

2020

# Annual Report

OF THE LOBBYIST REGISTRAR

PREPARED BY

**JOCELYN MCCAULEY, LOBBYIST REGISTRAR**



CORPORATION OF THE  
TOWN OF COLLINGWOOD

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*Under Section 6.2(h) of the Lobbyist Registry By-Law (No. 2020-001), the Lobbyist Registrar is required to report to Council annually on the operations of the Lobbyist Registry, including registration activity and enforcement. The Registrar may also issue other periodic reports, such as the outcome of an investigation into non-compliance.*

## A Note from the Registrar

*“Expectations are now higher than ever, and growing rapidly, for increased accountability and transparency in government.”*

- Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO)

On January 20, 2020, the Town of Collingwood (the ‘Town’) became the seventh municipality in Ontario and the first of its size to establish a Lobbyist Registry. One year later, the Lobbyist Registry forms an integral part of the Town’s Accountability and Transparency framework by promoting and enhancing the integrity of municipal decision-making through the public disclosure and regulation of lobbying activities.

As Registrar, my focus over this past year has primarily been on educating stakeholders and promoting the Registry. Key actions included: changes to the Town's Lobbyist Registry webpage to ensure key documents and information are easily accessible, the launch of a new searchable registry, Lobbyist Registry training sessions for Council Members and Town staff, the development of educational tools and resources, providing advice and interpretation of the Lobbyist Registry By-law, and meeting with Registrars, Integrity Commissioners, and experts from across the Province. In the coming months, this approach will shift slightly to place a greater emphasis on ensuring compliance with the By-law.

In 2020, we also saw the release of the Report of the Collingwood Judicial Inquiry (“Transparency and the Public Trust”).<sup>1</sup> 306 recommendations were made by Associate Chief Justice Frank N. Marrocco across a variety of subject matter areas, 36 of which were directed at lobbying. In his report, Justice Marrocco acknowledged the significant changes made to the Town’s practices, policies, and procedures since the 2012 sale of Collingwood Utility Services Corporation to PowerStream Inc, particularly as it relates to lobbying. While a number of the recommendations made were introduced prior to the release of the Inquiry Report, action is still required, and I will be working closely with Council Members and Town Staff to determine next steps. This will include assisting the Town as it proceeds with a Request for Proposal (RFP) process for the recruitment of an Integrity Commissioner who report directly to Council and serve jointly as Lobbyist Registrar and a Fairness Monitor, in line with Justice Marrocco’s recommendation of an independent Registrar.

On a final note, I would like to acknowledge the incredible support given by Council Members and Town Staff, Ontario’s Lobbyist Registrars and Integrity Commissioners, and the community of Collingwood. The fact that some of the other larger municipalities have implemented their registries ahead of Collingwood, meant that they have paved

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<sup>1</sup> Associate Chief Justice Frank N. Marrocco. Transparency and the Public Trust Report of the Collingwood Judicial Inquiry (Town of Collingwood, 2020).

the way with greater resources and have allowed Collingwood to benefit from their experience and their example. Through their guidance, we were able to develop and implement a municipal lobbyist registration system that is user-friendly, cost effective, and that accommodates the intricacies of a smaller town. The Town of Collingwood has taken significant steps forward in ensuring good governance and has emerged as a leader in its efforts to be accountable and transparent.

Respectfully submitted,

Jocelyn McCauley  
Lobbyist Registrar

## Overview

On January 20, 2020, Collingwood Town Council voted unanimously to establish a Lobbyist Registry pursuant to section 223.9 of the *Municipal Act, 2001*. With the enactment and passage of By-law No. 2020-001 (“Lobbyist Registry By-Law”) and corresponding Lobbyist Code of Conduct, the Town of Collingwood became the seventh municipality in Ontario and the first of its size to introduce a lobbyist registration system, after Toronto, Ottawa, Hamilton, Brampton, Peel Region, and Vaughan.

At this time, Council also agreed on a phased approach to implementation. The online registry tool would be available for lobbyists to register their lobbying activities and for the public and individuals who will be impacted by this program to browse and familiarize themselves with the tool, with no penalties enforced during the first six months the Registry is active. These initial months would serve as educational period and allow time for the Registrar to educate and train Council, committee, and local board members, as well as staff and the public of the Town’s expectations to ensure openness and accountability is achieved with the program. At the conclusion of the six-month education period, a review of the Lobbyist Registry Program would be undertaken, with any recommendations including those, if any, from the Judicial Inquiry incorporated.

