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**To:** "Direct to Mayor and Council - DL" <CCDTMACDL@vancouver.ca>

**Date:** 4/21/2017 6:17:20 PM

**Subject:** Memo - City of Surrey lobbyist registry

**Attachments:** Memo to Mayor and Council - Summary of the City of Surrey's Lobbyist Reg....pdf

Dear Mayor and Council,

The attached memorandum is provided in response to Council's request on February 21, 2017 for additional information regarding the lobbyist registration policy established by the City of Surrey.

Best,  
Paul

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OFFICE OF THE CITY MANAGER  
Deputy City Manager

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## MEMORANDUM

April 12, 2017

**TO:** Mayor and Council

**CC:** Sadhu Johnston, City Manager  
Paul Mochrie, Deputy City Manager  
Janice MacKenzie, City Clerk  
Lynda Graves, Manager, Administration Services, City Manager's Office  
Rena Kendall-Craden, Director, Communications  
Kevin Quinlan, Chief of Staff, Mayor's Office  
Katie Robb, Director, Communications, Mayor's Office  
Naveen Girn, Director, Community Relations, Mayor's Office  
Francie Connell, Director, Legal Services and City Solicitor  
Kelly Oehlschlager, Assistant Director, Legal Services  
Corporate Management Team

**FROM:** Paul Mochrie  
Deputy City Manager

**SUBJECT:** Summary of the City of Surrey's Lobbyist Registry Policy

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This memo is provided in response to Council's request at the Regular Council meeting on February 21, 2017 for staff to investigate the City of Surrey's voluntary lobbyist registry including costs, impacts, and any information on the impetus behind the decision to establish the registry.

Note that the content below reflects information that was provided to staff by the City of Surrey.

### **Purpose of Surrey's Lobbyist Registry**

Surrey's Lobbyist Registry was put in place to provide the citizens of Surrey with access to information about persons who attempt to influence decision-making through the use of paid lobbyists in relation to land use development applications.

### **Who Registers**

Self-declared lobbyists voluntarily file a form with the City Clerk's Office containing the following information:

- Date qualified as a lobbyist

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- Full name and business phone number
- Business address
- Lobbyist's employer (if applicable) and business phone number
- Employer's business address
- Nature and purpose of employer's business
- Client's name and business phone number
- Client's business mailing address
- Nature and purpose of client's business
- Development application number and description of proposal / project for which the lobbyist was retained to represent the client

### **Overview of Surrey's Lobbyist Registry**

As mentioned, Surrey's Lobbyist Registration policy applies to two types of lobbyists - independent consultant lobbyists and in-house lobbyists, all of whom are paid.

Lobbyists may register with the City Clerk's office and update their file whenever they take on new clients. Applications are collected by a Planning Clerk, approximately once per week, and are forwarded to Legislative Services where staff review for completeness, file, scan and upload the application to its public website: <https://surrey.ca/city-government/3089.aspx>. It is updated on a quarterly basis.

The City's Lobbyist Registrar is located in the City Clerk's office, who is responsible for keeping the registry and, in that capacity, can:

1. determine consultation and registration times;
2. examine whether the returns and notices submitted contain all the required information and whether they are submitted in the prescribed form and manner; and
3. refuse to accept, or remove from the registry, any return or notice that does not contain all the required information or that is not submitted in the prescribed form or manner.

Since inception, the number of lobbyists who have voluntarily registered has steadily increased (from 54 registrants in 2009 to 291 registrants in 2016.) The lists include architects, engineers, telecommunications companies, builders and real estate agents.

### **Restrictions on Application of Policy**

Surrey's Lobbyist Registry policy does not apply to federal, provincial or municipal elected representatives or their staff. Aboriginal peoples and bands are also exempt. The policy does not apply in respect of an oral or written submission made in proceedings that are a matter of public record to Council or a committee of Council.

The policy also does not apply to the enforcement, interpretation of any by-law or legislation, or the implementation or administration of any policy, directive or program that applies to that person or organization. The policy does not apply in respect of submissions on behalf of a personal matter related to a constituent. However, a matter considered to specifically benefit a constituent would be covered.

Surrey's policy requires registration only for lobbyists advocating on behalf of applicants for a rezoning, a development permit, or an official community plan amendment. Additionally, registrants are not required to provide any detail regarding their lobbying activity. As such, there is no information available regarding the elected officials or staff who are the subject of such activity or the dates of communications.

**Cost of Establishment and Administration**


There is minimal cost to the City Clerk's Office for the administration of the registry. As such, the City of Surrey does not have a line item in its budget for the lobbyist registry.

**Effectiveness of City of Surrey's Lobbyist Registry**

Since the Policy is voluntary, it places the onus on the lobbyist to register. Surrey has no method for enforcement. There are no consequences to City staff or members of Council if dealing with unregistered lobbyists.

To date, City of Surrey staff have not undertaken any formal evaluation of the program, and no formal information is available outlining the strengths or weaknesses of the registry.

