



complement the City's existing Code of Conduct Policy. A registry will assist in ensuring that interactions between staff or Council members with paid lobbyists are a matter of public record fully accessible to all citizens.

These regulations are normally applicable only to paid lobbyists who must disclose the nature and purpose of the client's business and the municipal decision for which the lobbyist was retained to represent a client. These laws do not normally apply to individuals, constituents, community organizations and unpaid delegations to Council.

The policy rationale for a transparent lobbyist disclosure system is to reinforce government accountability and to reflect ethics and codes of conduct regulations. In the case of the City, it would reinforce the *Community Charter's* ethics and conflict of interest provisions applicable to members of Council and the Code of Conduct Policy which is applicable to staff. The registry allows the public to be made aware in advance of issues that may affect their interests or those of the public in general.

## **2. Current Experience – Lobbyist Registration**

The federal government and five of the Provinces, including British Columbia, have enacted lobbyist registration legislation. There is relatively widespread use in the United States of municipal lobbyist registration policies. Only Quebec has mandatory lobbyist registration applicable to all municipalities in the Province.

## **DISCUSSION**

### **1. Legislative Authority**

British Columbia municipalities have considerably broader powers of regulatory prohibition and the ability to impose requirements in relation to a "*business*" which covers the activity of lobbying (*Community Charter*, s. 8(3), (6), (7), and (8)). Local governments can establish different classes of persons, places, activities, properties or things and therefore are allowed to "*discriminate*" in the municipal sense (*Community Charter*, s. 12(1) and (2) and 15(1) and (2)). As such, paid "*lobbyists*" can be differentiated from members of the public who seek advice or wish to make representations to public officials.

### **2. Draft Lobbyist Registration Policy**

The registry of lobbyists would be a public registry designed to foster transparency in the lobbying of City staff and Council in the land use development application process. The Policy places the onus on the lobbyist to register and there are no consequences to City staff or members of Council in dealing with unregistered lobbyists. Attached as Schedule "A" to the Policy is the proposed Lobbyist Registration Form that would be filed with the Clerk pursuant to Sections 4 and 5 of the Policy.

The following provides basic information in relation to the attached draft Policy:

(a) Lobbying is defined as:

to communicate with a public office holder in an attempt to influence a development application for a development permit, a rezoning Policy or an official community plan amendment, in each case, pursuant to the provisions of *Local Government Act*. A "public office holder" under this Policy includes the Mayor, Councillors and all City staff.

## (b) Lobbyist Registry:

Each form/return to be filed within specified time limits under section 4 of the Policy must contain the name of a lobbyist and business address, the name and address of the lobbyist's client and the development application, which is the subject of the lobby effort. The filing only needs to be done once for each lobbying undertaking and would, therefore, cover all subsequent meetings and lobbying activities related to the same application by the same lobbyist. Attached as Schedule "A" to the Policy is the Lobbyist Registration Form that would be filed with the City Clerk pursuant to Sections 4 and 5 of the Policy.

## (c) Lobbyist Registry:

The registrar located in the City Clerk's office is responsible for keeping the registry and, in that capacity, can:

- (i) determine consultation and registration times in relation to when lobbyists may file returns and notices and when the registry will be available for scrutiny;
- (ii) examine whether the returns and notices submitted contain all the required information and whether they are submitted in the form and manner prescribed in the Policy; and
- (iii) refuse to accept, or remove from the registry, any return or notice that does not contain all the required information or the required form, and replace the return with the corrected information and form.

### **3. Restrictions on Application of Policy**

The proposed Policy does not apply to federal, provincial or municipal elected representatives or their staff. Aboriginal peoples and bands are also exempt. The Policy does not apply in respect of an oral or written submission made in proceedings that are a matter of public record to Council or a Committee of Council.

The proposed Policy does not apply to the enforcement or interpretation of any Policy or legislation or the implementation or administration of any policy, directive or program that applies to that person or organization. The Policy does not apply in respect of submissions on behalf of a personal matter related to a constituent. However, a development application considered to specifically benefit a constituent would be covered by this Policy.