On July 20, 2020, the Lobbyist Registry came into full force and effect, and now forms an integral part of the Town of Collingwood’s Accountability and Transparency framework with a total of 76 registrations/returns filed in 2020.

## Mandate

Section 223.9 of the *Municipal Act, 2001*, authorizes the Town of Collingwood to establish and maintain a Lobbyist Registry. The Registry is an online tool that documents substantive communication, such as telephone calls, meetings, or e-mails between those who lobby and Town staff or Council Members in a centralized database that is easy to access and search by the public and interested stakeholders. Anyone who engages in lobbying as defined in the Lobbyist Registry By-Law must register within 10 business days of the initial communication occurring. This includes:

**In-House Lobbyists:** Individuals who are paid employees, partners, or sole proprietors of an organization and who lobby on its behalf.

**Consultant Lobbyists:** Individuals who lobby for payment on behalf of a client (another individual, company, partnership, or organization).

**Voluntary Unpaid Lobbyists:** Individuals who lobby without payment on behalf of a business or for-profit entity for the benefit of the interests of the for-profit entity or organization.

## **The Role of the Registrar**

The Lobbyist Registrar is responsible for general compliance of the Lobbyist Registry By-law (By-law 2020-001) in addition to oversight and administration of the Lobbyist Registry. The Town of Collingwood's Accountability Officer is appointed as Lobbyist Registrar in accordance with the Lobbyist Registry By-Law (No. 2020-001) and is responsible for promoting and enhancing the transparency and integrity of the Town's decision-making process, in an independent manner. Key responsibilities include, but are not limited to:

- overseeing the establishment and maintenance of the Lobbyist Registry accompanying policies and programs,
- ensuring the Registry is available for public inspection through electronic, web-based access at all reasonable times,
- providing advice, education, opinions, and interpretation of the Lobbyist Registry By-law and corresponding Lobbyist Code of Conduct,
- administering, applying, and enforcing the By-law,
- reporting to Council annually, and from time to time as deemed appropriate by the Registrar, on the operations of the Lobbyist Registry, including registration activity and enforcement.

### ***Staffing***

As Registrar, I am responsible for maintaining the registry, reviewing, and verifying registrations/returns for acceptance, compliance, and conduct. Other key duties include outreach and education, maintaining the Lobbyist Registry webpage, and providing information and support to lobbyists, the public, public office holders, and all relevant stakeholders. Administrative support is provided by Clerks Services, when required.

### ***Office Facilities***

The Office of the Lobbyist Registrar is located at Town Hall (97 Hurontario St) on the ground floor. It is open from 8:30 a.m. to 4:30 p.m. daily to members of the public, lobbyists and public office holders. During the COVID-19 pandemic, work is being carried out remotely in accordance with the guidance of public health authorities and the Ontario government.

### ***Technological Support***

IT, Communications, and Clerks Services worked together to create a user-friendly, accessible and cost-effective tool available on the Town of Collingwood website. This tool was designed to collect information from the lobbyists using an online submission form which goes directly to the Registrar for verification. Upon approval, lobbying activities are then posted to the website for the purposes of transparency to the public. A screen shot of the Registry Tool can be found in [Appendix A](#).

## Education and Outreach

As referenced earlier in this Report, my first year as Lobbyist Registrar has been focused primarily on educating stakeholders and promoting the Town's enhanced Accountability and Transparency Framework. After assuming the role of Accountability Officer and Lobbyist Registry in late March 2020, my immediate focus was on ensuring that information on the Registry was clear and easily accessible. Key actions included:

- Changes to the Town's Lobbyist Registry webpage to ensure key documents and information are easily accessible,
- the launch of a new searchable registry (see [Appendix B](#)),
- Lobbyist Registry training sessions for Council Members and staff,
- the development of educational tools and resources (see [Appendix C](#)), and
- advice and interpretation of the Lobbyist Registry By-law.

