Lobbyist Registry –Frequently Asked Questions

1. **Who enforces the Lobbyist Registry and what are the penalties?**

   In accordance with the Lobbyist Registry By-law 2024-72 and section 223.11 of the Municipal Act, 2001, the Town of The Blue Mountains Integrity Commissioner is the Lobbyist Registrar and will enforce the penalties under the Bylaw.

   Lobbyist Registrar's Contact Information

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   The Lobbyist Registrar is an accountability officer whose powers and duties are set out in the Municipal Act, 2001 and the Lobbyist Registry By-law 2024-72. The Lobbyist Registrar enforces the Lobbyist Registry as well as the Lobbyist Code of Conduct.

   The Lobbyist Registrar will produce an annual report summarizing complaints, investigations and advice and will make recommendations for any improvements to the accountability process.

   The Lobbyist Registrar has the power to investigate complaints and to impose sanctions if lobbying activity has not been disclosed, or if an individual has contravened the Lobbyist Code of Conduct. Should the Lobbyist Registrar impose a sanction, it will be in the form of a temporary ban on communication. Notice of the temporary ban will be circulated to Members of Council and Town Staff and posted on the Town's website.

   Sanctions could be applied along the following incremental scale:

   - For a first breach, the Lobbyist is banned from communicating with public office holders for 30 days
   - For a second breach, the Lobbyist is banned from communicating with public office holders for 60 days
   - In the event of a third breach, the Lobbyist Registrar has the discretion to determine an appropriate sanction

   Should the Lobbyist Registrar determine, when conducting an inquiry, that there are reasonable grounds to believe that an individual has contravened a provincial Act or the Criminal Code of Canada, the Lobbyist Registrar shall immediately refer the matter to appropriate authorities and suspend the inquiry pending the outcome of any resulting police investigation.

Members of Council and Town Staff are bound by their respective Codes of Conduct to refrain from communicating with individuals who have been found in contravention of the Lobbyist Registry By-law.

For more information on the Lobbyist Code of Conduct, please visit

www.thebluemountains.ca/lobbyist-registry

2. Who is a Public Office Holder?

1. A member of Council.
2. An officer or employee of the Town in a management position or with decision making powers or who have direct contact with Council, Committee and/or Local Board.
3. A member of a Local Board or Committee established by Council.
4. Employees who work on municipal elections in a supervisory role.
5. An Accountability Officer, including but not limited to the integrity Commissioner, the Lobbyist Registrar, Ombudsman, and Closed Meeting Investigator.
6. Individuals providing professional services to the Town during the course of providing such services.

3. How do I use the Lobbyist Registry?

The Lobbyist Registry can be found at www.thebluemountains.ca/lobbyist-registry. Lobbyists are required to register lobbying activities within ten (10) business days of the initial communication occurring. Registering takes a matter of minutes, and within one to two business days of receiving your submission, the Registrar will review your information and contact you if they have any questions. They will also validate the information contained within your profile to ensure accuracy.

4. What is a lobbying activity?

Any substantive form of communication, including a formal meeting, email, letter, phone call or meaningful dialogue or exchange that materially advances a matter that is defined as lobbying, whether in a formal or an informal setting.

5. What activities are NOT lobbying?

1. Communication that occurs during a meeting of Council or a Committee of Council.
2. Communication that occurs during a public process such as a public meeting, hearing, consultation, open house or media event held or sponsored by the Town or a Public Office Holder or related to an application.
3. Communication that is restricted to a request for information.

4. Communication that is restricted to compliments or complaints about a service or program.

5. 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;

    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 other entity;

6. 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 a Public Office Holder if the communication is restricted to providing general information on an application, including a proposed or pending application, or to inquire about the application review process;

    b. with an employee of the Town if the communication is part of the normal course of the approval process;

    c. with an employee of the Town 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;

7. Submitting a bid proposal as part of the procurement process and any communication with designated employees of the Town as permitted in the procurement policies and procurement documents of the Town.

8. 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.

9. Communication to a Public Office Holder by a constituent, or an individual on behalf of a constituent on a general neighbourhood or public policy issue.

10. Communication directly related to those Town-initiated consultative meetings and processes where an individual is participating as a stakeholder; communication for or against a policy or program that state a position where the primary focus is a broad community benefit or detriment, whether Town-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 communications is undertaken.

11. In accordance with The Lobbyist Registry Bylaw and Section 223.11 of the Municipal Act, 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 a registration could reasonably be expected to prejudice the economic interests of the Town of The Blue Mountains or the competitive position of the Town of The Blue Mountains.

6. Do I need to register every time I speak with Town Staff or a Member of Council?

Many interactions you have with Town Staff and Members of Council will not need to be registered. This includes:

1. Speaking on the **public record** during a meeting of Council, a Committee of Council, or local board of the Town
2. Any communication that occurs during a public process such as a public meeting, hearing, consultation, open house or media event held or sponsored by the Town or a public office holder or related to an application
3. If you are participating as a stakeholder in a meeting initiated by the Town
4. If you are seeking information
5. If you are following a Council-approved process, such as a site application or building permit
6. Providing compliments or complaints about a Town service or program
7. Advocacy activities, which are generally carried out by community groups and associations and are communications that state a position for a general community benefit, either Town-wide or local

7. When are my activities considered lobbying?

If you are an individual who represents a business or financial interest and are communicating with a public officer holder outside of approved public processes with the intent of influencing a decision on governmental matters, including the development, introduction, passage, amendment or repeal of a by-law, motion, resolution or the outcome of a decision on any matter before Council, a Committee of Council or local board of the Town, or Councillor or staff member acting under delegated authority, then you are required to register your activity with the Lobbyist Registry.