Please do not hesitate to contact me if you require any additional information.



Paul Mochrie  
Deputy City Manager

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Appendix A - City of Surrey Lobbyist Registry Policy

APPENDIX "A"

<p><b>Lobbyist Registration Policy</b></p>
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1. **PURPOSES**

The purposes of the Lobbyist Registration Policy are:

- 1.2 To put in place registration and disclosure requirements to ensure that the citizens of Surrey have access to information about persons who attempt to influence decisions of City government through the use of paid lobbyists in relation to land use development applications, and
- 1.2 To promote transparency concerning attempts to influence Municipal decision making and ensure that complete information and disclosure of lobbyists and the clients they represent become public information for the benefit of Council and the general public;

2. **DEFINITIONS**

The following terms are used in this Policy and are defined as follows:

- (a) "City" means the City of Surrey;
- (b) "Clerk" means the holder of statutory officer position of Surrey City Clerk;
- (c) "client" means a person or organization on whose behalf a lobbyist undertakes to lobby;
- (d) "Council" means the elected Council of the City;
- (e) "lobby" means, in relation to a lobbyist, to communicate with a public office holder in an attempt to influence a decision in relation to a development application for a development permit, a rezoning Policy or an official community plan amendment in each case pursuant to the provisions of the *Local Government Act*;
- (f) "lobbyist" means an individual who engages in lobbying activities;
- (g) "organization" means
  - (1) a business, trade, industry, professional or voluntary organization,
  - (2) a charitable or non-profit organization, association or society, and
  - (3) a government, other than the City;
- (h) "public office holder" means
  - (1) any officer or employee of the City, and
  - (2) a member of the Council and any person on his or her staff;
- (i) "undertaking" means an undertaking by a lobbyist to lobby on behalf of a client, but does not include an undertaking by an employee to do anything:
  - (1) on the sole behalf of the employer, or
  - (2) if the employer is a corporation, at the direction of the employer on behalf of a subsidiary of the employer or any corporation of which the employer is a subsidiary.

### 3. RESTRICTIONS ON APPLICATION OF POLICY

3.1 This Policy does not apply to any of the following persons when acting in their official capacity:

- (a) members of the Senate or House of Commons of Canada or persons on their staff;
- (b) members of the Legislative Assembly of a province or persons on their staff;
- (c) employees of the government of Canada or of the government of another province or territory;
- (d) public office holders, members of a municipal council, regional district board, improvement district board, school district board or other local government authority, persons on the staff of those members, or employees of a municipality, regional district, improvement district, school district or other local government authority; or
- (e) employees of bodies representing municipal councils, regional district boards, improvement district boards, school district boards or other local government authorities.

3.2 This Policy does not apply in respect of an oral or written submission made as follows:

- (a) made in proceedings that are a matter of public record to Council or a committee of Council or to any body or person having jurisdiction or powers conferred by or under an Act;
- (b) made to a public office holder by an individual on behalf of a person or organization concerning
  - (i) the enforcement, interpretation or application of any Policy, Act or regulation by the public office holder with respect to the person or organization, or
  - (ii) the implementation or administration of any program, policy, directive or guideline by the public office holder with respect to the person or organization;
- (c) made to a public office holder by an individual on behalf of a person or organization in direct response to a written request from a public office holder for advice or comment on any matter referred to in the definition of "lobby"; or
- (d) made to a member of the Council by or on behalf of a constituent of the member with respect to any personal matter of the constituent.

3.3 A submission made to a member of the Council concerning the introduction in Council or the passage or amendment of a Policy for the special benefit of a constituent of the member is not considered to be a personal matter of the constituent.

### 4. REQUIREMENT TO FILE A LOBBYIST REGISTRATION

4.1 A registration in the prescribed form identified as Schedule "A" to this Policy and containing the information required by section 5 is to be filed with the Clerk by a lobbyist, within 10 days after entering into an undertaking to lobby on behalf of a client.

4.2 Only one registration need to be filed for each undertaking even though the lobbyist may, in connection with the undertaking,

- (a) communicate with one or more public office holders on one or more occasions, or
- (b) arrange one or more meetings between a public office holder and any other person.

**5. FORM OF CONTENT OF LOBBYIST REGISTRATION**

5.1 Each registration filed under section 4 is to include the following information as applicable:

- (a) the name and business address of the lobbyist;
- (b) the name and business address of the client and of any person or organization that, to the lobbyist's knowledge, controls, or directs the client's activities and has a direct interest in the outcome of the lobbyist's activities on the client's behalf;
- (c) the date of the undertaking entered into by the lobbyist; and
- (d) particulars to identify the land use development application for a development permit, a re-zoning Policy or an official community plan amendment, in each case pursuant to the *Local Government Act*, concerning which the lobbyist named in the registration has undertaken to lobby.

