

## Request for Decision

### Lobbyist Registry

Presented To:	City Council
Presented:	Tuesday, Dec 15, 2020
Report Date	Thursday, Nov 26, 2020
Type:	Managers' Reports

#### Resolution

THAT the City of Greater Sudbury directs staff to present a by-law to establish and maintain a Lobbyist Registry and to appoint the City of Greater Sudbury's Integrity Commissioner, Mr. Robert Swayze, as the Lobbyist Registrar;

AND THAT the General Manager of Corporate Services be authorized to enter into an agreement to amend the City's agreement with the Integrity Commissioner to include the duties and responsibilities of the Lobbyist Registrar as outlined in the report entitled "Lobbyist Registrar", from the General Manager of Corporate Services, presented at the City Council meeting on December 15, 2020.

#### Relationship to the Strategic Plan / Health Impact Assessment

The implementation of accountability and transparency measures pursuant to Part V.1 of the Municipal Act, 2001 promotes the strategic initiative of asset management and service excellence.

#### Report Summary

This report provides information regarding the implementation of a Lobbyist Registry for the City of Greater Sudbury.

#### Financial Implications

It is anticipated that additional expenditures as result of the recommendation could be carried out within existing Council approved budgets.

#### Signed By

**Report Prepared By**

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*Digitally Signed Nov 26, 20*

**Manager Review**

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**Financial Implications**

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**Recommended by the Department**

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**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
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## Background

At the August 12, 2020 City Council meeting, Council passed [Resolution CC2020-213](#) directing staff to prepare a report and draft by-law regarding the establishment of a Lobbyist Registry.

This report and accompanying draft by-law provide the requested information regarding the establishment of a Lobbyist Registry and provides additional information to Council regarding the implementation process of the registry including the appointment of a Lobbyist Registrar.

## Legislation

Under section 223.9 of the *Municipal Act (the Act)*, municipalities are authorized to establish a public system for the registration of persons who lobby public office holders. The *Act* also sets out provisions for the appointment of a Lobbyist Registrar who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the registry including, without limitation, provisions for investigation, reporting and enforcement.

Pursuant to the legislation, a Lobbyist Registrar is considered to be an “Accountability Officer”, in the same way as an Integrity Commissioner, Closed Meeting Investigator or Auditor General.

The legislation authorizes municipalities to:

1. Define “lobby”;
2. Require persons who lobby public office holders to file returns and provide information to the municipality;
3. Specify the returns to be filed and the information to be provided to the municipality by persons who lobby public office holders and specify the time within which the returns must be filed and the information provided;
4. Exempt persons from the requirement to file returns and provide information;
5. Specify activities with respect to which the requirement to file returns and provide information does not apply;
6. Establish a code of conduct for persons who lobby public office holders;
7. Prohibit persons from lobbying current public office holders for the period of time specified in the by-law;
8. Prohibit persons from lobbying public office holders without being registered;
9. Impose conditions for registration, continued registration or a renewal of registration;
10. Refuse to register persons, and suspend or revoke registrations; and
11. Prohibit persons who lobby public office holder from receiving payment that is in whole or in part contingent on the successful outcome of any lobbying activities.

While the legislation offers guidance and provides municipalities with the authority to establish a registry, by-law, code of conduct and Office of the Registrar, they are ultimately responsible for the composition of these procedural pieces.

Very few municipalities across Ontario have established Lobbyist Registries and staff are aware of seven examples. Those municipalities, for the most part include the larger centres such as Toronto and Ottawa and others that are experiencing rapid and extensive development in their communities, such as Vaughan and Brampton, which would support the need to regulate lobbying through the implementation of a registry system. To assist with the drafting of a by-law and to ensure that best practices are applied, staff have reviewed the Lobbyist Registry By-laws from those municipalities. Of note is that the examples of Lobbyist Registry By-laws in the

Province are very similar but for small exceptions. The following sections will provide additional information regarding some of the more significant concepts in the draft Lobbyist Registry By-law which is attached as Appendix A.