### **4. Advantages of a Lobbyist Registration Policy**

There would be increased transparency surrounding lobbying activities in the City to the extent there is compliance with the system of registration. The Policy allows the public to have greater awareness of issues that may affect their interests.

The Policy would complement the Code of Conduct By-law and the ethical provisions of the *Community Charter*.

## **5. Communication of Policy Requirements**

Subject to Council adoption of the Policy, staff at each of the business counters in City Hall will advise individuals who are seeking meetings or to communicate with public office holders of the requirements of the Policy. In addition, appropriate notification will be posted on the City's web site. The Policy and Lobbyist Registration Forms will be available at the Legislative Services counter in City Hall and on the City's web site. The onus will be on the lobbyist to properly register in advance of undertaking lobbying efforts with any public office holder.

## **6. Monitoring the Implementation of the Policy**

Subject to Council adopting this policy, staff will monitor the implementation of the Policy and will make further recommendations to Council regarding adjustments that are considered necessary.

## **CONCLUSION**

Based on the above discussion, it is recommended that Council:

- Adopt as City policy, the draft Surrey Lobbyist Registration Policy (the "Policy") attached to this report as Appendix "A"; and
- Instruct staff to proceed with the implementation of a lobbyist registry in accordance with the Policy using the registration form attached as Schedule "A" to the Policy.

CRAIG MacFARLANE  
City Solicitor

CM:fk  
Attachs.

**Lobbyist Registration Policy**

**INDEX**

Section 1	Purposes	Page	2
Section 2	Definitions	Page	2-3
Section 3	Restrictions on Application of Policy	Page	3
Section 4	Requirement to File a Lobbyist Registration	Page	3-4
Section 5	Form of Content of a Lobbyist Registration	Page	4
Section 6.	Certification of Documents and Date of Receipt	Page	4
Section 7	Submission of Documents in Electronic or Other Form	Page	4
Section 8	Duties of the Clerk	Page	4-5
Section 9	Public Access to Registry	Page	5
Section 10	Storage of Documents	Page	5

## 1. PURPOSES

The purposes of the Lobbyist Registration Policy are:

- 1.2 To put in place registration and disclosure requirements to ensure that the citizens of Surrey have access to information about persons who attempt to influence decisions of City government through the use of paid lobbyists in relation to land use development applications, and
- 1.2 To promote transparency concerning attempts to influence Municipal decision making and ensure that complete information and disclosure of lobbyists and the clients they represent become public information for the benefit of Council and the general public;

## 2. DEFINITIONS

The following terms are used in this Policy and are defined as follows:

- (a) "City" means the City of Surrey;
- (b) "Clerk" means the holder of statutory officer position of Surrey City Clerk;
- (c) "client" means a person or organization on whose behalf a lobbyist undertakes to lobby;
- (d) "Council" means the elected Council of the City;
- (e) "lobby" means, in relation to a lobbyist, to communicate with a public office holder in an attempt to influence a decision in relation to a development application for a development permit, a rezoning Policy or an official community plan amendment in each case pursuant to the provisions of the *Local Government Act*;
- (f) "lobbyist" means an individual who engages in lobbying activities;
- (g) "organization" means
  - (1) a business, trade, industry, professional or voluntary organization,
  - (2) a charitable or non-profit organization, association or society, and
  - (3) a government, other than the City;
- (h) "public office holder" means
  - (1) any officer or employee of the City, and
  - (2) a member of the Council and any person on his or her staff;
- (i) "undertaking" means an undertaking by a lobbyist to lobby on behalf of a client, but does not include an undertaking by an employee to do anything:
  - (1) on the sole behalf of the employer, or
  - (2) if the employer is a corporation, at the direction of the employer on behalf of a subsidiary of the employer or any corporation of which the employer is a subsidiary.

