

- ADDENDUM -

- GUELPH CITY COUNCIL MEETING -

- February 22, 2010 -

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REPORTS FROM COMMITTEES OF COUNCIL AND OTHER COMMITTEES
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- a) Governance & Economic Development Committee
 - Correspondence from Dr. Dennis and Mrs. Laura Murr with respect to Clause 1 of the Governance Report re: Discretionary Positions of Auditor General, Lobbyist Registrar and Ombudsman

“THAT By-law Numbers (2010)-18944 to (2010)-18954, inclusive, are hereby passed.”

BY-LAWS

By-law Number (2010)-18954 A by-law to confirm the proceedings of a meeting of Guelph City Council held February 1, 8 and 22, 2010.	To confirm the proceedings of meetings of City Council.
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February 21, 2010

RE: February 22, 2010 Guelph City Council Agenda Item: GOV 1 Discretionary Positions of Auditor General, Lobbyist Registrar and Ombudsman

Madame Mayor and Guelph City Council

You have on your agenda tonight the opportunity to further open the doors to transparency and accountability in our city by approving a process to appoint the positions of Auditor General, Lobbyist registrar and Ombudsman during this last year in your 4 year term of office.

Please reconsider the following recommendation that was approved by the Governance Committee on February 8, 2010:

***"THAT the report of the Director of Information Services/Clerk concerning discretionary positions under the accountability & transparency provisions of the Municipal Act, be received;
AND THAT the need for the appointment of the discretionary positions of Auditor General, Lobbyist Registrar and Ombudsman be re-visited during the next term of Council"***

We did not see any reference in the February 8th Governance Committee meeting minutes as to how the Governance Committee came to this decision to put off making a decision until the next council term. We would like to know if there was any discussion of the merits and problems associated with these positions or was the decision to defer the consideration of these positions based solely on cost and lack of budget in 2010?

A rationale for deferring the Auditor General appointment in the February 8th meeting minutes was that an internal city auditing process was already in place. However, could you please explain the rationale in delaying appointment of Lobbyist Registrar and Ombudsman?

We would like to see the appointment of a Lobbyist Registrar and Ombudsman in Guelph. We understand that these positions are discretionary in the Municipal Act; however, we urge you adopt the positions because any method of increasing accountability and transparency in municipal government is important, necessary and beneficial.

We have been reviewing the City of Toronto bylaws for the Lobbyist Registrar whose stated goals are:

"The Office of the Lobbyist Registrar promotes and enhances the integrity of City government decision-making through public disclosure of lobbying activities and regulation of lobbyists' conduct"

see it here: <http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-18482.pdf>

Furthermore, a Lobbyist Registry has the following principles:

“The Lobbying By-law sets out the following principles for the regulation of lobbying the City government’s public office holders:

- (a) The City government’s duty to make decisions in the public interest should not be impeded;**
- (b) Open and unfettered access to City government is a vital aspect of local democracy;**
- (c) Lobbying public office holders is a legitimate activity;**
- (d) Public office holders and the public should be able to know who is attempting to influence City government;**
- (e) Public disclosure of lobbying activity and standards of conduct for lobbyists are important to the integrity of City government decision-making; and**
- (f) A system for the registration of lobbying activity and the regulation of the conduct of lobbyists should not impede access to the City government.”**

http://www.toronto.ca/lobbying/pdf/protocol_written_comm_may2109.pdf

http://ombudstoronto.ca/sites/default/files/Ombudsman_FirstAnnualReport.pdf

Toronto’s Lobbyist Registry of lobbyist activities appears to consist largely of registered consultants or individuals lobbying for planning and development, and by-law applications and signs. (<http://app.toronto.ca/lobbyistsearch/search.do>)

In Toronto the Ombudsman is:

“an advocate for fairness” and are also “impartial investigators of the public complaints about the administration of City government, including its boards agencies and commissions.”

[from page 32 (back cover) of “The Toronto Ombudsman 2009 Annual Report”]
http://ombudstoronto.ca/sites/default/files/Ombudsman_FirstAnnualReport.pdf

Since one of Guelph's Strategic Plan goal # 5 is:

“To have a community focused, responsive and accountable government.”

We fail to see why the recommendation is being made to wait until after the next election to revisit the decision for a Lobbyist Registry (incl. Registrar) and Ombudsman.

We fail to comprehend how deferral of this on to the next council promotes transparency in city government and in the planning process? We believe that with “Places to Grow” and the increasing population spreading out from the GTA into Guelph, that there will be tremendous development pressures in our city. With those development pressures more planning applications that will affect the long term capability and goals of Guelph to provide adequate services to existing residents, to maintain affordable property taxes, and protect our environment and our health will occur. Will all the consultants who “lobby” on behalf of the development industry applicants be promoting these important sustainability goals? Given these concerns, surely the public has the right to know who is lobbying city staff, our Mayor and Council.

If Guelph were to establish a Lobbyist Registry similar to the City of Toronto, would Council- appointed Board and Committee members be subject to the Lobbyist By Law and Registry? How would this impact Council’s selection of Committee and Board members? This also raises the question of how many current Council appointees would have to register as lobbyists.

Therefore, we respectfully request that you revisit the Governance Report recommendations and proceed with a process that will implement (and appoint) the positions of Lobbyist Registrar (incl. registry) and Ombudsman prior to the next election.

Yours Sincerely,

Dr. Dennis and Mrs. Laura Murr