### **Definition of Lobbying**

The first step in the establishment of a Lobbyist Registry is determining what constitutes lobbying activity. Similar to the other Ontario examples, lobbying is proposed to include any communication with a public office holder by any individual who is paid or represents a business or financial interest with the goal of trying to influence any legislative action on:

- a) The development, introduction, passage, defeat, amendments or repeal of a City by-law, or resolution on any matter;
- b) The development, approval, amendment or termination of a City policy, program, directive, guideline, including but not limited to a service delivery model;
- c) The purchase of goods, services or construction and the award of a contract by the City;
- d) The approval, approval with conditions, or refusal of an application for the service, grant, planning approval, permit or other licence or permission by the City;
- e) The award of any financial contribution, grant or other financial benefit by the City;
- f) The transfer to or from the City of any interest in or asset of any business, enterprise or institution; and
- g) To arrange a meeting between a public office holder and any other person on any of the subject matters listed above.

The activities above which form part of the Lobbyist Registry By-laws of other municipalities demonstrate the breadth of activities which would be captured as lobbying should Council choose to implement a registry for the City of Greater Sudbury. In order to avoid an adverse impact on the day to day activities of their municipalities, other communities created a list of standard exemptions from lobbying. While these can be reviewed in more detail in the draft by-law document, they can be summarized as follows:

- a) Communications during meetings of Council or Committees of Council or public processes such as public meetings, hearings, open house or media events;
- b) Requests for information;
- c) Compliments or complaints about a service or program;
- d) Enforcement, interpretation or application of any Act or by-law;
- e) Implementation or administration of any policy, program, directive, or guideline;
- f) Communications with City staff regarding applications for services, grants, planning approvals, permits or other licences, permissions or approvals, when that communication is part of the normal application and approval process;
- g) Submitting a bid proposal as part of the approved process for procurement;
- h) Response to a written request from the public office holder;
- i) Constituents communicating about a general neighbourhood or public policy issue;
- j) Communications by not-for-profit entities where such entity has no paid staff;
- k) Input/comments received as part of a stakeholder consultation; and
- l) For or against viewpoints on a policy or program where the primary focus is broad community benefit or detriment.

## **Persons Involved in the Lobbying Process / Exemptions**

### **Public Office Holders**

The term “Public Office Holder” is a key term in the Lobbyist Registry By-law and refers to a defined group of persons that could be the subject of lobbying activities. In other words, where a lobbyist wishes to engage in communications with a public office holder regarding activities that constitute lobbying under the by-law, the lobbyist will be obligated to register and comply with the applicable requirements.

Of all the examples of by-laws enacted in other communities, the definition of Public Office Holder is an element that represents the greatest level of variability. While members of Council are always included, there are examples such as the Regional Municipality of Peel and the City of Vaughan that are very broad and include all municipal staff, accountability officials, members of local boards, consultants and municipal election officials. There are other examples, such as in Hamilton, where a much more restricted definition of Public Office Holder applies including only members of Council, the staff of members of Council and members of the executive leadership team. For the purposes of the draft by-law, the proposed definition of Public Office Holder follows the more restrictive Hamilton approach. This approach would have the effect of reducing the training required and limit the significant administrative resources required for the ongoing administration and enforcement of the Lobbyist Registry by the Lobbyist Registrar and the Clerk.

### **Lobbyists**

Lobbyists are defined similarly in other municipalities and are broken down into three categories to cover all possible situations: Consultant Lobbyist, In-House Lobbyist and Voluntary Unpaid Lobbyist.

Consultant lobbyists are individuals who lobby for payment on behalf of a client, whereas in-house lobbyists are individuals who are employees, partners or sole proprietors and lobby on behalf of their own employer, business or other entity. Finally, voluntary unpaid lobbyists are individuals who lobby without payment on behalf of an individual, business or other entity for the benefit of the interests of the individual, business or other entity.

### **Exempted Persons and Organizations**

Lobbyist Registry By-laws generally contains exemptions that specifically identify organizations or persons that would not be subject to the application of the by-law. These exemptions relate mainly to other levels of government, public institutions or related entities, while acting in their official capacity, with which municipalities regularly communicate.

Similar to other by-laws, the draft proposes to exempt:

- Public officials, elected officials, employees and consultants from other levels of government and within the public sector i.e.: Federal, Provincial, Municipal, First Nations, educational and healthcare institutions;
- Municipal associations i.e.: AMCTO, AMO, FONOM
- Public Office Holders; and
- Officers, directors/members or employees of local boards, advisory panels or related corporations of the City i.e.: GSU, CGSCDC, SACDC, Downtown Sudbury.

