

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 1, 2019

Item 8, Report No. 14, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 1, 2019.

8. REGULATION OF NOT-FOR-PROFIT LOBBYING ACTIVITIES UNDER THE CITY OF VAUGHAN LOBBYING BY-LAW

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Integrity Commissioner dated April 2, 2019:

Recommendations

1. That Council approve the amended By-Law substantially in the form of Attachment #1.
2. That Council approve the definition of Not-For-Profit as:
A group or organization organized and operated exclusively for social welfare, civic improvement, or for any other purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof.
3. That Council approve the addition in Attachment #1 of the provisions that:
 - a) The lobbying activities undertaken by the not-for-profit must be ancillary or incidental to the purpose or operation of the not-for-profit for the organization to be exempted from the lobbyist registration rules; and
 - b) Any lobbying activities on behalf of the not-for-profit must be performed by a voluntary unpaid lobbyist for the organization to be exempted from the lobbyist registration rules.

Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD(S): ALL

TITLE: REGULATION OF NOT-FOR-PROFIT LOBBYING ACTIVITIES UNDER THE CITY OF VAUGHAN LOBBYING BY-LAW

FROM:

Suzanne Craig, Integrity Commissioner and Lobbyist Registrar

ACTION: DECISION

Purpose

The purpose of this Report is to respond to the need for clarification observed by the Lobbyist Registrar regarding the application of the mandatory Lobbyist Registry rules. The Lobbyist Registrar recommends that Vaughan City Council adopt the changes to the Lobbying By-Law (No.165-2017) set out in Attachment #1 which defines what constitutes a not-for-profit group or organization under the By-Law and clarifies when not-for-profit groups or organizations will be required to register in the Lobbyist Registry.

Report Highlights

- A healthy democracy requires open and fully transparent communication between the government and the public
- A well-functioning government also needs strong and fair relationships which are facilitated by clearly defined roles, responsibilities and definitions
- Not-For-Profits are a vital part of the community and should not be burdened by excessive administrative requirements to register
- However, where the activities of a not-for-profit operate to benefit private or for-profit interests and are not **ancillary or incidental** to the purpose or operation of the not-for-profit, the group or organization will be subject to the lobbyist registration rules

Recommendation

1. That Council approve the amended By-Law substantially in the form of Attachment #1.

2. That Council approve the definition of Not-For-Profit as:
A group or organization organized and operated exclusively for social welfare, civic improvement, or for any other purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof.
3. That Council approve the addition in Attachment #1 of the provisions that:
 - a) The lobbying activities undertaken by the not-for-profit must be ancillary or incidental to the purpose or operation of the not-for-profit for the organization to be exempted from the lobbyist registration rules; and
 - b) Any lobbying activities on behalf of the not-for-profit must be performed by a voluntary unpaid lobbyist for the organization to be exempted from the lobbyist registration rules.

Background

Lobbying conducted by interested parties 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 that process, however, will enhance the public's perception that decisions are being made in an accountable way.

A strong accountability and transparency framework contributes to effective governance by ensuring that the City is accountable to the public for its actions, and by clearly defining the manner in which its governance practices will be made transparent to the public.

Statutory Authority to Establish Lobbyist Registry

The *Municipal Act, 2001* (the "Act") authorizes municipalities to establish lobbyist registries and appoint lobbyist registrars. The City of Toronto is obliged to establish a registry, but it is optional for other municipalities.

In particular, Section 223.9(1) of the Act allows for a 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."

Establishment of Mandatory Lobbyist Registry at the City of Vaughan

At the Council meeting of June 7th, 2016, Council approved the recommendation of the City Clerk [Item 9, Report No. 26, Committee of the Whole (Working Session)] to enact a by-law to establish a voluntary Lobbyist Registry for the City of Vaughan. By-Law 105-2016 was passed on June 28th, 2016 and came into effect on January 1st, 2017. In approving this recommendation, Council also directed that specific mechanisms for the establishment of a mandatory lobbyist registry be developed for implementation in 2018.