### **3. RESTRICTIONS ON APPLICATION OF POLICY**

3.1 This Policy does not apply to any of the following persons when acting in their official capacity:

- (a) members of the Senate or House of Commons of Canada or persons on their staff;
- (b) members of the Legislative Assembly of a province or persons on their staff;
- (c) employees of the government of Canada or of the government of another province or territory;
- (d) public office holders, members of a municipal council, regional district board, improvement district board, school district board or other local government authority, persons on the staff of those members, or employees of a municipality, regional district, improvement district, school district or other local government authority;
- (e) employees of bodies representing municipal councils, regional district boards, improvement district boards, school district boards or other local government authorities.

3.2 This Policy does not apply in respect of an oral or written submission made as follows:

- (a) made in proceedings that are a matter of public record to Council or a committee of Council or to any body or person having jurisdiction or powers conferred by or under an Act;
- (b) made to a public office holder by an individual on behalf of a person or organization concerning
  - (i) the enforcement, interpretation or application of any Policy, Act or regulation by the public office holder with respect to the person or organization, or
  - (ii) the implementation or administration of any program, policy, directive or guideline by the public office holder with respect to the person or organization;
- (c) made to a public office holder by an individual on behalf of a person or organization in direct response to a written request from a public office holder for advice or comment on any matter referred to in the definition of "lobby"; or
- (d) made to a member of the Council by or on behalf of a constituent of the member with respect to any personal matter of the constituent.

3.3 A submission made to a member of the Council concerning the introduction in Council or the passage or amendment of a Policy for the special benefit of a constituent of the member is not considered to be a personal matter of the constituent.

### **4. REQUIREMENT TO FILE A LOBBYIST REGISTRATION**

4.1 A registration in the prescribed form identified as Schedule "A" to this Policy and containing the information required by section 5 is to be filed with the Clerk by a lobbyist, within 10 days after entering into an undertaking to lobby on behalf of a client.

4.2 Only one registration need to be filed for each undertaking even though the lobbyist may, in connection with the undertaking,

- (a) communicate with one or more public office holders on one or more occasions, or
- (b) arrange one or more meetings between a public office holder and any other person.

## **5. FORM OF CONTENT OF LOBBYIST REGISTRATION**

5.1 Each registration filed under section 4 is to include the following information as applicable:

- (a) the name and business address of the lobbyist;
- (b) the name and business address of the client and of any person or organization that, to the lobbyist's knowledge, controls, or directs the client's activities and has a direct interest in the outcome of the lobbyist's activities on the client's behalf;
- (c) the date of the undertaking entered into by the lobbyist; and
- (d) particulars to identify the land use development application for a development permit, a re-zoning Policy or an official community plan amendment, in each case pursuant to the *Local Government Act*, concerning which the lobbyist named in the registration has undertaken to lobby.

## **6. CERTIFICATION OF DOCUMENTS AND DATE OF RECEIPT**

6.1 An individual who submits a registration, to the Clerk under this Policy is to certify:

- (a) on the document; or
- (b) in the manner specified by the Clerk, if the document is submitted in electronic or other form under section 7,

that, to the best of the individual's knowledge and belief, the information contained in the document is true.

6.2 Subject to sections 7.2 and 8.5, for the purposes of this Policy the date on which a registration is received by the Clerk is the date on which the return is considered to have been filed.

## **7. SUBMISSION OF DOCUMENTS IN ELECTRONIC OR OTHER FORM**

7.1 A registration that is required to be submitted to the Clerk under this Policy may be submitted in electronic or other form by the means and in the manner specified by the Clerk.

7.2 For the purposes of this Policy, any registration or other document that is submitted in accordance with section 7.1 is deemed to be received by the Clerk at the time provided for in this Policy.

## **8. DUTIES OF THE CLERK**

8.1 The Clerk will establish and maintain a registry in which a record of all registrations submitted to the Clerk under this Policy is to be kept.

