

COUNCIL MEMBERS' MOTION

4. A Lobbyist Registry for Vancouver

Submitted by: Councillor Fry

WHEREAS

1. The public has an interest in greater transparency and accountability from our municipal government;
2. Lobbyists are people whose business is trying to influence legislation, regulation, or other government decisions, actions, or policies on behalf of a group or individual who hires them;
3. Lobbyist registries are intended to provide a public record that is accessible to residents of interactions between public servants, elected officials, and lobbyists in order to further transparency and accountability;
4. Provincial and local governments across the country have approached the creation of municipal lobbyist registries in a variety of ways, including voluntary registries, registries administered at the local level, and those administered at the provincial level;
5. In BC, the provincial lobbyist registry (the Office of the Registrar of Lobbyists) is empowered under the *Lobbyist Registration Act* to enforce compliance, conduct investigations and levy administrative penalties. The Office of the Registrar of Lobbyists together with the office of the Information and Privacy Commissioner have a combined budget of about \$8m per annum;
6. The BC Office of the Registrar of Lobbyists has not and does not currently apply to local governments;
7. Since 2008, Vancouver City Council have considered the creation of a lobbyist registry. A lobbyist registry was rejected by the NPA council majority in 2008. In 2017 and 2018, one UBCM¹ and two consecutive Council^{2,3} resolutions were approved with multi-partisan support asking the province to amend legislation to fund and administer the regulation of lobbying at the city, with support from the provincial lobbyist registry.

Vancouver Council also asked staff to investigate the City of Surrey's voluntary lobbyist registry including costs, impacts and any information on what informed their decision to have a municipal lobbyist registry;

¹ <https://www.ubcm.ca/convention-resolutions/resolutions/resolutions-database/municipal-lobbyist-registry>

² <https://council.vancouver.ca/20170221/documents/motionb2.pdf>

³ <https://council.vancouver.ca/20181204/documents/motionb2.pdf>

8. Since 2008 the City of Surrey has had a voluntary registry for a limited set of lobbying activities.⁴ The Surrey lobbyist registry is updated around the first of each month and published online;
9. The April 2017 council-directed report back memorandum from Vancouver's Deputy City Manager ⁵ summarized some key distinctions of the Surrey lobbyist registry, notably:
 - a. Surrey's lobbyist registry was put into place to provide the citizens of Surrey with access to information about persons who attempt to influence decision-making through the use of paid lobbyists in relation to land use development activities, and to promote transparency concerning attempts to influence Municipal decision making;
 - b. Lobbyists voluntarily file a form with the City Clerk's Office with information including:
 - Date qualified as a lobbyist,
 - Full name, business phone number and business address,
 - Lobbyist's employer (if applicable) business phone number and address,
 - Nature and purpose of employer's business,
 - Client's name, business phone number and business mailing address,
 - Nature and purpose of client's business,
 - Development application number and description of proposal / project for which lobbyist was retained to represent the client;
 - c. There is minimal cost to the City Clerk's Office for the administration of the registry. As such the City of Surrey does not have a line item in its budget for the lobbyist registry;
 - d. Policy does not apply to federal, provincial, or municipal elected representatives or their staff, Indigenous peoples and bands, or submissions on behalf of a personal matter related to a constituent;
 - e. Surrey's policy requires registration only for lobbyists advocating on behalf of applicants for a rezoning, a development permit or an official community plan amendment;
 - f. Since inception, the number of lobbyists who have voluntarily registered has steadily increased. The list includes architects, engineers, telecommunications companies, builders, and real estate agents;
 - g. Since the Policy is voluntary, it places the onus on the lobbyist to register. Surrey has no method of enforcement. There are no consequences to City staff or members of Council if dealing with unregistered lobbyists;

⁴ https://www.surrey.ca/sites/default/files/media/documents/DCT_Lobbyist_Registration_Policy.pdf

⁵ <https://vancouver.ca/files/cov/2017-04-21-city-of-surrey-lobbyist-registry.pdf>

10. In addition to Surrey, the City of Kelowna has its own voluntary municipal lobbyist registry. Voluntary municipal lobbyist registries also exist in Edmonton and Winnipeg, and dozens of Ontario cities where there is a desire to instil public confidence and support open and transparent decision-making processes.

THEREFORE BE IT RESOLVED

- A. THAT Council supports public access to information about lobbyists and their activities to ensure transparency and accountability in government decision-making, and commits to the creation of voluntary lobbyist registry for the City of Vancouver.
- B. THAT Council direct staff to prepare a new voluntary Vancouver lobbyist registration policy, based on the Surrey model, appropriately tailored to Vancouver and the *Vancouver Charter*, including specific requirements:
 - a. The definition of “lobby” in relation to a paid lobbyist means to communicate verbally or in writing, or to meet with an elected official or their staff for the purpose of influencing a decision of Council.
 - b. The policy does not apply to a verbal or written communication:
 - i. Sent to all of Council through Mayor & Council correspondence;
 - ii. Made as part of a Council meeting, public hearing, committee meeting, or similar proceeding where it is part of the public record;
 - iii. Regarding a matter that is outside of the City’s jurisdiction; or
 - iv. Made in response to a written request from a Council member or the City of Vancouver for comment on a matter that would otherwise fall under the definition of lobby.
- C. THAT Council direct staff to separately report back on how a new Vancouver lobbyist registration policy could be further strengthened under the existing statutory power in the *Vancouver Charter*, by appending the definitions and conditions of the voluntary lobbyist registry to the *Code of Conduct By-law 12886*, and for application of the prescribed complaint and resolution procedures under Part 6, for Council members who meet with un-registered lobbyists.

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