

**POLICY: LOBBYING DISCLOSURE FOR BOARD MEMBERS**

**SECTION: Section I – Board**

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

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**Effective Date**

February 27, 2012

**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 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.

### **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 with a member of the Library Board, in order to influence:

- a) the model and method of delivering a library service or
- b) the procurement of goods, services or
- c) entering into an agreement with the Library.

The term “lobbyist” includes 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 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.

### **Specific Directives**

1. Prior to engaging in any discussion with a lobbyist, Board Members must receive a signed Proposal 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 services or procurement was subject to lobbying
  - c. a description of the general nature and content of communications
  - 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 a meeting would make them subject to lobbying, the Member should obtain a completed Proposal Discussion Memorandum, and submit a completed disclosure form, as soon as practical following such a meeting.
4. Members must send any signed Proposal Discussion Memorandums and Lobbying Disclosure Forms to the Chair and the City Librarian.
5. Disclosures will be published as part of the Board Agenda materials. The Lobbying Disclosure Forms will become part of the public record as Board materials and kept on file by the Library's Purchasing Agent.

### **Accountability**

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

### **Appendices**

1. Board Member Lobbying Disclosure Form
2. Proposal Discussion Memorandum





## 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.

## Proposal Discussion Memorandum



(Insert Date)

(Insert Name of Individual)

(Insert Name & Address of Organization)

Dear (insert name):

**Re: Meeting with Library Board Member Regarding (Insert Topic)**

A meeting has been scheduled on (Insert Date) for you to meet with a Library Board Member to present and discuss a proposal from (Insert Name of Organization) regarding (Insert Topic.)

Prior to conducting such discussions, please be aware that, 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 Library's Lobbying Disclosure for Requests for Proposals and Tender/Quotation Call Policy and Procurement Processes Policy state the restrictions that may be placed on lobbying during a competitive process. Vendors are responsible for ensuring that they are in compliance with these policies. For more information on these policies and details on current competitive processes, please contact the Manager of Purchasing & Administration at 416-393-7033.

If the Library wishes to pursue arrangements of the type you plan on discussing, a public process such as an open Request for Proposal is typically used in order to solicit proposals respecting such an arrangement. Therefore, you should understand that your meeting with a Library Board Member will not preclude or restrict such a process or the Library's ability to meet with other organizations or individuals to discuss similar arrangements.

The Library Board believes it is appropriate to advise you of this in advance of our meeting, in case you have any concerns as to the scope or content of the discussions at the meeting or are unwilling to meet in light of the Library's position.

Please sign and return a copy of this letter to the Board Member prior to your meeting.

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

(Insert Name)