### Lobbyist Registry Training Sessions

Between July and November 2020, Council Members, and Town Staff from across all departments participated virtually in Lobbyist Registry training sessions.<sup>2</sup> The purpose of these sessions is to increase overall awareness and understanding of the Lobbyist Registry By-law and corresponding Code of Conduct. The sample slides below are from the presentation given during Lobbyist Registry training sessions at the Town of Collingwood. Training is also available to the community of Collingwood and any interested stakeholders.

### WHAT IS LOBBYING?

any communication with a public officer holder by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development, introduction, passage, defeat, 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 a staff member acting under delegated authority

- Lobbyist Registry By-Law No. 2020-001

### THE ROLE OF THE REGISTRAR

ACCOUNTABILITY OFFICER

- Oversees the establishment and maintenance of the registry
- Makes the registry is available for public inspection online at all (reasonable) times
- Advises, interprets and enforces the Lobbyist Registry By-law

### Legislative Authorities

<p><b>Municipal Act, 2001</b></p> <p>Authorizes the Town to establish and maintain a Lobbyist Registry (s. 223.9) and to appoint a Lobbyist Registrar (s. 223.11)</p>	<p><b>Lobbyist Registry By-Law</b></p> <p>By-law to establish and maintain a lobbyist registry for the corporation of the Town of Collingwood</p>
<p><b>Lobbyist Code of Conduct</b></p> <p>Lobbyists are expected to comply with the standards of behaviour set out in this Code when lobbying public office holders.</p>	<p><b>Terms of Use</b></p> <p>Contains the terms and conditions which govern the use of the Town's on-line Lobbyist Registry System.</p>

Lobbyist Registry | Town of Collingwood

<sup>2</sup> In February 2020, my predecessor, Sarah Fortier, delivered eight presentations to public office holders and lobbyists.

When conducting a training session, I always begin and end my presentation by emphasizing that lobbying is a legitimate activity that benefits not only lobbyists, but public office holders and members of the public as well. The benefits of lobbying conversations are lost, however, when they take place exclusively behind closed doors. As such, the Lobbyist Registry was adopted to enhance accountability and transparency in local government by providing public access to the elements of the business conducted at the Town of Collingwood.

During this period, an update on the activities and operations of the Lobbyist Registry was also given to the Strategic Initiatives Committee on July 8 and further training was provided to Council Members in-camera on September 28, 2020, for the purpose of educating or training Council Members.<sup>3</sup> Following this session, Council Members were sent educational and promotional materials for distribution to the community of Collingwood and any other interested stakeholders. These documents can be found in [Appendix D](#). In the coming year, the focus will be on expanding education activities to include all interested stakeholders, with a view of promoting greater awareness of the Registry and compliance with the By-law.

### ***Municipal Lobbyist Registrars of Ontario (MLRO)***

Over the past year I also met regularly with Registrars and experts across the province (the City of Toronto, the City of Ottawa, the City of Burlington, the City of Vaughan, the City of Hamilton, Peel Region, the City of Mississauga, and the Office of the Integrity Commissioner of Ontario). In January 2021, I also had the opportunity to take part in the first inaugural meeting of the Municipal Lobbyist Registrars of Ontario (MLRO). This first meeting was hosted jointly by the City of Vaughan's Lobbyist Registrar and the City of Toronto's Lobbyist Registry. This new forum is intended to give Ontario's Lobbyist Registrars a forum to share our collective experiences, jurisdictional updates, and best practice. This is an important and exciting new area of accountability and I feel honoured to have had the opportunity to represent the Town of Collingwood at the first official meeting of municipal lobbyist registrars in Ontario.

### ***Municipal Integrity Commissioners of Ontario (MICO)***

On November 12, 2020, I had had the opportunity to attend a meeting of the Municipal Integrity Commissioners of Ontario (MICO). Participants included municipal integrity commissioners and other municipal ethics and integrity experts from across the Province, who gathered virtually to discuss best practices.

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<sup>3</sup> This is in accordance with s. 239 of the *Municipal Act, 2001*.



## Advice & Interpretation

As Registrar I regularly provide advice, interpretation, information and assistance to lobbyists, public office holders and members of the public. The following are examples of the types of inquiries my office receives, and the responses given, outside of requests for technological and administrative support:

- ***Would members of the Collingwood Fire Department be considered public office holders? I note it covers town staff in decision making positions – would this be senior staff? Also, many jurisdictions have hour thresholds that need to be hit before lobbyist registration is mandatory. Is that the case with Collingwood?***

The Town of Collingwood's Lobbyist Registry By-law No. 2020-001 applies to Fire Services. Under the Town's By-law, any officer or employee in a management position or with decision-making authority is considered a public officer holder. Therefore, the By-law does not apply solely to senior staff. Finally, no threshold is specified in terms of number of hours lobbied.

