
Subject: Lobbyist Registry

Report to: Regional Council

Report date: Wednesday, March 22, 2023

Recommendations

1. That the educational period for the application of penalties and sanctions of the Lobbyist Registry By-law **BE EXTENDED** for an additional one (1) year period;
2. That the necessary by-law to enact this extension **BE PRESENTED** to Council for consideration; and
3. That staff **BE DIRECTED** to provide a report by the end of Q2 outlining options for the Lobbyist Registry.

Key Facts

- The purpose of this report is to seek Council's approval to extend the educational period for the application of penalties and sanctions for contraventions of the Lobbyist Registry By-law.
- At its meeting held on April 14, 2022, Regional Council approved By-law 2022-24, being a By-law to Establish and Maintain a Lobbyist Registry for The Regional Municipality of Niagara.
- The by-law included a provision of an educational period of six (6) months before the enforcement of any penalties and sanctions in order to provide an opportunity for communication and education to the public regarding this initiative and to allow staff the necessary time to undertake a competitive RFP process for Lobbyist Registrar services.
- Staff have undertaken two competitive procurement processes to seek a Lobbyist Registrar that have both proven unsuccessful. The most recent Request for Proposal (RFP) closed on March 21, 2023, without any proposals being submitted. As a result, staff are recommending an extension of the educational period to allow staff to provide Council with options for consideration respecting the Registry.

Financial Considerations

Funding related to the Lobbyist Registrar has been included in the 2023 budget and there may be cost-savings achieved as a result of the extension of the educational period as complaints would not be received during this period; however, any cost-saving would be dependent on the number of complaints received once a registry is operational.

Analysis

At its meeting held on November 18, 2021, Regional Council approved the recommendation of its Corporate Services Committee to implement a Lobbyist Registry Program for Niagara Region subject to the approval of funding in the 2022 budget. The funding for the Lobbyist Registry Program was approved as part of the 2022 budget process.

The recommendation to approve implementation of the Registry included a provision that the first six months following passage of the By-law would be an education period where penalties and sanctions would not be applied. The Lobbyist Registry By-law includes that the Enforcement and Penalties section will come into force and effect six (6) months after the effective date of the By-law which was April 14, 2022.

This period was to provide an opportunity to educate potential lobbyists on the duties and responsibilities when lobbying public office holders. In addition, it was also to permit the undertaking of a competitive procurement process for Lobbyist Registrar Services in conjunction with an RFP for Integrity Commissioner Services.

Request for Proposal Contract 2022-RFP-43 was issued to the market on July 26, 2022 via Niagara Region's Electronic Bidding Platform and closed on August 10, 2022. Unfortunately the RFP process was cancelled as a result of no proponents passing the technical benchmark.

On February 17, 2023, Request for Proposal Contract 2023-RFP-7, was issued to the market via Niagara Region's Electronic Bidding Platform. The RFP was refined to further clarify expectations for the role and was initially scheduled to close on March 9. As a result of no plan takers at that time, staff had an addenda issued, extended the deadline until March 21, 2023 and requested that Procurement staff undertake additional advertising to promote the opportunity. Unfortunately the RFP closed on March 21, 2023 and did not receive any submissions.

The Municipal Act, 2001, authorizes municipalities to establish lobbyist registries. Although it is compulsory in Toronto, only a handful of other municipalities have created lobbyist registries, including the cities of Brampton, Hamilton, Ottawa, and Vaughan, the Town of Collingwood, and the Region of Peel. In addition the City of Burlington has recently initiated a voluntary registry. Many of these municipalities either retain a full time Lobbyist Registrar, have someone acting as both their Integrity Commissioner and Lobbyist Registrar or have their Integrity Commissioner undertake this work. Given that many municipalities are just embarking on establishing registries the market for lobbyist registrar services is small and many Integrity Commissioners do not do lobbyist work.

As the Lobbyist Registry By-law contains explicit language with respect to the role and responsibilities of the Lobbyist Registrar to conduct inquiries regarding compliance with the By-law and to impose sanctions for by-law contraventions, staff are recommending that the educational period for the application of penalties and sanctions be extended for an additional one (1) year to allow staff to undertake a fulsome review of options with respect to next steps on the Lobbyist Registry. These options would be presented to Council for consideration no later than the end of Q2.

Staff would use this opportunity to provide additional education to the public/potential lobbyists and this extension would further allow additional time to ensure new Councillors are aware of their obligations as public office holders in accordance with the By-law.

Alternatives Reviewed

As Council's direction was to implement a mandatory Lobbyist Registry, a Lobbyist Registrar is required to fulfill specific roles and responsibilities to ensure adherence to the By-law. Given that staff have undertaken two competitive procurement processes to seek a Lobbyist Registrar that have not been successful, staff are proposing to bring forward a report outlining options including alternatives for next steps with respect to the Registry will provide Council with information to make a decision respecting how it would like to move forward, which requires a further extension to the educational period.

Relationship to Council Strategic Priorities

This report aligns to Council's strategic priority of sustainable and engaging government including promoting an organizational culture that values continuous improvement, collaboration, and innovation and enhancing communication.

Other Pertinent Reports

CLK 2-2021 Considerations for a Lobbyist Registry

CLK 4-2021 Considerations for a Mandatory Lobbyist Registry

CLK 12-2021 Implementation of a Mandatory Lobbyist Registry

CLK 7-2022 Extension of Education Period for Implementation of Lobbyist Registry

Prepared and recommended by:

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This report was prepared in consultation with Donna Gibbs, Director, Legal & Court Services, and Jeff Mulligan, Procurement Manager.

Appendices

None.