

# THE CORPORATION OF THE TOWN OF CALEDON

## BY-LAW NO. 2025-010

A By-law to establish and maintain a lobbyist registry

WHEREAS Council desires to establish and maintain a Lobbyist Registry and appoint a Lobbyist Registrar to provide transparency about individuals and organizations who lobby the Town of Caledon public office holders as confirmed through its By-law 2024-035; and

WHEREAS section 11(2)2 of the *Municipal Act, 2001* authorize the Town of Caledon pass by-laws respecting the accountability and transparency of the municipality and its operations; and

WHEREAS section 223.9 of the *Municipal Act, 2001* authorizes the Town of Caledon to establish and maintain a Lobbyist Registry in which shall be kept registrations and returns filed by persons who lobby the Town of Caledon public office holders; and

WHEREAS section 223.11 of the *Municipal Act, 2001* authorizes the Town of Caledon to appoint a Lobbyist Registrar who is responsible for performing in an independent manner the functions assigned by the Town of Caledon with respect to the Lobbyist Registry; and

WHEREAS Council respects the rights of all individuals under the Canadian Charter of Rights and Freedoms and acknowledges its responsibility to exercise its authority in a manner upholding these rights;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

### PART 1 - DEFINITIONS

1.1 In this By-law:

**“Communication”** means any substantive form of communication including a formal meeting, email, letter, phone call or meaningful dialogue or exchange that materially advances a matter that is defined as lobbying, whether in a formal or an informal setting;

**“Clerk”** means the individual appointed by Council in accordance with section 228(2) of the *Municipal Act, 2001*;

**"Council"** means the Council of the Corporation of the Town of Caledon;

**"Lobby" or “lobbying”** means any communication with a public office holder not otherwise exempted under Part 5 of this By-law by an individual 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"** means a consultant lobbyist, in-house lobbyist, or voluntary unpaid lobbyist not otherwise exempted under Part 4 of this By-law and:

(a) **"consultant lobbyist"**: an individual who lobbies for payment on behalf of a client (another individual, a business, partnership, organization or other entity);

(b) **"in-house lobbyist"**: an individual who is an employee, partner or sole proprietor and who lobbies on behalf of his or her own employer, business or other entity; and

(c) **"voluntary unpaid lobbyist"**: an individual who lobbies without payment on behalf of an individual, business or any other for-profit entity for the benefit of the interests of the individual, business or for-profit entity;

**"Lobbyist Registrar"** means the individual appointed by Council in accordance with section 223.11 of the *Municipal Act, 2001*;

**"Lobbyist Registry"** means a system of registration in which the registrations and returns shall be kept of individuals or organizations who lobby public office holders, and which shall include such information as determined in Part 8 this By-law;

**"Public office holder"** means:

- (a) A member of Council;
- (b) Individuals statutorily appointed by Council as the Chief Administrative Officer, Chief Building Officer, Clerk, Treasurer and Auditor; or
- (c) A Commissioner as head of a Town of Caledon department;
- (d) A member of Committee of Adjustment or Property Standards Committee as established by Council.

**"Registration"** means a first filing by a lobbyist regarding a subject matter they intend to lobby on as set out in section 8.2 of this By-law; and

**"Return"** means an update of a registration filed by a lobbyist as set out in section 8.3 of this By-law.

## **PART 2 – ESTABLISHMENT OF A LOBBYIST REGISTRY**

- 2.1 The Lobbyist Registry is established pursuant to Section 223.9 of Part V.1 of the *Municipal Act, 2001*.
- 2.2 The Lobbyist Registry shall be available for public inspection through digital web-based access at all reasonable times.