## **Lobbyist Registry**

Any individual that meets the definition of a lobbyist would be required to register their lobbying activities on the public lobbyist registry, update them as required and would be subject to the provisions of the Lobbyist Registry By-law and Code of Conduct.

It is not a requirement for a lobbyist to register prior to the commencement of their lobbying activities and they would have five business days from the commencement of the lobbying activity to complete their registration. Staff would create the required forms that would allow lobbyist to submit the following information:

- Their name and contact information;
- Whether or not they are a consultant, in-house or voluntary unpaid lobbyist;
- The name of the individual, client or other entity on whose behalf they are lobbying;
- Name of the individual or individuals whom they are lobbying; and
- The subject matter and the date that they lobbying activities will start and finish.

Filed registrations would be publicly available on the City's website and lobbyists may change or update this information as required.

## **Oversight of the Lobbyist Registry and Activities**

If Council chooses to proceed with a Lobbyist Registry, the *Act* provides for the establishment of an additional municipal Accountability Official referred to as the Lobbyist Registrar. The Lobbyist Registrar is generally responsible for oversight of the Lobbyist Registry and performs assigned duties in an independent manner.

Similar to other accountability officials, the Lobbyist Registrar has investigative powers and may conduct inquiries into violations of the Lobbyist Registry By-law and the Lobbyist Code of Conduct. As a result of an investigation, the Registrar may also prohibit an individual from lobbying for a period of time and remove a registration from the registry. If necessary and if there are reasonable grounds to do so, the Registrar may also report any activity that has contravened a provincial Act of the Criminal Code of Canada to the appropriate authorities.

A number of municipalities that have implemented Lobbyist Registries have assigned the responsibilities of the Lobbyist Registrar to their Integrity Commissioners. The role is complimentary to the duties and responsibilities already overseen by an Integrity Commissioner.

This issue has been discussed with Mr. Swayze, the City's Integrity Commissioner and he has agreed to act as the City's Lobbyist Registrar should Council wish to appoint him as such. He has prior experience acting as a Lobbyist Registrar for other municipalities. In order to formalize this change, Council would pass an appointing by-law and would authorize an amendment to the service agreement with the Integrity Commissioner to include the Lobbyist Registrar responsibilities. Rates charged for the new services would be the same as those currently being charged for Integrity Commissioner services. While it is difficult to anticipate the level of activity and cost for the City regarding the Lobbyist Registrar, staff believe that the current annual budget of \$100,000 for Integrity Commissioner services in the Legal and Clerk's Services Division would be sufficient to address both the Integrity Commissioner services as well as the new services.

In order to avoid unnecessary external costs, it is proposed that the Clerk be responsible for the administrative responsibilities related to the Lobbyist Registry. These duties, which would include tasks such as the creation of necessary forms and website content, the receipt and posting of registrations and returns and the ongoing maintenance of the public registry, would be carried out by staff in the Clerk's Section under the oversight of the Lobbyist Registrar. The Registrar's role would therefore be scoped to essentially include oversight, advice, education and enforcement.

### **Next Steps**

Staff have prepared the necessary resolutions should Council wish to proceed with the implementation of a Lobbyist Registry for the City of Greater Sudbury. If carried, staff will present two by-laws on subsequent agendas to implement the Lobbyist Registry and to appoint the City's Integrity Commissioner as the City's Lobbyist Registrar.

The by-laws are proposed to come into effect for April 1, 2021 to permit sufficient time for staff to develop formal procedures, offer training to public office holders, and to create the necessary forms and the required online registry. In addition, with the assistance of staff in Communications, a communication strategy would be put in place to ensure that the public and potential lobbyists are aware of the implementation of the registry.

**APPENDIX A**

**By-law 2020-xx**

**A By-law of the City of Greater Sudbury to Establish  
and Maintain a Lobbyist Registry**

**Whereas** the Council for the City of Greater Sudbury wishes to establish and maintain a Lobbyist Registry to provide transparency about persons who lobby the City of Greater Sudbury's public office holders;

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

**Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:**

1. The attached Schedule "A", Lobbyist Registry By-law is hereby enacted and adopted upon passage.
2. The attached Schedule "B" Lobbyist Code of Conduct is hereby enacted and adopted upon passage.

