

EXECUTIVE COMMITTEE OF COUNCIL

TO: MAYOR AND COUNCILLORS

SUBJECT: ENHANCING LOBBYING TRANSPARENCY

RECOMMENDATION:

THAT the report titled “Enhancing Lobbying Transparency” dated May 05, 2025, of the Executive Committee of Council meeting, be received for information; and,

THAT the City Solicitor be authorized to bring forward an amendment to the Burnaby Code of Conduct Bylaw 2023, under Section 4.6, to include a requirement for City of Burnaby elected officials who are lobbyists to disclose their clients to the Corporate Officer for the public record.

REPORT

The Executive Committee of Council, at its meeting held on May 5, 2025, received the attached report providing information on the feasibility of amending the Burnaby Code of Conduct Bylaw to require City of Burnaby elected officials who are registered lobbyists to disclose their clients to the Corporate Officer for inclusion in the public record.

Arising from discussion, the Committee amended the recommendation to request that the Burnaby Code of Conduct Bylaw 2023 is updated to include a requirement for City of Burnaby elected officials who are lobbyists to disclose their clients to the Corporate Officer for the public record.

The recommendation is now before Council for final approval.

On behalf of the Executive Committee of Council,

Councillor S. Dhaliwal
Chair

Councillor P. Calendino
Vice Chair

TO: EXECUTIVE COMMITTEE OF COUNCIL (ECC)
FROM: GENERAL MANAGER CORPORATE SERVICES
SUBJECT: **ENHANCING LOBBYING TRANSPARENCY**
PURPOSE: To provide information on the feasibility of amending the Burnaby Code of Conduct Bylaw to require City of Burnaby elected officials who are registered lobbyists to disclose their clients to the Corporate Officer for inclusion in the public record.

RECOMMENDATION

THAT the report titled “Enhancing Lobbying Transparency” dated May 05, 2025, be received for information.

1.0 EXECUTIVE SUMMARY

In response to Council resolution No. 2025-108, staff have prepared a report assessing the feasibility of amending the Burnaby Code of Conduct Bylaw 2023 No. 14557 (*Attachment 1*) to improve transparency in lobbying activities of elected officials. The report also reviews measures taken by other municipalities to promote lobbying transparency, such as establishing voluntary lobbyist registries or advocating for legislative reform.

2.0 POLICY SECTION

This report generally aligns with the following provincial laws and municipal bylaw:

- *Local Government Act (LGA)*
- *Community Charter (CC)*
- *Lobbyist Transparent Act (LTA)*
- *Burnaby Code of Conduct Bylaw 2023 No. 14557*

3.0 BACKGROUND

At the March 11, 2025, Open Council meeting, the following resolution was adopted:

“THAT staff report on the feasibility of amending the Burnaby Council Code of Conduct to include a requirement for City of Burnaby elected officials who are registered lobbyists to disclose their clients to the Corporate Officer for public records.”

As a result of this resolution, staff have prepared this report to assess the feasibility of amending the Burnaby Code of Conduct Bylaw 2023 No.14557 as it relates to elected officials who are registered lobbyists.

4.0 GENERAL INFORMATION

Lobbying is a legitimate component of the democratic process, providing valuable input into government decision-making. Individuals and organizations may hire lobbyists to ensure their concerns or positions are heard and considered by a government body. In British Columbia, provincial lobbying activities are regulated by the *Lobbyist Transparency Act (LTA)*, formerly the *B.C. Lobbyists Registration Act*. The *LTA* requires individuals and organizations who lobby public office holders and meet specific criteria to register their activities in an online public registry.

Transparency and accountability are fundamental principles of good governance that foster public trust in government institutions. In B.C., the Office of the Registrar of Lobbyists¹, an independent office of B.C. legislature, is responsible for overseeing, monitoring, and enforcing the *LTA*.

“Lobbyists” are individuals who, on behalf of their employers or clients, communicate with public office holders in an attempt to influence decision-making. The term “public office holder,” as defined in the *LTA*, includes not only Members of the Legislative Assembly and government employees, but also employees of Crown corporations, universities, health authorities, and other entities.