## **PART 3 – LOBBYIST REGISTRAR**

- 3.1 The Town of Caledon shall appoint a Lobbyist Registrar in accordance with section 223.11 of the *Municipal Act, 2001*.
- 3.2 The Clerk shall be appointed Lobbyist Registrar in accordance with section 223.11 of the *Municipal Act, 2001* if no other person is otherwise appointed.
- 3.3 The Lobbyist Registrar's responsibilities include:
  - (a) Overseeing the establishment and maintenance of a lobbyist registry, including determining the lobbyist registry's form and content, in which shall be kept with the registrations and returns filed by eligible lobbyists as prescribed under this By-law;
  - (b) Making the lobbyist registry available for public inspection through digital, web-based access at all reasonable times, namely:
    - (i) that a registration or return is on the lobbyist registry within a reasonable timeframe after it is filed;
    - (ii) that the lobbyist registry is accessible except during regular maintenance or due to circumstances beyond the Town of Caledon's control;

- (iii) providing advice, opinions and interpretation pertaining to the administration, application and enforcement of this By-law;
- (iv) conducting inquiries in respect of a request made about compliance with this By-law, which may include requesting that a public office holder gather information concerning lobbying of them and provide that information to Lobbyist Registrar;
- (v) suspending, revoking or refusing a registration or return, including visual differentiation by adjusting format or colour of suspending or revoked registrations or returns;
- (c) Enforcing this By-law;
- (d) Advising Council on lobbying matters and recommending improvements to this By-law a minimum of once per term of Council within the first year of their term; and
- (e) Providing to Council any periodic reports and information as the Lobbyist Registrar considers appropriate.

## **PART 4 – EXEMPTED INDIVIDUALS AND ORGANIZATIONS**

4.1 The following individuals and organizations shall not be considered lobbyists when acting in their public capacity:

- (a) Government or public sector organizations not including the Town of Caledon and other municipal bodies;
- (b) Members of the Senate or House of Commons of Canada, the legislative assembly of a province, the council or legislative assembly of a territory, or individuals on the staff of the members;
  - (i) Members of a First Nation council as defined in the *Indian Act* or of the council of an Indian band established by an Act of the Parliament of Canada, or individuals on the staff of the members;
  - (ii) Employees or consultants retained by the Government of Canada, the government of a province or territory, a First Nation council, a federal or provincial crown corporation or other federal or provincial public agency;
  - (iii) Members of a council or other statutory body, including a local board, charged with the administration of the civil or municipal affairs of a municipality in Canada other than the Town of Caledon, individuals on staff of these members, or officers or employees of the municipality or local board;
  - (iv) Members of a national or sub-national foreign government, individuals on the staff of these members, or officers, employees, diplomatic agents, consular officers, or official representatives in Canada of the government.
- (c) Officials and employees of the Town of Caledon and other municipal bodies:
  - (i) Public office holders;
  - (ii) Members or employees of a local board of the Town of Caledon;
  - (iii) Members of an advisory or standing committee appointed by Council.
- (d) Individuals communicating on behalf of local school boards or healthcare institutions.