After general positive feedback from the lobbyists who have used the system and business stakeholders in the community, on December 11, 2017, City of Vaughan Council passed By-Law 165-2017 to establish a mandatory lobbyist registry. The mandatory regime came into effect on January 1, 2018.

What led up to the Lobbyist Registrar recommending changes to the Lobbying By-Law at this time?

In the first year that the mandatory lobbyist registry was in force (2018) the Office of the Lobbyist Registrar fielded many questions from the business community and City of Vaughan staff with respect to what communications were captured by the Lobbying By-Law and who was required to register their communications.

It became evident that there was a need for this Office to clarify who had to register as a lobbyist under the Lobbying By-Law. With a view to obtaining an understanding of how the new mandatory regime was being implemented “on the ground”, and how best to ensure the spirit and letter of the By-Law, this Office met with several City senior staff to receive suggestions on what content was needed to provide greater clarity. The meetings involved a full and frank discussion of the problems the community sector was experiencing in understanding the registration requirements under the mandatory regime.

Early in the Fall of 2018, this Office developed an Information Bulletin the purpose of which was:

- (i) to provide the Registrar’s interpretation of what constitutes a not-for-profit group or organization under the Lobbying By-Law (No. 165-2017), and,
- (ii) identify when not-for-profit groups or organizations may have to register in the Lobbyist Registry.

Previous Reports/Authority

[Voluntary Lobbyist Registry By-Law 105-2016](#)

[Implementation of the Mandatory Lobbyist Registry](#)

Analysis and Options

“Lobbyist” under the Lobbyist By-Law – Current definitions

Currently, section 1 (e) of the Lobbying By-Law states that “lobbyist: means

- **Consultant Lobbyist** - an individual who lobbies for payment on behalf of a client (another individual, company, partnership or organization). If the consultant lobbyist arranges for a meeting between a public office holder and a third party, that is lobbying.
- **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. If the in-house lobbyist arranges for a meeting between a public office holder and a third party, that is lobbying.
- **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 organization. If the voluntary unpaid lobbyist arranges a meeting between a public office holder and a third party, that is lobbying.

The distinction between the different types of lobbyists is important when determining what lobbying activities may be exempt from the reporting requirements of the registry. However, it has become evident in the year during which the mandatory regime has been in force, that there is a need to clarify what constitutes a not-for-profit for the purposes of apply the rules of the Lobbying By-Law.

What changes are being recommended by the Lobbyist Registrar?

Section 4 of the Lobbying By-Law identifies various activities to which the provisions do not apply. Section 4(xii) confirms the By-Law does not apply where “communication is by a voluntary unpaid lobbyist on behalf of a not-for-profit group or organization”. During 2018, many individuals in the community and staff at the City have queried the Office of the Lobbyist Registrar to obtain clarification on what constitutes a not-for-profit that is exempted from the rules of the Lobbying By-law.

In order to provide clarity to the public and City staff, the Lobbyist Registrar is recommending that a change be made to the Lobbying By-Law that:

- a) Includes a definition of a Not-For-Profit, and
- b) Sets out that in order for the Not-For-Profit exemption to apply, all of the following three conditions must be met:
 - A. The group or organization must be a **not-for-profit** group or organization as defined by the By-Law;
 - B. The lobbying activities undertaken by the not-for-profit must be **ancillary or incidental** to the purpose or operation of the not-for-profit; and
 - C. Any lobbying activities on behalf of the not-for-profit must be performed by a **voluntary unpaid lobbyist**.

The Lobbyist Registrar is recommending a change to the Lobbying By-Law so that if any of the above conditions are not met, the not-for-profit exemption would not apply.

With the recommended change to the Lobbying By-Law, when will the Not-For-Profit exemption apply?