- ***If a resident speaks in-person one-on-one with a councillor to complain about speeding. Would they be required to register as a lobbyist? Is there not some requirement that lobbying is attached to financial gain for someone? If people are advocating for something like a stop sign or some traffic calming measures on their street, is that lobbying?***

Communicating with a Member of Council as a constituent on a general neighbourhood or public issue typically does not constitute lobbying. Under the Town's Lobbyist Registry By-law, "lobbying" means any communication with a public officer holder by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development, introduction, passage, defeat, 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 a staff member acting under delegated authority.

- ***Are unsolicited proposals / mass e-mail distribution considered lobbying?***

Based on the definitions of communication and lobbying provided by the Lobbyist Registry By-law, no action is required when a public officer holder simply receives and acknowledges an unsolicited written or electronic communication which does not constitute a meaningful dialogue or exchange that seeks to materially advance a matter that is defined as lobbying.

## Penalties & Enforcement

As an accountability officer whose powers and duties are set out in the *Municipal Act, 2001* and the Lobbyist Registry By-law, it is my responsibility to enforce the Lobbyist Registry as well as the Lobbyist Code of Conduct. As Registrar I am required 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 a sanction be imposed, 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. From there, sanctions can 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 Registrar has the discretion to determine an appropriate sanction

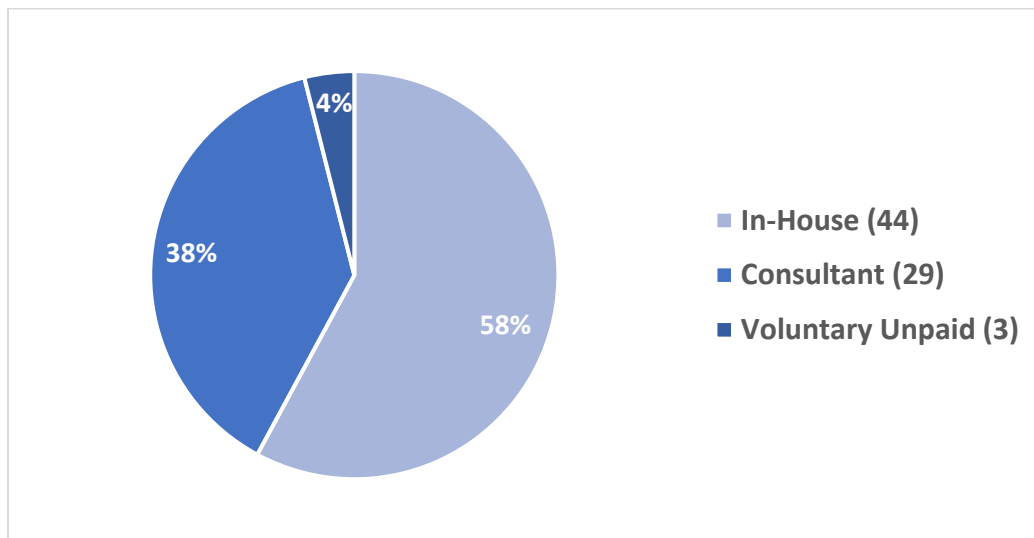
Members of Council and Town Staff are bound by their respective Codes of Conduct to refrain from communicating with individuals who have been found in contravention of the Lobbyist Registry By-law.

On July 20, 2020, the six-month education mandated by Collingwood Town Council ended and "Part 4: Enforcement and Penalties" of the By-law came into full force and effect. To date, no investigations have been conducted and no sanctions have been imposed. While there has been an increased focus on ensuring compliance with the By-law and corresponding Code of Conduct, every effort continues to be taken to educate stakeholders before issuing any penalties.

## Registration Activity

In 2020, 76 lobbying communications were reported by 72 lobbyists/ organizations. In total, 82 submissions were received by my office through the online registration system, however six registrations were not accepted. In each case, the communications described fell within the list of exempted activities under Part 2, s. 4 of the Lobbyist Registry By-Law. The following section includes a detailed breakdown of lobbying activities over the past year.

