

NOTICE OF MOTION
TORONTO CITY COUNCIL
February 13 – 15, 2002

Re: Immediate Implementation - Binding Lobbyist Disclosure Policy
For a Transparent and Open Government

WHEREAS there exists the educated public opinion of “toothless-ness” and inefficacy of Council’s non-existent Lobbyist Disclosure By-law (462-2000); and,

WHEREAS The Ontario Superior Court of Justice on October 2, 2001 dismissed the application of noted corporate lobbyist, Jeffrey S. Lyons, “...to quash the resolution of the City of Toronto...” passed by City Council on July 6, 2000 as By-law 462-2000; and,

WHEREAS The Honourable Justice Coe of the Ontario Superior Court of Justice in his decision dismissing Jeffrey S. Lyons’ application also awarded the City costs against Jeffrey S. Lyons; and,

WHEREAS the absence of any requirement for lobbyists to register and disclose their activities involving the City has provided “an immunity” for lobbyists from full public scrutiny and accountability, and contributed mightily to the scandals presently enveloping our City; and,

WHEREAS The Ontario Superior Court of Justice states (October 2, 2001), in its dismissal, that the “decision made by responsible municipal officials to include reporting requirements with respect to bidders’ contracts with the City in connection with prospective City business in procurement of goods and services is not an indirect regulation of lobbyists or lobbying. Bidders can do all the lobbying they want, either directly or through lobbyists, but they must report the fact of such contacts having been made.”; and,

WHEREAS section 102 of the Municipal Act authorizes activity “...for the... welfare of the inhabitants in matters not specifically provided for by this Act [Municipal Act] and for governing the conduct of its members as may be deemed expedient and are not contrary to law”; and,

WHEREAS larger RFP (or RFQ) calls and some “tender calls” have lengthy bidding periods involving large numbers of City staff assigned to the task, the most probingly detailed of daily records should be kept regarding any exchange between the registered lobbyist and the City including all of its Agencies, Boards, and Commissions, and any exchange between the lobbyist and the City’s contracted partners in relation to any proposal considered by the City; and,

WHEREAS The Federal and Provincial governments adhere to lobbyist registry provisions enacted autonomously, which effectively and more stringently protect the people’s representation from outside influence such as any gifts in kind, any monies, any loans or passages, et cetera, given on behalf of bidder or lobbyist, by the bidder or lobbyist to any contacted City parties in relation to a registered RFP or “tender call” for contract; and,

WHEREAS past and present encounters of bidder and lobbyist strategies have infiltrated the effectiveness and ability of City Council elected officials and appointed City staff to protect the public interest, including access to information, due to the lack of full scrutiny into the City’s finances, checks and balances; and,

WHEREAS there is a higher and greater public good that warrants a binding lobbyist disclosure policy for the City, rather than constantly deferring to opinions of high handed and high priced corporate lobbyists and their employers;

NOW THEREFORE BE IT RESOLVED THAT recognizing the close similarities both in magnitude of funding and scope between the RFP calls and “tender calls” for bidding on proposed contracts of the Federal, Provincial, and Toronto Municipal governments, therefore City Council should put in place equally binding regulations for a bidder and lobbyist registry which discloses and regulates all business actions in a timely manner to provide for complete transparency through any proposed or ongoing business contracts with the City of Toronto;

AND BE IT FURTHER RESOLVED THAT in the preparation of the City’s policy, City Council adopt the Federal or Provincial Lobbyist Registry Code as a model, with amendments applicable to the City of Toronto’s situation.

January 3, 2002

Moved By: Councillor Michael Walker, _____

Seconded By: Councillor David Miller, _____

CJS