**Read and Passed in Open Council** this xx day of xx, 2020

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

**Schedule “A”**  
to By-law 2020-xx of the City of Greater Sudbury

PART I. **DEFINITIONS**

**ARTICLE 1. TERMS DEFINED**

In this By-law,

“Business Day” means any day on which the City’s administrative buildings are open for business;

“City” means the municipal corporation of the City of Greater Sudbury, or the geographic area of the municipal corporation of the City of Greater Sudbury, as the context requires;

“Code of Conduct” means the Lobbyist Code of Conduct, attached as Schedule “B” to the Lobbyist Registry By-law.

“Communication” means any type of expressive contact, including but not limited to a meeting, email, electronic messaging, facsimile transmission, letter, telephone 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.

“Constituent” means:

- (i) with respect to the Mayor:
  - (a) an individual who resides in the City; or
  - (b) an owner or operator of a business or other entity located in the City; and
- (ii) with respect to a Councillor:
  - (a) an individual who resides in the Councillor’s ward; or
  - (b) an owner or operator of a business or other entity located in the ward;

“Lobby”, subject to the exclusions provided for in this By-law, means any Communication with a Public Office Holder by an individual who represents a business or financial interest, including their own interest, with the goal to influence legislative action on:

- (i) the development, introduction, passage, defeat, amendment or repeal of a City By-law or resolution on any matter;
- (ii) the development, approval, amendment or termination of a City policy, program, directive, guideline, including but not limited to a service delivery model;
- (iii) the purchase of goods, services or construction and the award of a contract by the City;
- (iv) the approval, approval with conditions, or refusal of an application for a service, grant, planning approval, permit or other licence or permission by the City;
- (v) the award of any financial contribution, grant or other financial benefit by the City;
- (vi) the transfer to or from the City of any interest in or asset of any business, enterprise or institution,
- (vii) to arrange a meeting between a public office holder and any other person on any of the subject matters listed in paragraphs (i) to (vi) inclusive; and

“Lobbyist” means a consultant lobbyist, in-house lobbyist or voluntary unpaid lobbyist and:

- (i) “Consultant lobbyist” means an individual who lobbies for payment on behalf of a client (another individual, a business or other entity);
- (ii) “In-house lobbyist” means 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; and,
- (iii) “Voluntary unpaid lobbyist” means an individual who lobbies without payment on behalf of an individual, business or other entity for the benefit of the interests of the individual, business or other entity;

“Lobbyist Registrar” means the individual appointed by Council from time in accordance with section 223.1 1 of the *Municipal Act, 2001*;

“Lobbyist Registry” means a record of registration in which shall be kept returns of persons who lobby public office holders which shall include the information required pursuant to this By-law.

“Public Office Holder” means:

- (i) a member of Council and any person on their staff;
- (ii) a member of the City’s Executive Leadership Team;

“Registration” means a first filing by a lobbyist regarding a subject matter they intend to lobby on as set out in Article 6 of this By-law.

“Return” means an update of a registration filed by a lobbyist as set out in Article 6 of this By-law.

## PART II. GENERAL PROVISIONS

### **ARTICLE 2. ESTABLISHMENT OF A LOBBYIST REGISTRY**

**2.1** The City of Greater Sudbury hereby establishes its Lobbyist Registry in accordance with Section 223.9 of the *Municipal Act, 2001*.

**2.2** The Clerk for the City of Greater Sudbury shall develop and maintain a Lobbyist Registry under the oversight of the Lobbyist Registrar, in which shall be kept all registrations and returns filed under this By-law.

**2.3** The Lobbyist Registry shall be available for public inspection through the City of Greater Sudbury’s website.

### **ARTICLE 3. EXEMPTED PERSONS AND ORGANIZATIONS**

**3.1** This By-law does not apply to the following persons when acting in their official or public capacity:

- (i) Government or public sector persons, other than the City of Greater Sudbury;
  - (a) 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;

- (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 of Greater Sudbury, persons or 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 representative in Canada of the government.
- (ii) Officials and employees of the City of Greater Sudbury and other municipal bodies;
    - (a) Public Office Holders;
    - (b) Officers, directors or employees of a local board or related corporations of the City of Greater Sudbury;
    - (c) Members of an Advisory Panel established by the City of Greater Sudbury;
  - (iii) Members, directors, officers, employees or consultants of publicly funded school boards and educational institutions;
  - (iv) Members, directors, officers, employees or consultants of publicly funded health care institutions; and
  - (v) Members, directors, officers, employees, or consultants of Municipal Associations including but not limited to the Association of Municipalities of Ontario, and the Federation of Canadian Municipalities.