A. The group or organization must be a not-for-profit group or organization

The term **not-for-profit** will be defined to mean the following:

A group or organization organized and operated exclusively for social welfare, civic improvement, or for any other purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof.

Not-for-profit groups or organizations include, without limitation, ratepayers' associations, charities, and public interest groups, so long as the above definition is met. If a group or

organization operates to benefit private or for-profit interests, the group or organization does not qualify as a not-for-profit for the purposes of the By-Law, and the not-for-profit exemption does not apply.

B. The lobbying activities undertaken by the not-for-profit must be ancillary or incidental to the purpose or operation of the not-for-profit

For lobbying to be **ancillary or incidental** to the purpose or operation of the not-for-profit, the lobbying must provide necessary support for the primary purpose or operation of the organization or group. Lobbying that is outside the scope of the primary purpose or operation of the not-for-profit is not ancillary or incidental, and the not-for-profit exemption does not apply.

Similarly, where the purpose of lobbying is to benefit private or for-profit interests, this lobbying does not qualify as ancillary or incidental to a not-for-profit, even if performed by an organization or group that otherwise meets the definition of not-for-profit.

C. Any lobbying activities on behalf of the not-for-profit must be performed by a voluntary unpaid lobbyist

The Lobbying By-Law includes three types of lobbyists:

- (1) A Consultant Lobbyist - an individual who lobbies for payment on behalf of a client;
- (2) An 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; and
- (3) A 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 organization.

Of the three types of lobbyists, only voluntary unpaid lobbyists may qualify for the not-for-profit exemption. Where an individual receives any payment for their lobbying work (e.g., the individual is an employee that receives a salary from the not-for-profit, or the individual receives compensation for their work by the not-for-profit), the not-for-profit exemption does not apply.

Financial Impact

The recommended revision to the mandatory lobbyist registry Lobbying By-Law will not require any additional resources.

Broader Regional Impacts/Considerations

NA

Conclusion

The Lobbyist Registrar will continue to provide outreach and education to groups and City staff with a view to a broad understanding of the intent and functioning of the mandatory regime. Upon approval of Attachment #1, the Lobbyist Registrar will develop an Interpretation Bulletin to be made available to the public.

Attachments

1. Amended Lobbying By-Law

Prepared by

Suzanne Craig
Integrity Commissioner and Lobbyist Registrar
Extension 8301

ATTACHMENT 1 -
Amended Lobbying By-law

THE CITY OF VAUGHAN
BY-LAW

BY-LAW NUMBER 165-2017

A By-law to permit the establishment of a Lobbyist Registry.

WHEREAS Council desires to establish and maintain a Lobbyist Registry and appoint a Lobbyist Registrar to provide transparency about persons who lobby the City of Vaughan's public office holders;

AND WHEREAS section 223.9 of the *Municipal Act, 2001* authorizes the City of Vaughan to establish and maintain a Lobbyist Registry in which shall be kept registrations and returns filed by persons who lobby the City of Vaughan's public office holders;

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

AND WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001* authorize the City of Vaughan to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 2 of subsection 11(2) authorizes by-laws respecting the accountability and transparency of the municipality and its operations;

NOW THEREFORE the Council of the City of Vaughan enacts as follows:

ATTACHMENT 1 - Amended Lobbying By-law

1) Definitions

- a) "City" – means the corporation of the City of Vaughan
- b) "Code of Conduct" - means the Lobbyist Code of Conduct, attached as Schedule "A" to the Lobbyist Registry By-law.
- c) "communication" - means any form of expressive contact including, but not limited to, a meeting, email, or other electronic messaging, facsimile transmission, 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.
- d) "lobby" or "lobbies" or "lobbying" - means any communication with a public office holder by an individual who represents a business or financial interest with the goal of trying to influence any legislative action, including, but not exclusively, development, introduction, passage, defeat, amendment or repeal of a bylaw, motion, resolution or the outcome of a decision on any matter before Council or a Committee of Council, or staff member acting under delegated authority.
- e) "lobbyist" – means:
 - (1) **Consultant Lobbyist** - an individual who lobbies for payment on behalf of a client (another individual, company, partnership or organization). If the consultant lobbyist arranges for a meeting between a public office holder and a third party, that is lobbying.
 - (2) **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. If the in-house lobbyist arranges for a meeting between a public office holder and a third party, that is lobbying.
 - (3) **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 organization. If the voluntary unpaid lobbyist arranges a meeting between a public office holder and a third party, that is lobbying.
- f) "Lobbyist Registrar" – means the person appointed as Lobbyist Registrar under section 223. 11 of the *Municipal Act, 2001*.