## **PART 5 – EXEMPTED ACTIVITIES**

5.1 Lobbying does not include communication by a lobbyist with a public office holder:

- (a) During a meeting of Council or a Committee of Council;
- (b) During a public process such as a public meeting, hearing, consultation, open house or media event held or sponsored by the Town of Caledon or a public office holder or related to an application;
- (c) That is restricted to a request for information;
- (d) That is restricted to compliments or complaints about a service or program;
- (e) About the enforcement, interpretation or application of any Act or by-law by the public office holder and with respect to the individual, business or other entity;
- (f) About providing clarity through education, awareness or guidance of the implementation or administration of any policy, program, directive or guideline of interest to the lobbyist;
- (g) About a personal matter of the lobbyist unless it is communication that is in respect of a matter that falls under the definition of lobbying, that is for the special benefit of the lobbyist;
- (h) Regarding an application for a service, grant, planning approval, permit or other license or permission if the communication:
  - (i) is restricted to providing general information on an application, including a proposed or pending application, or to inquire about the application review process;
  - (ii) is part of the normal course of the approval process;
  - (iii) is with respect to planning or development applications and the public office holder has a role in the processing of a planning or development application during the formal pre-application consultation, the filing of the application and the application review process, including the preparation of development agreements;
- (i) Regarding the submission of a bid proposal as part of the procurement process and any communication as permitted in the procurement policies and procurement documents of the Town of Caledon;
- (j) In direct response to a written request from the public office holder;
- (k) On a general neighbourhood or public policy issue;
- (l) Directly related to a Town of Caledon initiated consultative meetings and processes where a lobbyist is participating as a stakeholder advocating for or against a policy or program that states a position where the primary focus is a broad community benefit or detriment, whether Town of Caledon wide, a local neighborhood or specific community, and where that position would have no direct, indirect or perceived benefit to a business or financial interest of the communicating lobbyist;
- (m) Regarding a business or financial interest by not-for-profit businesses or other not-for-profit entity where such business or entity has no paid staff.

5.2 The Lobbyist Registrar may exempt lobbying from some or all the requirements of this By-law if he or she is satisfied in advance by a lobbyist that registration

could reasonably be expected to prejudice the economic interests of the Town of Caledon or the competitive position of the Town of Caledon.

## **PART 6 – PUBLIC OFFICE HOLDER RESPONSIBILITIES**

- 6.1 A public office holder's responsibilities include:
- (a) Timely and complete responses to a request from the Lobbyist Registrar under clause 3.3(c) to gather and provide information with respect to appropriate enforcement of this By-law; and
  - (b) Ending, as soon as practicable, lobbying by a lobbyist who is prohibited from lobbying and reporting, in a timely manner, such lobbying to the Lobbyist Registrar.
- 6.2 Except when responding to a request from the Lobbyist Registrar under clause 3.3(c), a public office holder's responsibility under this By-law does not include gathering or providing information concerning lobbying of them.

## **PART 7 – LOBBYIST CONDUCT**

- 7.1 Lobbyists shall conduct themselves with honesty and integrity in all dealings with public office holders, clients, employers, the public and other lobbyists.
- 7.2 Lobbyists shall be open and transparent about their lobbying activities while maintaining necessary confidentiality.
- 7.3. Lobbyists communicating with public office holders shall disclose the identity of the individual, business, or organization on whose behalf they are lobbying, as well as the subject matter of the communication.
- 7.4 Lobbyists communicating with a public office holder on a duly registered and disclosed subject matter shall not use that opportunity to communicate on another subject matter, unless first having registered as required and disclosing the identity and purpose.
- 7.5 Lobbyists shall inform their client, employer, or organization of the obligations under this By-Law and their obligations to adhere to this By-law.
- 7.6 Lobbyists shall provide information that is accurate and factual to public office holders.
- 7.7 Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.
- 7.8 Lobbyists shall not divulge confidential information unless they have obtained informed consent of their client, employer, organization, or disclosure is required by law.
- 7.9 Lobbyists shall not use any confidential information obtained during their lobbying activities to the disadvantage of their client, employer, or organization.
- 7.10 Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- 7.11 Lobbyists shall advise public office holders that they have informed their clients of any potential or actual conflict of interest and obtained the written consent of each client concerned before proceeding or continuing lobbying activities.
- 7.12 Lobbyists shall not lobby public office holders on a subject matter for which they provide advice to the Town of Caledon.
- 7.13 Lobbyists shall avoid both the deed and the appearance of impropriety.

- 7.14 Lobbyists shall not knowingly place a public office holder in a conflict of interest or in a breach of public office holders' codes of conduct or standards of behaviour.
- 7.15 Lobbyists shall not communicate with public office holders in relation to a procurement process except as defined in the Town of Caledon's procurement policies, documents, and By-law.