Lobbying is a legitimate activity that is part of an individual's, group's, or company's right to communicate with their elected officials and municipal staff. The purpose of the Registry is to provide accountability and transparency around lobbying activities that serve to benefit an individual or group of individuals with a business or financial interest.

8. If my communication falls under the definition of Lobbying, what category of Lobbyist would I have to register under?

The Registry focuses on those individuals representing a financial or business interest, as well as trade unions and labour associations. Within those groups, the registry identifies three types of lobbyists:

- A "Consultant Lobbyist" who lobbies for payment on behalf of a client
- An "In-House Lobbyist" who is an employee, partner, or sole proprietor and who lobbies on behalf of their own employer, business or other entity
- A "Voluntary Unpaid Lobbyist" who lobbies without payment on behalf of an individual, business or any other entity for the benefit of the interests of the individual, business, or entity

9. Can I be classified as more than one type of Lobbyist?

Yes. If you qualify as more than one type of Lobbyist, you will have to register for each separate type of lobbyist activity.

10. Who does not need to register with the Lobbyist Registry?

The following persons and organizations shall not be considered Lobbyists when acting in their public capacity:

1. Government or public sector, not including the Town and other municipal bodies:
    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 Town, persons on staff of the members, or officers or employees of the municipality or local board
    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
2. Officials and employees of the Town and other municipal bodies:
    a. Public office holders:
        i. Members or employees of a local board of the Town
        ii. Members of an advisory committee appointed by Council

3. Other public sector:
    a. Persons communicating on behalf of local school boards
    b. Persons communicating on behalf of healthcare institutions

11. What type of information do I need to disclose?

You will need to identify your name and business address (if applicable), as well as the category of Lobbyist you fall under. If you are working on behalf of a client, you will identify the client name and address. You are also required to declare whether or not you have ever held a position with the Town of The Blue Mountains.

When submitting your lobbying activity, you will be required to identify the subject matter (e.g. zoning by-law). When disclosing your activity, you will include the person you lobbied, how you lobbied (e.g. e-mail), the date of the activity, as well as a brief description of your communication.

12. What happens if my activity concerns proprietary information?

If your communication concerns proprietary information, alert the Lobbyist Registrar prior to registering your file or activity.

13. What type of activity do I need to disclose?

Lobbying activity covers "substantive" forms of communication including a formal meeting, e-mail, letter, or phone call. Also included is any meaningful dialogue or exchange whether in a formal or in an informal setting. This would include conversations at a social event (e.g. golf tournament) that constitutes lobbying and aims to influence a legislative action.

14. What if my file does not fall under one of the subject matter categories?

If your lobbying file does not clearly fall under one of the provided subject matter categories, please contact the Lobbyist Registrar at lauren@gridinadvocates.com

15. What happens in situations where it is unclear whether or not the encounter qualifies as lobbying?

In cases where the intent of the communication is unclear, the matter should be referred to the Lobbyist Registrar's attention for direction. The Lobbyist Registrar can be contacted at lauren@gridinadvocates.com

16. What information do I need to include if I have multiple clients?

You will need to enter each lobbying file you are communicating on. Each file must be attached to a particular client and you will need to disclose the client name or company name and the business address.

17. What information is available on the public search tool?

The public will be able to see your name, your client (if applicable), the subject matter, who you lobbied, and when. If you held a position with the Town, this information is also publicly available.

18. **Do I need to register as a Lobbyist before I contact a public office holder?**

    No, there is no requirement for pre-registration.

19. **Does my lobbying activity registration have a time limit or expiration date?**

    If lobbying continues for more than one (1) year, a Lobbyist shall file a new Registration for each year the Lobbying continues.

20. **How do I register lobbying communications about the same topic that occurs multiple times or over an extended period of time?**

    You are only required to register the initial communication or discussion. For instance, if you have an extended e-mail exchange on the same topic, the lobbying activity should be logged as one e-mail exchange on the date the exchange commenced.

    However, if the topic changes during the course of the exchange, you are required to register the new topic.

21. **A Councillor has requested information from me. Do I have to register this communication?**

    If a Member of Council has approached you and is seeking information from you, you do not have to register this communication.

22. **The Town has invited me to participate in a stakeholder relations session. Do I have to register this meeting?**

    Any communication surrounding your role as a stakeholder is not considering lobbying and does not need to be registered.

23. **If I make an error in my entry on the Registry, can I fix it?**

    If information was submitted in error, contact the Lobbyist Registrar at lauren@gridinadvocates.com to explain the error and request it be changed.

24. **Do I need to pay to register?**

    No, there is no cost to registering with the Lobbyist Registry.

25. **Will there be further changes to the Registry online tool?**

    The Lobbyist Registry was created to be an easy-to-use tool for the public, Members of Council, and Town Staff. However, it may be determined that further enhancements are required based on feedback during the first year. Additionally, the Lobbyist Registrar will make rulings that establish how the Registry applies to specific circumstances, which may result in changes to the Registry over time.

26. Where can I get more information about the Lobbyist Registry?

More information about the registry can be found at www.thebluemountains.ca/lobbyist-registry or by contacting the Lobbyist Registrar at lauren@gridinadvocates.com