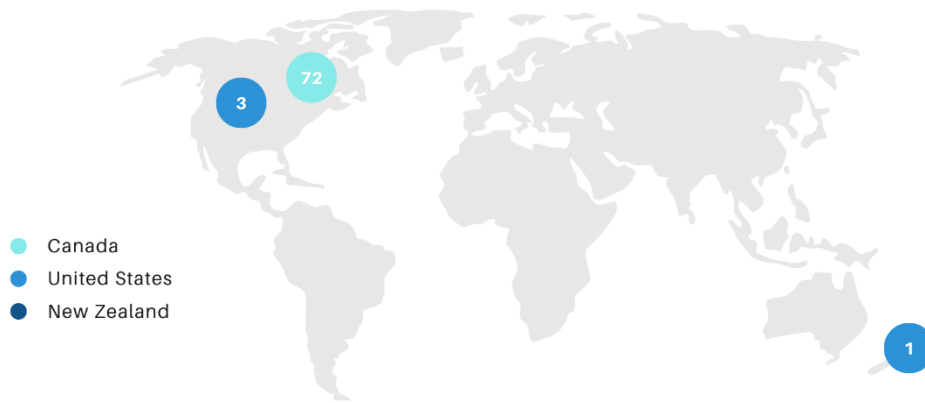
**Figure 1. Annual Lobbyist Registry Statistics by Lobbyist Type**



**Figure 2. Registered Subject Matters**

Subject	No. Lobbying Files Registered
Information Technology	12
Transportation	10
Water/Sewer	9
Parks and Recreation	9
Infrastructure	9
Procurement	5
Planning and Development	4
Economic Development	3
Financial Services	2
By-laws/Regulation	2
Signs	2
Emergency (Fire)	2
Environment	2
Parking	2
Budget	1
Arts/Culture	1
Building Permits/Inspection	1

**Figure 3. Lobbying by Jurisdiction**



Jurisdiction	No. of Lobbyists by Location
<b>Canada</b>	<b>72</b>
<b>Ontario</b>	<b>65</b>
Collingwood	23
Toronto	11
Mississauga	6
Barrie	2
North York	2
Guelph	2
Ottawa	2
Etobicoke	1
Midland	1
Oro-Medonte	1
Oshawa	1
Milton	1
Peterborough	1
Gormley	1
Stayner	1
Clarksburg	1
Brampton	1
Hamilton	1
St. Thomas	1
Innisfil	1
Thorton	1
Kitchener	1
Alliston	1
London	1
<b>British Columbia</b>	<b>4</b>
Vancouver	4
<b>Alberta</b>	<b>1</b>
Calgary	1
<b>Manitoba</b>	<b>1</b>
Winnipeg	1
<b>Quebec</b>	<b>1</b>
St-Hubert	1
<b>United States (Utah, Virginia, New York)</b>	<b>3</b>
<b>New Zealand (Tauranga)</b>	<b>1</b>

## Conclusion

In his Report, *Transparency and the Public Trust: Report of the Collingwood Judicial Inquiry*, Associate Chief Justice Marrocco said the following:

*When the answers to legitimate questions are dismissive, spun, or obfuscated, public trust further erodes. When trust is lost, the relationship between the public and its municipal government may never be the same. The road back is arduous. Repairing the relationship requires self-reflection and a commitment to change.<sup>4</sup>*

The implementation of the Lobbyist Registry marks a significant step forward in ensuring municipal matters are approached in an accountable and transparent manner in the Town of Collingwood. Since 2012, the Collingwood Town Council and Town Staff have consistently demonstrated this commitment to change through various initiatives aimed at ensuring that the Town's operations are transparent and compliant with applicable legislation, regulation, and best practice. As a result, the Town of Collingwood has emerged as a leader in its efforts to be accountable and transparent.

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<sup>4</sup> Associate Chief Justice Frank N. Marrocco, *Transparency and the Public Trust: Report of the Collingwood Judicial Inquiry*, Volume I: Executive Summary and Recommendations, 2020, p. 14.

