

POLICY: LOBBYING DISCLOSURE FOR BOARD MEMBERS

SECTION: Section I – Board

MOTION#/DATE: 12 - 035 – February 27, 2012
XX - XXX

Effective Date

XXXX, 2014

Policy Objective

To provide a practice that requires Library Board Members to disclose when they have been subject to lobbying so that the conduct of Board Members remains open and transparent.

Underlying Principles

Toronto Public Library is a publicly funded institution governed by a Board of citizen members and City of Toronto Council members. In order to fulfill their role in ensuring that the Library responds to the ever-changing needs of City residents, Board Members give careful consideration to communications they receive from members of the public, participate in community meetings and meet with those interested in influencing Library policies, practices and purchases. The Library understands that:

- free and open communications with Library Board Members is an important matter of public interest;
- lobbying of Board Members is a legitimate activity;
- it is desirable that the general public be able to know who is attempting to influence Board Members; and
- the system for lobbying disclosure should not impede free and open communication with Board Members.

Policy Statement

Board Members must make a disclosure when they have been subject to lobbying and to make these disclosures open and available to the public.

When Board Members receive communications from, or ~~plan to~~ meet with, people attempting to influence Board Members in the exercise of their powers and duties under the Public Libraries Act, the models or methods of delivering library service, Library purchases or the contracts the Library enters into, Board Members must make disclosures using the process outlined in this policy. ~~In meetings with prospective vendors (or their representatives) who are promoting their goods or services, Board Members must ensure that these vendors are aware that the Library, as a matter of policy and practice, engages in competitive, fair and open procurement processes.~~

Scope

This policy applies to Board Members when they are subject to lobbying outside of a competitive procurement process being conducted by the Library.

Within the period of a competitive procurement process, the Lobbying Disclosure for Requests for Proposals and Tender/Quotation Calls Policy and Procurement Processes Policy apply in regards to lobbying.

This policy does not apply to:

- a) Board Members and employees of the Toronto Public Library while acting in their official capacity;
- b) Board Members and employees of the Toronto Public Library Foundation while acting in their official capacity;
- c) employees of the City of Toronto while acting in their official capacity;
- d) employees of local boards while acting in their official capacity;
- e) deputations made at Library Board meetings and/or Board Committee meetings;
- f) written communications received at Library Board and Board Committee meetings
- g) a communication made as part of a public consultation that is restricted to the subject matter of the consultation;
- h) a communication i) that advocates for a community benefit and ii) there is no perceived financial benefit to the individual, corporation or organization (including a business, trade union or non-profit organization) on whose behalf the communication was made;
- i) a communication that is restricted to compliments or complaints about library

- services;
j) a communication that is restricted to a request for information.

Application

This policy applies to Library Board members only.

Definition

“Lobbying” for the purposes of this policy, means oral or written communications by prospective vendors and/or representatives an individual, corporation or organization (including a business, trade union or non-profit organization) with a Member of the Library Board, in order to influence the member in the exercise of his or her powers and duties under the *Public Libraries Act* including, but not limited to the following subject matter:

- a) the model and method of delivering a library service;
- b) the procurement of goods, services;
- c) negotiating or entering into an agreement, including collective agreements, with the Library;
- d) altering, interpreting, applying existing agreements or;
- e) Board resolutions and policies.

“Lobbyist” means any person engaged in lobbying as defined in this policy.

The term “lobbyist” includes, but is not limited to the following:

- (a) "consultant lobbyist" means a person who, for payment, lobbies on behalf of a client and includes, but is not limited to, government relations consultants, lawyers, accountants, or other professional advisors who provide lobbying services for their clients;
- (b) "corporate in-house lobbyist" means an employee of a corporation that carries on commercial activities for financial gain and who lobbies as a significant part of their duties;
- (c) "organization in-house lobbyist" means an employee of a non-profit organization, when one or more employees lobby public office holders Board Members and

where the accumulated lobbying activity of all such employees would constitute a significant part of the duties of one employee and;

- (d) "volunteer lobbyist" means a person who lobbies without payment on behalf of an individual, corporation, or organization.