#### **ARTICLE 4. RESPONSIBILITIES**

##### **4.1** A public officer holder's responsibilities include:

- (i) responding, in a timely and complete manner, to a request from the Lobbyist Registrar to gather and provide information; and
- (ii) 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.

##### **4.2** The City Solicitor & Clerk's responsibilities include:

- (i) development and maintenance of an electronic lobbyist registry, including all applicable forms;
- (ii) ensuring the lobbyist registry is available for public inspection through electronic web-based access at all reasonable times, except during regular maintenance;
- (iii) ensuring that registrations and returns are included on the lobbyist registry not more than three business days after they are filed;
- (iv) ensuring that the lobbyist registry reflects the direction of the Lobbyist Registrar regarding the suspension, revocation or refusal of registrations or returns.

**4.3** The Lobbyist Registrar's responsibilities include:

- (i) overseeing the establishment and maintenance of a lobbyist registry, including determining the lobbyist registry's form and content, in which shall be kept the registrations and returns filed by lobbyists;
- (ii) providing advice, opinions and interpretation pertaining to the administration, application and enforcement of this By-law;
- (iii) conducting inquiries in respect of a request made by Council, a member of Council or a member of the public about compliance with this By-law, which may include requesting that a public office holder gather information concerning lobbying of him or her and provide that information to Lobbyist Registrar;
- (iv) suspending, revoking or refusing a registration or return;
- (v) enforcing this By-law;
- (vi) advising Council on lobbying matters and recommend improvements to this Bylaw;
- (vii) providing periodic reports to Council and any other reports as the Lobbyist Registrar considers appropriate; and
- (viii) performing other duties as may be assigned by Council from time to time.

**ARTICLE 5. LOBBYING EXEMPTIONS**

**5.1** Lobbying does not include:

- (i) Communication that is a matter of the public record or occurs during a meeting of Council or a Committee of Council;
- (ii) 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;
- (iii) advocacy Communication for or against a policy or program that states a position where the primary focus is a broad community benefit or detriment, and where that position would have no direct or indirect or perceived benefit to the person or entity on whose behalf the communication is undertaken;
- (iv) Communication that is restricted to a request for information;
- (v) Communication that is 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 other entity about:
  - (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 other entity;
  - (b) 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; or
  - (c) 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 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 if the communication is part of the normal course of the approval process; or
  - (b) 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;
- (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 other entity in direct response to a written request from the public office holder;
- (x) Communication directly related to those City-initiated consultative meetings and processes where an individual is participating as a stakeholder;
- (xi) Communication for or against a policy or program that state 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,
- (xii) Communication regarding a business or financial interest by not-for-profit businesses or other not-for-profit entity where such business or entity has no paid staff; or
- (xiii) Communication with a public officer holder by their constituent regarding a general neighborhood or public policy issue.

**5.2** The Lobbyist Registrar may exempt lobbying from some or all the requirements of this 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 Greater Sudbury or the competitive position of the City of Greater Sudbury.

## **ARTICLE 6. REGISTRATION AND REPORTING OF LOBBYING ACTIVITY**

**6.1** No person who meets the definition of a Lobbyist as outlined in Part I of this By-law shall lobby a public office holder without being registered as required under this section of the By-law unless otherwise exempted.

**6.2** A person with the intent to lobby may register as a lobbyist prior to the first lobbying communication with a public office holder and shall do so no later than five (5) business days after the lobbying communication takes place. All lobbyists with intent to lobby must register as lobbyists.

**6.3** Lobbyists shall adhere to the Code of Conduct during the conduct of lobbying activities with public office holders.

**6.4** A former public office holder shall not engage in lobbying activities for a period of twelve (12) months immediately after ceasing to be a public office holder.