# APPENDIX A - LOBBYIST REGISTRY ONLINE SUBMISSION FORM

LOBBYIST REGISTRY SUBMISSION FORM Listen

+ Terms of Use

+ Lobbyist Registry By-law & Lobbyist Code of Conduct

Start Complete

First Name \*

Last Name \*

Name of organization on behalf of whom you are contacting the Town of Collingwood \*

Address \*

Phone Number \*

Email Address \*

What kind of Lobbyist are you? \*

- Consultant Lobbyist
- In-house Lobbyist
- Voluntary Unpaid Lobbyist

Person(s) Lobbied (Staff or Council Member's Name) \*

First Name, Last Name

Subject Matter (Choose from the provided list) \*

- Select -

Date Range? \*

January 1, 2020

Please provide a brief description of your communication: \*

Have you held a position with the Town of Collingwood within the last 12 months? \*

- Yes
- No

I have read and I agree to the Terms of Use, the Lobbyist Registry By-law, and the Lobbyist Code of Conduct. \*

- Yes

Submit

# APPENDIX B – SEARCHABLE LOBBYIST REGISTRY

**COUNCIL & GOVERNMENT**

- Town Council +
- COVID-19 Information Portal +
- Agendas, Minutes & Meetings
- Committees & Boards
- Bylaws
- Strategic Plans
- News & Notices +
- Employment
- Budget & Taxes +
- Bid Opportunities
- Accountability & Transparency
- Lobbyist Registry -
- Lobbyist Registry Search →
- Lobbyist Registry FAQs
- Accessibility +
- County of Simcoe
- Contact Directory
- Greener Collingwood

## SEARCH THE REGISTRY Listen ▶

**How to register**  
To register, click on the link below:

Lobbyist Registry Submission Form

If you have any questions or are experiencing any difficulties with the Lobbyist Registry, please contact the Registrar at [accountability@collingwood.ca](mailto:accountability@collingwood.ca).

+ [Terms of Use](#)

**Search**

**Type of Lobbyist**

- Any -
▼

**Subject**

- Any -
▼

**Filter**

Filter

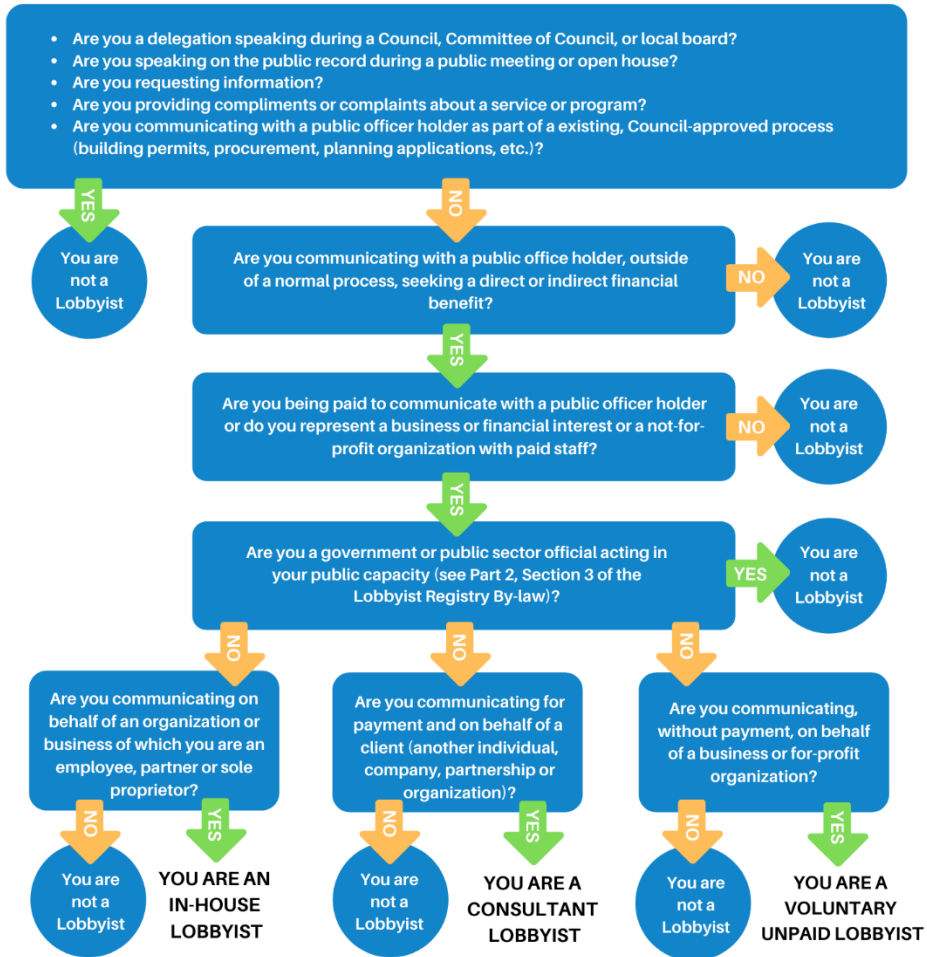
Name	Organization	Town/City	Type	Person(s) Lobbied	Subject	Date(s)	Description
Alexandra Brenner	Bus.com	Toronto	Consultant	Coordinator, Public Works and Transit	Transportation	01/27/2021 -	As the Town of Collingwood begins reviewing the transit system, Bus.com is hoping to contribute in developing the 5 year growth strategy. More specifically the company would like to discuss the opportunity for Collingwood to consider on-demand transit.