ATTACHMENT 1 -
Amended Lobbying By-law

g) "Lobbyist Registry" – means a system of registration in which shall be kept registrations (returns) of persons who lobby public office holders and which shall include such information as determined by the Lobbyist Registrar.

h) "local board" – means has the same meaning as the definition of a local board in section 223. 1 of the *Municipal Act, 2001*.

~~h)i)~~ "not-for-profit" – means a group of organization organized and operated exclusively for social welfare, civic improvement, or for any other purpose except profit, no part of the income of which was payable to, or is otherwise available for the personal benefit of, any proprietor, member or shareholder thereof.

~~h)i)~~ "public office holder" – means

- (1) A member of Council and any person on his or her staff
- (2) An employee of the City who is a member of the City's Corporate Management Team
- (3) Employees in management positions that can influence programs and services
- (4) Employees who are not in management positions but have direct contact with members of Council and whose work includes providing advice to Council
 - (a) including advice on legal, financial, personnel, policy advice
 - (b) including employees who provide planning, building, licensing, inspection and purchasing services
- (5) Employees who have direct contact with Council in the operation of Council and Committees
- (6) Employees who work on municipal elections in a supervising role
- (7) 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

ATTACHMENT 1 -
Amended Lobbying By-law

2) Establishment of a Lobbyist Registry

- a) The Lobbyist Registry is established pursuant to Section 223.9 of Part V.1 of the *Municipal Act, 2001*.
- b) The Lobbyist Registry shall be available for public inspection through electronic, web-based access at all reasonable times.

3) Exemptions for Specific Persons

- a) This by-law does not apply to the following persons when acting in their public capacity:
 - i) government or public sector, other than the City of Vaughan,
 - (a) Members of the Senate or House of Commons of Canada, legislative assembly of a province, the council or legislative assembly of a territory, or persons on the staff of those members;
 - (b) 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;
 - (c) 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;
 - (d) 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, and
 - (e) 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.
 - ii) Officials and employees of the City and other municipal bodies, including
 - (a) Public office holders;
 - (b) officers, directors or employees of a local board of the City and acting in their public capacity;

ATTACHMENT 1 - Amended Lobbying By-law

- (c) a member of an Advisory Committee, acting in their public capacity and appointed by City Council
- iii) Persons communicating on behalf of the local school boards
- iv) Persons communicating on behalf of healthcare institutions

4) Exemptions for Specific Activities

- a) This by-law does not apply to the following activities:
 - i) communication that is a matter of the public record
 - ii) communication that occurs during a meeting of Council or a Committee of Council;
 - iii) 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;
 - iv) communication restricted to a request for information;
 - v) communication restricted to compliments or complaints about a service or program;
 - vi) communication with a public office holder by an individual on behalf of an individual, business or organization regarding:
 - (a) 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;
 - (b) the implementation or administration of any policy, program, directive or guideline by the public office holder and with respect to the individual, business, organization A personal matter;
 - (c) 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, and is for the special benefit of the individual, business or organization;
 - vii) 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