**6.5** 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.

**6.6** 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.

**6.7** The lobbyist shall provide the following information in their registration:

- (i) name, title and business address (where applicable);
- (ii) whether the lobbyist is a consultant lobbyist, in-house lobbyist or voluntary unpaid lobbyist;
- (iii) 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;
- (iv) each subject matter that the lobbyist will lobby on;
- (v) description of the issue being lobbied, including particulars of any relevant City proposal, By-law motion, resolution, policy, program, directive, grant or guideline;
- (vi) date on which the lobbying activity will start and finish, with the date on which the lobbying finishes being no more than twelve (12) months after the date which the lobbying commences; and
- (vii) names of the Members of Council and titles of other public office holders being lobbied.

**6.8** Lobbyists shall update any changes to their registration within five (5) business days of the change taking place.

**6.9** Lobbyists shall close the subject matter registration filed no later than thirty (30) days after the completion or termination of the lobbying activity. The subject matter shall be closed once lobbying is complete or within twelve (12) months of lobbying commencing, whichever is sooner.

**6.10** A subject matter registration may be extended beyond twelve (12) months at the sole discretion of the Lobbyist Registrar.

### PART III. **SANCTIONS AND PENALTIES**

#### **ARTICLE 7. REFUSAL TO ACCEPT OR SUSPEND REGISTRATION OR RETURN**

**7.1** The Lobbyist Registrar may impose a temporary ban 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 contravention: the lobbyist is banned from communicating with public office holders for one month;
- (ii) Second contravention: the lobbyist is banned from communicating with public office holders for three months; and

- (iii) Third contravention: the Lobbyist Registrar shall determine an appropriate sanction.

**7.2** If the Lobbyist Registrar decides to impose a temporary ban on lobbying, the Lobbyist Registrar shall inform the individual of the suspension and the reason for the suspension in the manner that the Lobbyist Registrar determines.

**7.3** If the Lobbyist Registrar imposes a temporary ban on lobbying, the Lobbyist Registrar shall notify all Public Office Holders and a notice of the temporary ban shall be posted to the website.

#### **ARTICLE 8. REMOVAL FROM REGISTRY**

**8.1** The Lobbyist Registrar may remove a registration or return from the Lobbyist Registry if the Lobbyist Registrar finds that the individual who filed the registration or return has not complied with the requirements of this By-law.

**8.2** 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.

#### **ARTICLE 9. REFERRAL TO APPROPRIATE AUTHORITIES**

**9.1** Pursuant to subsection 223.12(7) of the *Municipal Act, 2001*, should the Lobbyist Registrar determine when conducting an inquiry, that there are reasonable grounds to believe that an individual has contravened any other Act or the Criminal Code (Canada). The Lobbyist Registrar shall immediately refer the matter to the appropriate authorities and suspend the inquiry pending the outcome of any resulting investigation.

**Schedule “B”**  
to By-law 2020-xx of the City of Greater Sudbury

**LOBBYIST CODE OF CONDUCT**

Lobbyists are expected to comply with the standards of behaviour for lobbyists and the conduct of lobbying activities set out in this Code of Conduct when lobbying public office holders.

**Honesty**

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

**Openness**

Lobbyists shall, at all times, be open and frank about their lobbying activities, while respecting confidentiality.

**Disclosure of Identity and Purpose**

Lobbyists communicating with a public office holder shall disclose the identity of the individual or organization on whose behalf they are acting as well as the reasons for the communication.

Lobbyists shall register the subject matter of all communication with public office holders that constitutes lobbying under the Lobbyist Registry By-law.

**Information and Confidentiality**

Lobbyists shall inform their client, employer or organization of the obligations under the Lobbyist Registry By-law and their obligation to adhere to the Lobbyists Code of Conduct.

Lobbyists shall provide information that is accurate and factual to all public office holders.

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

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.

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.

**Competing Interests**

Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.

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.

Lobbyists shall not lobby public office holders on a subject matter for which they also provide advice to the City of Greater Sudbury.

## **Improper Influence**

Lobbyists shall avoid both the deed and appearance of impropriety.

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

Lobbyists with active lobbying registrations, their registered clients or their employers shall not, directly or indirectly, offer or provide any gift, benefit or hospitality to Members of Council or their staff.