the Lobbyist Registry? The Member sought to determine whether there was influence on City policy.

A. If the external organization has been invited to provide input to the City or if they are asking about City policies generally, their communication with a Member of Council would not qualify as lobbying. However, if the external organization was seeking to have a new policy implemented or a current policy changed and if that policy was directly related to a financial benefit or the organization's private interest, then these actions would be considered lobbying under the By-law.

Q.

1. Does Guelph's Lobbying By-law apply to union reps/executives communicating with Members of Council to advocate against specific cuts impacting their members?

2. Would union executive members (City employees) ever be considered lobbyists in that situation?
3. Would national/provincial union reps (not City employees) ever be considered lobbyists in that situation?

A. The Lobbyist By-law does not apply to communicating with Members of Council (and public office holders) by union reps/executives, (including employees who make up the union executive) that represent employees of the City of Guelph, when they are acting in their public official capacity.

Generally, while the role of a union rep/executive may include advocating against budget cuts impacting their members, discussions about potential budget proposed reductions of staffing, *outside of collective agreement or contract negotiations*, is not within the ambit of their official capacity, for the By-law. These communication are permitted with Members of Council and other public officer holders, but would have to be by way of a registered lobbyists and with a filed a return for each instance.

With respect to union reps/executives that do not represent employees of the City, generally, communications with public office holders by these union reps during contract negotiations for their members that may be mirrored by their City of Guelph counterparts, may not require the reps/organization to register before communicating. However, generally, if the reps/executives do not represent City of Guelph employees, their communications with Guelph Members of Council and other public office holders will be considered lobbying and will require registration.

Respectfully submitted

February 11, 2025

Suzanne Craig
Lobbyist Registrar