## **PART 8 – REGISTRATIONS AND RETURNS**

- 8.1 No individual or organization shall lobby a public office holder without filing a registration with the Lobbyist Registrar and in accordance with the requirements as set out in this Part 8.
- 8.2 All lobbyists shall file a registration for each subject matter they intend to lobby on prior to the lobbying or within ten (10) days of the initial communication occurring.
- 8.3 The registration shall include:
- (a) Their name(s), address, and contact information;
  - (b) If they are a consultant lobbyist, in-house lobbyist, or voluntary unpaid lobbyist;
  - (c) The name of the individual, client, or other entity, including all business names under which the individual, client or other entity is operating, on whose behalf they are lobbying;
  - (d) The name(s) of the individual(s) being lobbied;
  - (e) The specific subject matter of the lobbying to which an individual could reasonably identify its topic;
  - (f) The date(s) or date range on which the lobbying will occur or occurred;
  - (g) Acknowledgement that they have read and understand their requirements within this By-law; and
  - (h) Such further information as the Lobbyist Registrar may require.
- 8.4 A lobbyist shall file a return updating any change to their registration.
- 8.5 If lobbying continues for more than one year, a lobbyist shall file a new registration for each year the lobbying continues.
- 8.6 The lobbyist is solely responsible for meeting the requirements with respect to registrations and returns set out in this section.
- 8.7 Former public office holders must not engage in lobbying activities for twelve (12) months after ceasing to be a public office holder in the Town of Caledon.

## **PART 9 – PENALTIES**

- 9.1 The Lobbyist Registrar may prohibit a person from lobbying in accordance with the following provisions if they find that a lobbyist has contravened any of the provisions of this By-law:
- (a) Prohibition of lobbying activities for a first contravention until an information and education meeting with the Lobbyist Registrar is held;
  - (b) Prohibition on lobbying activities for a period of sixty (60) days for a second contravention;
  - (c) Prohibition of lobbying activities for a period as may be determined by the Lobbyist Registrar for a third or subsequent contravention.

- 9.2 When the Lobbyist Registrar prohibits an individual or organization from lobbying, the Lobbyist Registrar shall notify the individual or organization and all public office holders of the prohibition and the reason for the prohibition in such manner as the Lobbyist Registrar determines.
- 9.3 The Lobbyist Registrar may remove a registration or return from the lobbyist registry through visual differentiation by adjusting registration or return format or colour if the Lobbyist Registrar finds that the individual who filed the registration or return has contravened this By-law.
- 9.4 When a registration or return is removed from the lobbyist registry, the individual or organization who filed the registration or return is deemed, for the purposes of their existing and future obligations under this By-law, not to have filed the registration or return.
- 9.5 Lobbyists shall not engage in lobbying where the Lobbyist Registrar has prohibited them from lobbying with the Town of Caledon for a specified time in accordance with section 9.1.
- 9.6 In accordance with subsection 223.12(7) of the *Municipal Act, 2001*, should the Lobbyist Registrar determine, when conducting an inquiry, that there are reasonable grounds to believe that an individual has contravened a provincial Act or the Criminal Code of Canada, the Lobbyist Registrar shall immediately refer the matter to appropriate authorities and suspend the inquiry pending the outcome of any resulting police investigation.

**PART 10 – GENERAL, REPEAL AND ENACTMENT**

- 10.1 This By-law shall be known as the Lobbyist Registry By-law.
- 10.2 In the event of a conflict between the provisions of this By-law and the provisions of another by-law of the Corporation of the Town of Caledon, the provisions of the more restrictive enactment shall prevail.
- 10.3 In the event any provision, or part thereof, of this By-law is found by a court of competent jurisdiction, to be ultra vires, such provision or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this By-law shall remain in full force and effect.
- 10.4 This By-law shall come into full force and effect on July 1, 2025.

**Enacted by the Town of Caledon Council this 25th day of February, 2025.**

“Annette Groves”

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Annette Groves, Mayor

“Kevin Klingenberg”

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Kevin Klingenberg, Municipal Clerk