ATTACHMENT 1 - Amended Lobbying By-law

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,
- (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;
- viii) 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;
- ix) communication with a public office holder by an individual on behalf of an individual, business or organization in direct response to a written request from the public office holder;
- x) 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;
- xi) communications directly related to those City-initiated consultative meetings and processes where an individual is participating as a stakeholder;
- xii) communication is by a voluntary unpaid lobbyist on behalf of a not-for-profit group or organization. However, in order for the not-for-profit exemption to apply, the following conditions must be met:
 - (1) The group or organization must be a not-for-profit group or organization;
 - (2) The lobbying activities undertaken by the not-for-profit must be ancillary or incidental to the purpose or operation of the not-for-profit;
 - (3) Any lobbying activities on behalf of the not-for-profit must be performed by a voluntary unpaid lobbyist.

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~~xii) xiii) If any of the conditions set out in subsection xii (1), (2) or (3) are not met, the exemption contained in subsection xii for a communication by a voluntary unpaid lobbyist on behalf of a not-for-profit, does not apply.~~

5) Prohibitions

- a) 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.
- b) 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.
- c) No former public office 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) Lobbyist Registrar

~~a) Ms. Suzanne Craig is appointed the Lobbyist Registrar in accordance with Section 223.11 of the Municipal Act, 2001.~~

~~b) a)~~ The Lobbyist Registrar is independent of the City administration.

~~c) b)~~ The Lobbyist Registrar is responsible for the following:

- (1) overseeing the administration of the lobbyist registration system;
- (2) providing advice, opinions and interpretations pertaining to the administration and application of this by-law;
- (3) advising Council on lobbying matters and recommending improvements and amendments to this by-law;
- (4) providing to Council any periodic reports and information as the Registrar considers appropriate;
- (5) 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; and,
- (6) performing other duties as may be assigned by Council.

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~~(7)~~

7) Registrations

- a) A person with the intent to lobby may register as a lobbyist prior to the first lobbying communication with a public office holder.
- b) A person who lobbies shall register their activity no later than five (5) business days after the lobbying takes place.
- c) The lobbyist shall set out in the registration the following information:
 - (1) name, title, and business address (where applicable);
 - (2) whether the lobbyist is a consultant lobbyist, in-house lobbyist or voluntary unpaid lobbyist;
 - (3) the name of the individual, client or other organization, including all business names under which the individual, client or other organization is operating, on whose behalf the lobbyist is lobbying; and
 - (4) such further information as the Lobbyist Registrar may require.
- d) The lobbyist shall set out in the registration the subject matter in respect of which the lobbyist intends to lobby on:
 - (1) each subject matter that the lobbyist will lobby on;
 - (2) description of the issue being lobbied, including particulars of any relevant City proposal, by-law, motion, resolution, policy, program, directive, grant, or guideline;
 - (3) date on which the lobbying will start and finish, with the date on which the lobbying finishes being no more than twelve (12) months after the date on which the lobbying starts;
 - (4) names of public office holders being lobbied; and
 - (5) such further information as the Lobbyist Registrar may require.
- e) A lobbyist shall update any changes to his or her registration within ten (10) business days of the change taking place.
- f) The subject matter shall be closed once lobbying is complete or within twelve (12) months of lobbying commencing, whichever is sooner.

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- g) The lobbyist shall close the subject matter registration he or she has filed not later than thirty (30) days after the completion or termination of the lobbying activity.
- h) A subject matter registration may be extended beyond twelve (12) months at the sole discretion of the Lobbyist Registrar.
- i) The Lobbyist Registrar will approve or refuse the registration in accordance with the requirements of the Lobbyist Registry By-law.

8) Investigations

a) 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 of the Lobbyist Code of Conduct, as set out under section 223.12 of the *Municipal Act, 2001*.

a)b) Upon receiving information that an individual has communicated with a public office holder, the Lobbyist Registrar may ascertain whether the individual is a lobbyist pursuant to section 1(e) of the Lobbyist Registry By-law and may contact the individual to advise of the mandatory requirement to register in the Lobbyist Registry. Where the Lobbyist Registrar confirms that the individual has not registered as a lobbyist, the Lobbyist Registrar may pursue an investigation in accordance with section section 223.12 (1) of the *Municipal Act, 2001*.

b)c) In accordance with section 223.12(7) of the *Municipal Act, 2001*, if the Lobbyist Registrar determines, when conducting an inquiry, that there are reasonable grounds to believe that there has been a contravention of any other Act or of the Criminal Code (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.