8.2 The registry will be organized in the manner and kept in the form as the Clerk may determine to be reasonable.

8.3 The Clerk may do one or more of the following:



- (a) verify the information contained in the registration;
- (b) subject to section 8.4, refuse to accept a registration that does not comply with the requirements of this Policy or that contains information not required to be supplied or disclosed under this Policy;
- (c) delegate, in writing, to a person employed in the Clerk's office any of the Clerk's functions under this Policy; and
- (d) authorize a person to whom functions are delegated under subsection (c) to subdelegate those functions to another person employed in the Clerk's office.

8.4 On refusing to accept a return or other document under section 8.3(b), the Clerk will:

- (a) inform the individual who submitted it of the refusal and the reason(s); and
- (b) allow a reasonable extension of the time set under this Policy for filing the registration if that individual cannot reasonably be expected to file another registration immediately.

8.5 A registration that is filed within the time allowed under section 8.4(b) and is accepted by the Clerk in place of one refused under section 8.3(b) is deemed to have been filed or submitted, as the case may be, on the date the Clerk received the one that was refused.

## **9. PUBLIC ACCESS TO REGISTRY**

9.1 The registry will be available for public inspection in the manner and at the times that the Clerk may determine.

## **10. STORAGE OF DOCUMENTS**

10.1 Any registration that is received by the Clerk under this Policy may be entered or recorded by any information storage device, including any system of mechanical or electronic data processing that is capable of reproducing the stored registration in intelligible form within a reasonable time.

SCHEDULE "A"

**CITY OF SURREY**  
**LOBBYIST REGISTRATION FORM**

*Type or Print in Ink. Complete both sides. File Original with City Clerk.*

Check Box if an Amendment

If this is an Initial Registration, enter  
DATE QUALIFIED as a Lobbyist: \_\_\_\_\_

\_\_\_\_\_  
FULL NAME OF LOBBYIST:

\_\_\_\_\_  
BUSINESS PHONE NUMBER:  
( )

\_\_\_\_\_  
BUSINESS ADDRESS: (Number and Street)

\_\_\_\_\_  
MAILING ADDRESS: (If different from above)

\_\_\_\_\_  
LOBBYIST'S EMPLOYER (if applicable):

\_\_\_\_\_  
BUSINESS PHONE NUMBER:  
( )

\_\_\_\_\_  
EMPLOYER'S BUSINESS ADDRESS: (Number and Street)

\_\_\_\_\_  
NATURE AND PURPOSE OF EMPLOYER'S BUSINESS:

**VERIFICATION**

*By signing the verification below, I certify that I have reviewed and understand the requirements of the City of Surrey.*

*I have used all reasonable diligence in preparing this Registration. I have reviewed this Registration and to the best of my knowledge the information contained herein is true and complete.*

Executed on \_\_\_\_\_ at \_\_\_\_\_  
(date)

By \_\_\_\_\_  
(signature of lobbyist)

**CLIENT DISCLOSURE**

CLIENT'S NAME:

BUSINESS OR MESSAGE

PHONE NUMBER:

( )

CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)

NATURE AND PURPOSE OF CLIENT'S BUSINESS:

DEVELOPMENT APPLICATION NO. AND DESCRIPTION OF PROPOSAL/PROJECT FOR WHICH THE LOBBYIST WAS RETAINED TO REPRESENT THE CLIENT:

CLIENT'S NAME:

BUSINESS OR MESSAGE

PHONE NUMBER:

( )

CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)

NATURE AND PURPOSE OF CLIENT'S BUSINESS:

DEVELOPMENT APPLICATION NO. AND DESCRIPTION OF PROPOSAL/PROJECT FOR WHICH THE LOBBYIST WAS RETAINED TO REPRESENT THE CLIENT.

**CLIENT(S) TO BE DELETED FROM LOBBYIST'S REGISTRATION** (check "Amendment" box on p. 1 of form):

NAME:

NAME:

If more space is needed, check box and attach continuation sheet(s)