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November 19, 2015

CORPORATE SERVICES REPORT- LEGISLATIVE SERVICES #2015-21

TO: Mayor Van Bynen and Members of Council

SUBJECT: Lobbyist Registry for the Northern Six Waste Collection Contract (2017-2027)

ORIGIN: Legislative Services


RECOMMENDATIONS

THAT Corporate Services Commission Report – Legislative Services Report 2015-21 dated November 19, 2015 regarding “Lobbyist Registry for the Northern Six Waste Collection Contract (2017-2027)” be received and the following recommendations be adopted:

- 1. THAT Council adopt the lobbyist registry framework outlined as Option C in Appendix A of this report for the Northern Six Waste Collection Contract (2017-2027);**
- 2. AND THAT deputations at public meetings from any director, officer, employee, agent or representative of a firm or agent of a firm (whether or not they receive payment) who have an interest in submitting a proposal for the Northern Six Waste Collection Contract (2017-2027) be scheduled after the conclusion of the blackout period;**
- 3. AND THAT the Clerk provide the municipalities of Aurora, East Gwillimbury, Georgina, King and Whitchurch-Stouffville a copy of Council’s extract and staff report.**

COMMENTS

This report provides additional background on lobbying considerations related to the release of the Request for Proposals (RFP) for the Northern Six Waste Collection Contract (2017-2027), as requested at the November 9, 2015 Committee of the Whole meeting. The report recommends a lobbyist registry framework for use by Newmarket Members of Council and Town employees prior to the release of the Request for Proposals (RFP) for the Northern Six Waste Collection Contract (2017-2027).



Details of the Northern Six Waste Collection Contract (2017-2027) are outlined in Development and Infrastructure Services – Public Works Services Report 2015-58 which is included in the November 9, 2015 Committee of the Whole agenda or from Chris Kalimootoo, Director of Public Works by contact him by email at ckalimootoo@newmarket.ca or by telephone at 905-953-5300, ext. 2551.

Background

In the context of the public sector, lobbying generally consists of activities that can influence the opinions or actions of a public office holder, which may be an elected official or an employee of a public institution. When undertaken in an ethical and transparent manner, lobbying has the potential to help public office holders make informed decisions. In order to help ensure lobbying activities occur in an ethical and transparent manner, federal and provincial legislation has been established to define lobbying and lobbyists and to provide a system of public disclosure of lobbying activities through a publicly accessible registry. In addition, the legislation provides for an independent accountability officer responsible for administering the lobbyist registry

The Municipal Act, 2001 allows municipalities to pass a lobbying by-law setting out definitions of lobbying and lobbyists and to provide for a lobbyist registry framework and appointment of a lobbyist registrar responsible for registration functions, education and enforcement. In Ontario, the cities of Hamilton, Ottawa and Toronto have established lobbying by-laws and appointed a lobbyist registrar and involve lobbying activities broadly and corporately.

Many public institutions have adopted related policies or practices that support similar lobbying rules or guidelines envisioned in the lobbying legislation. For example, the Town's Procurement By-law prohibits lobbying of elected officials and Town employees by proponents after the release of bid documents and ends when the contract is signed by the Town (referred to as the "blackout period"). The blackout period ensures that there is no inappropriate influence of elected officials and Town employees by proponents and fairness in the evaluation and selection process. A municipality may also establish lobbying rules or guidelines prior to the release of a bid document where the dollar value of the contract is particularly high and/or where there is likely to be active lobbying of public office holders. These rules or guidelines relate to communications with Members of Council and Town employees, including communications at public meetings through public deputations.

Staff recommend Council give consideration to lobbying rules or guidelines prior to the release of the request for proposals for the Northern Six Waste Collection Contract (2017-2027). Options are outlined in Appendix A.

Deputations

Currently, the Town's Procurement By-law prohibits deputations at public meetings by proponents related to the procurement during the blackout period which begins once the bid document is issued and ends when the contract is signed by the Town and the selected proponent. A proponent may make a deputation at a public meeting during the blackout period on unrelated matters.

The Procurement By-law does not strictly prohibit deputations from being made at public meetings prior to the issuance of a bid document. Council should consider the optics of allowing potential proponents to make a deputation at a public meeting so close to the issuance of the request for proposals. This is particularly important to consider in the context of Council meetings where motions and directions to staff can be made. Even if the motion is to simply receive a deputation and refer any information presented to staff, there should be no perception that this information will influence staff's preparation of the request for proposals and related bid documentation based on the interests of one or more potential proponent. It is recommended that deputations at public meetings from potential proponents be scheduled after the conclusion of the blackout period.

Interaction with Council as a whole through a deputation at a public meeting can be contrasted with lobbying communications between potential proponents and individual Members of Council, where Council's statutory authority is not present.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The initiative relates to the Well-equipped and managed link of the Town's Community Vision-implementing policy and processes that reflect sound and accountable governance.

CONSULTATION

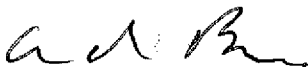
Consultation was undertaken with the Director of Legal Services/Municipal Solicitor, Manager of Procurement Services, Director of Public Works and the Office of the Lobbyist Registrar for

BUDGET IMPACT (CURRENT AND FUTURE)

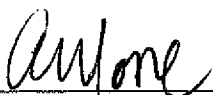
Administrative resources associated with recommended Option C in Appendix A are accommodated within the existing Legislative Services budget.

CONTACT

For more information on this report, please contact Andrew Brouwer, Director of Legislative Services/Town Clerk at abrouwer@newmarket.ca or at 905-953-5300, ext. 2211.



Andrew Brouwer, Director of Legislative Services/Town Clerk



Anita Moore, Commissioner of Corporate Services