"Local Board" means a city board, transportation commission, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

Specific Directives

1. Prior to engaging in any discussion with a lobbyist, Board Members must receive a signed Proposal Lobbying Discussion Memorandum from the lobbyist ~~declaring an understanding that any discussion does not preclude the Library from engaging in an open competitive procurement process~~ (see Appendix A).
2. When subject to lobbying, Board Members must complete a Lobbying Disclosure Form (see Appendix B). This Form must include:
 - a. the name, address and telephone number of the lobbyist and who the lobbyist represents;
 - b. what aspect of Library business services or procurement was subject to lobbying;
 - c. a description of the general nature and content of communications and
 - d. the name of the Board Member

Members must make disclosures as soon as practical and prior to conducting any meetings with a lobbyist.

3. If a Board Member was not aware ~~beforehand that he or she would be a meeting would make them~~ subject to lobbying, the Member should obtain a completed Proposal Lobbying Discussion Memorandum, and submit a completed disclosure form, as soon as practical. ~~following such a meeting.~~
4. Members must send any signed Proposal Lobbying Discussion Memoranda and Lobbying Disclosure Forms to the Chair and the City Librarian. If the Chair is subject to lobbying he or she must send any signed Lobbying Discussion

Memoranda to the Vice Chair and the City Librarian.

5. Disclosures will be published as part of the Board Agenda materials. The Lobbying Disclosure Forms and ~~Proposal~~ Lobbying Discussion Memoranda will become part of the public record as Board materials, published on the Library's website and kept on file by the ~~Library's Purchasing Agent~~ City Librarian's Office in accordance with the Library's Records Retention schedule policy.

Accountability

The Toronto Public Library Board is accountable for the implementation of this Policy.

Appendices

- A. ~~Proposal~~ Lobbying Discussion Memorandum
- B. Board Member Lobbying Disclosure Form



(Insert Name of Individual)

(Insert Name & Address of Organization)

Dear (insert name):

**Re Lobbying Discussion Memorandum –
 Communication with Library Board Member Regarding (Insert Topic)**

Toronto Public Library is a publicly funded institution governed by a Board of citizen members and City of Toronto Council members. In order to fulfill their role in ensuring that the Library responds to the ever-changing needs of City residents, Board Members give careful consideration to communications they receive from members of the public, participate in community meetings and meet with those interested in influencing Library policies, practices and purchases.

As a public institution, the Toronto Public Library has a responsibility to ensure that no person or organization is given an unfair advantage with respect to access to Library Board Members, Library staff, Library contracts or Library property. The Toronto Public Library Board has adopted the Lobbying Disclosure for Board Members policy that defines lobbying as *oral or written communications by an individual, corporation or organization (including a business, trade union or non-profit organization) with a Member of the Library Board, in order to influence the member in the exercise of his or her powers and duties under the Public Libraries Act including, but not limited to the following subject matter:*

- a) the model and method of delivering a library service;*
- b) the procurement of goods, services;*
- c) negotiating or entering into an agreement, including collective agreements, with the Library;*
- d) altering, interpreting, applying existing agreements or;*
- e) Board resolutions and policies.*

You should also understand that any communication with a Library Board Member will not preclude or restrict the Library's ability to be in contact with other organizations or individuals to discuss similar matters.

Your scheduled and/or recent communication with a Library Board meets the definition of lobbying as it is described in the Lobbying Disclosure for Board Members policy. As such the Board Member is obligated to publicly disclose your name and contact information, the individual or organization that you may represent, and a general description of the discussion. This information will form part of the public record and will be made publicly available on the Library's website in both the Library Board Meetings and Lobbying Disclosure sections.

The Library Board believes it is appropriate to advise you of this in advance of any

communication, or as soon as practicable following a communication, in case you have any concerns as to the scope or content of the discussions or the public disclosure of the details of this communication.

Please sign and return a copy of this letter to the Board Member prior to any further communication with the Member.

On behalf of (Insert Name) I have read, understood and acknowledge the Library's position as stated above _____ dated _____.
(Insert Name)



BOARD MEMBER LOBBYING DISCLOSURE FORM

Please provide the following information:

Subject of Lobbying Communication:

Name, Business Address, and Business Telephone Number of each Representative (retained or employed that was engaged in lobbying):

Name and Address and Telephone Number of individual or organization on whose behalf lobbying was being conducted:

A description of the general nature of the communication (dates and details relating to all meetings, written correspondence and telephone discussions that the lobbyist had with the Board Member):

This form was completed by _____ / _____, on _____.

Print Name

/ Signature

Date

Please note that this form will become part of the public record as part of the Board agenda materials and kept on file by the ~~Library's Purchasing Agent~~ City Librarian's Office.