9) Penalties and Sanctions

- a) The Lobbyist Registrar may impose penalties on communication in accordance with the following scheme if the Lobbyist Registrar finds that the requirements of this by-law have not been met:
 - i) First Offence: Prohibition of lobbying activities until an information and education meeting with the Lobbyist Registrar is held;

ATTACHMENT 1 - Amended Lobbying By-law

- ii) Second Offence: 3 month prohibition of lobbying activities; and
 - iii) Third or Subsequent Offences: Prohibition of lobbying activities as determined by the Lobbyist Registrar.
- b) 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 writing and provide the reason for the suspension in a manner determined by the Lobbyist Registrar.
- c) If the Lobbyist Registrar imposes a temporary ban on lobbying, the Lobbyist Registrar shall notify all Public Office Holders in a manner determined by the Lobbyist Registrar.
- d) The Lobbyist Registrar may remove a registration or return from the Lobby Registry if the individual who filed the registration or return is found by the Lobbyist Registrar to have not complied with the requirements of this by-law.
- e) When a registration 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.

10) Responsibilities of the Lobbyist

- a) All lobbyists shall comply with the requirements of the Lobbyist Registry By-law;
- b) Lobbyists shall disclose if they have held a public office holder position at the City and the date the individual ceased to hold the position;
- c) Lobbyists shall disclose if they hold a position on a local board of the City; and,
- d) Lobbyists shall adhere to the Code of Conduct, attached as Schedule "A" to the Lobbyist Registry By-law, during the conduct of lobbying activities with public office holders.

11) Responsibilities of the Public Office Holders

- a) The Public Office Holder is responsible for:
 - i) Ceasing lobbying-related communication with a lobbyist who is prohibited from lobbying; and,
 - ii) Responding and providing information in a timely manner to Lobbyist Registrar with regards to an inquiry conducted under Section 8(a) of the Lobbyist Registry By-law.

12) General

ATTACHMENT 1 -
Amended Lobbying By-law

- a) This by-law shall be known as the Lobbyist Registry By-law.
- b) The Lobbyist Code of Conduct is attached hereto as Schedule "A".
- c) By-law 105-2016 is hereby repealed.
- d) This by-law shall come into effect on January 1, 2018.

Enacted by City of Vaughan Council this 11th day of December, 2017.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

ATTACHMENT 1 -
Amended Lobbying By-law

Schedule “A”

Lobbyist Code of Conduct

1. Honesty

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

2. Openness

- a. Lobbyists shall be open and frank about their lobbying activities, while respecting confidentiality.

3. Disclosure Of Identity and Purpose

- a. Lobbyists communicating with a public office holder shall disclose the identity of the individual, corporation, organization or other person, or the partnership, on whose behalf they are acting, as well as the reasons for the communication.
- b. 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.

4. Information and Confidentiality

- a. Lobbyists shall inform their client, employer or organization of the obligations under this Code of Conduct
- b. Lobbyists shall provide information that is accurate and factual to public office holders.

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- c. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.
- d. 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.
- e. 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.

5. Competing Interests

- a. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- b. 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.
- c. Lobbyists shall not lobby public office holders on a subject matter for which they also provide advice to the City.

6. Improper Influence

- a. Lobbyists shall avoid both the deed and the appearance of impropriety.

ATTACHMENT 1 -
Amended Lobbying By-law

- b. Lobbyists shall not knowingly place public office holders in a conflict of interest or in breach of the public office holders' codes of conduct or standards of behaviour.

7. Restriction on Communication

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