# APPENDIX C - AM I A LOBBYIST? (SAMPLE EDUCATIONAL TOOL)

## AM I A LOBBYIST?

TOWN OF COLLINGWOOD

Are you not sure if you are a lobbyist or need to register your lobbying activities? By answering a few yes or no questions you can determine whether or not you should register.



FOR MORE INFORMATION CONTACT  
[ACCOUNTABILITY@COLLINGWOOD.CA](mailto:ACCOUNTABILITY@COLLINGWOOD.CA)



## APPENDIX D - EDUCATIONAL AND PROMOTIONAL MATERIALS



**TOWN OF  
COLLINGWOOD**

**LOBBYIST  
REGISTRY  
TRAINING  
SESSION**

Register today to learn about  
the Town of Collingwood's  
newly implemented Lobbyist  
Registry

Sessions are being offered remotely  
through webinars or teleconference

To request an info session or if you have  
any questions, please contact:  
[accountability@collingwood.ca](mailto:accountability@collingwood.ca)

**Town of Collingwood**  
97 Hurontario Street , Box 157  
Collingwood, ON L9Y 3Z5  
[www.collingwood.ca](http://www.collingwood.ca)



*town of collingwood*

# LOBBYIST REGISTRY

## INTERESTED TO LEARN MORE?

CONTACT THE REGISTRAR AT  
[ACCOUNTABILITY@COLLINGWOOD.CA](mailto:ACCOUNTABILITY@COLLINGWOOD.CA)  
TO REGISTER FOR AN INFORMATION  
SESSION!

### ABOUT THE REGISTRY

The Registry is an online tool that documents substantive communication, such as telephone calls, meetings, or e-mails between those who lobby and Town staff or Council Members in a centralized database that is easy to access and search by the public and interested stakeholders.

### WHO SHOULD REGISTER

Anyone who engages in lobbying as defined in the [Lobbyist Registry By-Law](#) must register within 10 business days of the initial communication occurring. This includes:

**IN-HOUSE LOBBYISTS** | Individuals who are paid employees, partners, or sole proprietors of an organization and who lobby on its behalf

**CONSULTANT LOBBYISTS** | Individuals who lobby for payment on behalf of a client (another individual, company, partnership, or organization)

**VOLUNTARY UNPAID LOBBYISTS** | Individuals who lobby without payment on behalf of a business or for-profit entity for the benefit of the interests of the for-profit entity or organization

Not sure if you are a lobbyist or need to register your lobbying activities? Download a copy of the [Am La Lobbyist Flowchart \(PDF\)](#) to determine if registration is required.

### WHY REGISTER?

Lobbying is a legitimate activity that benefits not only lobbyists, but public office holders and members of the public as well. The benefits of lobbying are lost, however, when they take place behind closed doors. Registering helps make the activities of lobbyists transparent without impeding access to local government.

### HOW TO REGISTER

Register your lobbying activities online at: <https://www.collingwood.ca/council-government/lobbyist-registry>

**Town of Collingwood**  
97 Hurontario Street, Box 157  
Collingwood, ON L9Y 3Z5  
[www.collingwood.ca](http://www.collingwood.ca)