**6. CERTIFICATION OF DOCUMENTS AND DATE OF RECEIPT**

6.1 An individual who submits a registration, to the Clerk under this Policy is to certify:

- (a) on the document; or
- (b) in the manner specified by the Clerk, if the document is submitted in electronic or other form under section 7,

that, to the best of the individual's knowledge and belief, the information contained in the document is true.

6.2 Subject to sections 7.2 and 8.5, for the purposes of this Policy the date on which a registration is received by the Clerk is the date on which the return is considered to have been filed.

**7. SUBMISSION OF DOCUMENTS IN ELECTRONIC OR OTHER FORM**

7.1 A registration that is required to be submitted to the Clerk under this Policy may be submitted in electronic or other form by the means and in the manner specified by the Clerk.

7.2 For the purposes of this Policy, any registration or other document that is submitted in accordance with section 7.1 is deemed to be received by the Clerk at the time provided for in this Policy.

**8. DUTIES OF THE CLERK**

8.1 The Clerk will establish and maintain a registry in which a record of all registrations submitted to the Clerk under this Policy is to be kept.

8.2 The registry will be organized in the manner and kept in the form as the Clerk may determine to be reasonable.

8.3 The Clerk may do one or more of the following:



- (a) verify the information contained in the registration;
- (b) subject to section 8.4, refuse to accept a registration that does not comply with the requirements of this Policy or that contains information not required to be supplied or disclosed under this Policy;
- (c) delegate, in writing, to a person employed in the Clerk's office any of the Clerk's functions under this Policy; and
- (d) authorize a person to whom functions are delegated under subsection (c) to subdelegate those functions to another person employed in the Clerk's office.

8.4 On refusing to accept a return or other document under section 8.3(b), the Clerk will:

- (a) inform the individual who submitted it of the refusal and the reason(s); and
- (b) allow a reasonable extension of the time set under this Policy for filing the registration if that individual cannot reasonably be expected to file another registration immediately.

8.5 A registration that is filed within the time allowed under section 8.4(b) and is accepted by the Clerk in place of one refused under section 8.3(b) is deemed to have been filed or submitted, as the case may be, on the date the Clerk received the one that was refused.

## 9. PUBLIC ACCESS TO REGISTRY

9.1 The registry will be available for public inspection in the manner and at the times that the Clerk may determine.

## 10. STORAGE OF DOCUMENTS

10.1 Any registration that is received by the Clerk under this Policy may be entered or recorded by any information storage device, including any system of mechanical or electronic data processing that is capable of reproducing the stored registration in intelligible form within a reasonable time.

SCHEDULE "A"

**CITY OF SURREY  
LOBBYIST REGISTRATION FORM**

Type or Print in Ink. Complete both sides. File Original with City Clerk.

Check Box if an Amendment

If this is an Initial Registration, enter  
DATE QUALIFIED as a Lobbyist: \_\_\_\_\_

\_\_\_\_\_  
FULL NAME OF LOBBYIST: BUSINESS PHONE NUMBER:  
( )

\_\_\_\_\_  
BUSINESS ADDRESS: (Number and Street)

\_\_\_\_\_  
MAILING ADDRESS: (If different from above)

\_\_\_\_\_  
LOBBYIST'S EMPLOYER (if applicable): BUSINESS PHONE NUMBER:  
( )

\_\_\_\_\_  
EMPLOYER'S BUSINESS ADDRESS: (Number and Street)

\_\_\_\_\_  
NATURE AND PURPOSE OF EMPLOYER'S BUSINESS:

**VERIFICATION**

*By signing the verification below, I certify that I have reviewed and understand the requirements of the City of Surrey.*

*I have used all reasonable diligence in preparing this Registration. I have reviewed this Registration and to the best of my knowledge the information contained herein is true and complete.*

Executed on \_\_\_\_\_ at \_\_\_\_\_  
(date)

By \_\_\_\_\_  
(signature of lobbyist)

LOBBYIST REGISTRATION FORM  
Page 2

Name of Lobbyist: \_\_\_\_\_

**CLIENT DISCLOSURE**

CLIENT'S NAME:

BUSINESS OR MESSAGE  
PHONE NUMBER:  
( )

CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)

NATURE AND PURPOSE OF CLIENT'S BUSINESS:

DEVELOPMENT APPLICATION NO. AND DESCRIPTION OF PROPOSAL/PROJECT FOR WHICH THE LOBBYIST  
WAS RETAINED TO REPRESENT THE CLIENT:

CLIENT'S NAME:

BUSINESS OR MESSAGE  
PHONE NUMBER:  
( )

CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)

NATURE AND PURPOSE OF CLIENT'S BUSINESS:

DEVELOPMENT APPLICATION NO. AND DESCRIPTION OF PROPOSAL/PROJECT FOR WHICH THE  
LOBBYIST WAS RETAINED TO REPRESENT THE CLIENT.

**CLIENT(S) TO BE DELETED FROM LOBBYIST'S REGISTRATION** (check "Amendment" box on p. 1 of form):

NAME:

NAME:

If more space is needed, check box and attach continuation sheet(s)