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December 7, 2015

## **CORPORATE SERVICES COMMISSION – LEGISLATIVE SERVICES REPORT 2015-26**

TO: Council

SUBJECT: Council Lobbying Framework for the Northern Six Waste Collection Contract (2017-2027)

ORIGIN: Director of Legislative Services/Town Clerk

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### **RECOMMENDATIONS**

**THAT Corporate Services Commission – Legislative Services Report 2015-26 dated December 7, 2015 regarding “Council Lobbying Framework for the Northern Six Waste Collection Contract (2017-2027)” be received and the following recommendations be adopted:**

- 1) THAT any oral communications between Members of Council and any director, officer, employee, agent or representative of a firm or agent of a firm (whether or not they receive payment) with an interest in submitting a proposal for the Northern Six Waste Collection Contract (2017-2027) (hereafter “potential proponents”) prior to the issuance of the request for proposals be limited to acknowledging and referring such communications to the Procurement Department;**
- 2) AND THAT any written communications to Council from potential proponents be acknowledged and/or forwarded to the Procurement Department, to be made public through an Information Report, subject to applicable legislation;**
- 3) AND THAT deputations at public meetings by proponents be scheduled after the conclusion of the blackout period;**
- 4) AND THAT the Clerk provide the municipalities of Aurora, East Gwillimbury, Georgina, King and Whitchurch-Stouffville with a copy of Council’s resolution on this matter and this staff report for their information and consideration.**

## **BACKGROUND**

At the November 30, 2015 Committee of the Whole meeting, Council considered a staff report outlining options and an analysis of lobbying rules and guidelines for Members of Council prior to the issuance of the request for proposals for the Northern Six Waste Collection Contract (2017-2027).

Committee of the Whole passed the following motion:

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 referred to staff to develop recommendations based on the framework outlined in Option B in Appendix A and a requirement for all communications to Council from potential proponents to be received in writing only, to be made public through an information report, subject to any applicable legislation.

Option B in Appendix A of Report 2015-21 provided that Council pass a motion to limit oral communications with potential proponents prior to the issuance of the request for proposals to acknowledging such communications (e.g., a telephone or in-person conversation) and referring such communications to the Procurement Department. The intent of the motion is to, prior to the issuance of the request for proposals:

- Eliminate potential lobbying of Members of Council by potential proponents; and,
- Ensure queries are responded to consistently and in line with the Town's procurement policies and practices.

Council also requested that any written communications (e.g., letters, e-mails) be acknowledged and/or forwarded to the Procurement Department and made available to the public through an information report, subject to applicable legislation (most likely, the Municipal Freedom of Information and Protection of Privacy Act regarding the protection of trade secret or scientific, technical, commercial or financial information supplied in confidence implicitly or explicitly).

Discussion ensued at the November 30, 2015 Committee of the Whole meeting regarding the appropriateness of hearing deputations from potential proponents at Council, Committee of the Whole and other public meetings. Staff advised that Council should consider the optics of hearing deputations from a select number of potential proponents and providing feedback (and potentially directing staff) so close to the issuance of the request for proposals. This report recommends that deputation requests by potential proponents be scheduled following the blackout period (which concludes when the Town executes a contract with the selected consultant). Council will have the opportunity to provide input on the scope of the request for proposals in the early New Year.

It was noted in Report 2015-21 that staff have already been instructed to acknowledge and/or forward any oral or written communications to the Procurement Department. Interactions with potential proponents are limited to the staff of the Procurement Department and applicable departments involved in the waste collection contract and related matters.

Finally, it was clarified that any lobbying rules and guidelines adopted by Council would not compel the councils of the other Northern Six municipalities to adopt the same, but would be shared for their information and consideration. Once the request for proposals is issued by the

Town, proponents and the other Northern Six municipalities are required to follow the Town's Procurement By-law, being By-law 2014-27.

## **NEXT STEPS**

Should Council approve the recommendations set out in this report, the following activities will occur:

- The Director of Legislative Services will provide the councils of the other Northern Six Municipalities with Council's resolution on this matter and this staff report for their information and consideration;
- The Director of Legislative Services will provide Members of Council and their staff, as well as the Manager, Procurement Services with a letter outlining Council's resolution on this matter and this report for the purpose of informing potential proponents and other stakeholders;
- Starting December 15, 2015 Members of Council (and by extension, their staff) will acknowledge and/or forward any telephone calls from potential proponents to the Procurement Department (attention: Gord Sears, Manager, Procurement Services);
- Starting December 15, 2015 Members of Council (and by extension, their staff) will acknowledge and/or refer potential proponents they may meet in person to the Procurement Department (attention: Gord Sears, Manager, Procurement Services);
- Starting December 15, 2015, Members of Council (and by extension, their staff) will acknowledge and/or forward any letters or emails from potential proponents to the Procurement Department (attention: Gord Sears, Manager, Procurement Services). Members of Council may choose to acknowledge and/or forward any letters or emails from potential proponents to the Procurement Department (attention: Gord Sears, Manager, Procurement Services) they may have received prior to December 15, 2015;
- Starting January 8, 2016, the Manager, Procurement Services in consultation with the Director of Legislative Services will issue a bi-weekly information report to Council to include any written correspondence provided to Members of Council from potential proponents up to the time of the issuance of the request for proposals. An information report will only be produced if there is written correspondence received and where there are no limitations on making correspondence public in accordance with applicable legislation;
- Staff will continue to acknowledge and/or forward any oral or written communications to the Procurement Services Department;
- Should Legislative Services receive a request from a potential proponent to make a deputation at a public meeting, their deputation (should they still wish to make one) will be scheduled following the blackout period, which ends when the Town and the selected proponent execute a contract; and,

- During the blackout period (which begins when the request for proposals is issued and ends when the Town and the selected proponent execute a contract), proponents are strictly prohibited from lobbying Members of Council. Should a Member of Council feel they have been lobbied by a proponent, they should immediately contact the Procurement Department (attention: Gord Sears, Manager, Procurement Services).

## **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**

The Director of Public Works Services and Manager, Procurement Services were consulted in the preparation of this report.

## **HUMAN RESOURCE CONSIDERATIONS**

There are no human resource implications associated with the recommendations in this report.

## **BUDGET IMPACT**

### Operating Budget (Current and Future)

There are no Operating Budget implications associated with this report.

### Capital Budget

There are no Capital Budget implications associated with this report.

## **CONTACT**

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



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Andrew Brouwer, Director of Legislative Services/Town Clerk



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Anita Moore, Commissioner of Corporate Services