Currently, there is no provincial legislation in B.C. that specifically regulates lobbying activities at the local government level, nor is there legislation that authorizes local governments to establish and enforce lobbyist registries.

5.0 REVIEW OF OTHER MUNICIPALITIES’ LOBBYING REGULATORY PRACTICES

In the absence of provincial legislation, municipalities across Canada, including those in B.C., have proactively implemented their own measures to promote transparency in lobbying activities. These initiatives include establishing voluntary lobbyist registries, registries administered at the local level, and advocating for reform of provincial legislation.

4.1 Municipal Lobbyist Registries

In B.C., both the City of Surrey and City of Kelowna have implemented a lobbyist registry. These registries are intended to provide a public record, accessible to residents, of interactions between public servants, elected officials, and lobbyists.

¹ <https://www.lobbyistsregistrar.bc.ca/about/>

4.1.1 City of Surrey

The City of Surrey adopted a Lobbyist Registration Policy² in September 2008. This policy is intended to ensure that residents have access to information about individuals who attempt to influence City government decisions through paid lobbying. Its primary aim is to promote transparency in municipal decision-making by publicly disclosing the identities of lobbyists and their clients for the benefit of both the Council and the public.

The policy permits paid lobbyists to submit a registration form to the City Clerk's Office, providing details about themselves and their clients.

The policy outlines specific exclusions, similar to those exclusions set out in section 2 of the *LTA*. For example, it does not apply to elected representatives or staff at the federal, provincial, or municipal levels, when acting in their official capacity. In addition, registration is only required for lobbyists representing applicants for rezoning, development permits, or official community plan amendments.

The City's registry is maintained by the City Clerk and is required to be available for public inspection in the manner and at the times determined by the City Clerk.

4.1.2 City of Kelowna

The City of Kelowna adopted a Lobbyist Registry Policy³ in September 2023. The policy establishes requirements for individuals and organizations to register with the City when communicating with members of the Council for the purpose of influencing a Council decision. Additionally, the policy defines applicable lobbying activities, sets registration parameters, and provides public access to the registry.

The Office of the City Clerk is responsible for maintaining and publishing the Lobbyist Registry, which is available both online and in person at City Hall.

In May 2024, Port Moody City Council considered the potential establishment of a lobbyist registry. However, after evaluating the potential resources required, the majority voted to defeat the motion.⁴

² <https://www.surrey.ca/sites/default/files/media/documents/LobbyistRegistrationPolicy.pdf>

³ <https://kelownapublishing.escribemeetings.com/filestream.ashx?DocumentId=44733>

⁴ <https://pub-portmoody.escribemeetings.com/filestream.ashx?DocumentId=22779>

4.2 Advocacy for Legislative Reform

The Union of BC Municipalities (UBCM) has twice considered, and subsequently endorsed, resolutions calling on the province to establish regulations for a municipal government to create a municipal lobbyist registry.

In 2017, the City of Vancouver sponsored the following resolution (B99):⁵

“Whereas other provinces have enacted legislation that allows for municipal lobbyist registries ranging from Quebec, which requires municipal lobbyists to register in the provincial registry, to Ontario, which allows for municipalities to set up their own registries with enforcement powers; And whereas British Columbia does not currently allow municipalities to use the provincial lobbyist registry nor does it extend the legal authorities municipalities would need to enforce lobbyist rules with a local registry: Therefore be it resolved that the Province of BC provide municipalities with the ability to register lobbyists, create rules for lobbyists conduct in their interactions with elected officials and public servants, and the ability to enforce those rules.”

In 2019, the City of Richmond sponsored the following resolution (B74):⁶

“Whereas the BC Lobbyists Registration Act LRA requires individuals and organizations who lobby public office holders and meet specific criteria to register their lobbying activities in an online public registry; And whereas the goal of the BC Lobbyists Registration Act is to promote transparency in lobbying and government decision-making: Therefore be it resolved that UBCM request that a lobbying regulation system for municipal government, similar to the provincial mechanism under the BC Lobbyists Registration Act, be established.”

Both endorsed resolutions received similar responses from the Ministry of Municipal Affairs and Housing, which expressed a willingness to discuss initiatives such as a municipal lobbyist registry to enhance local government accountability and promote transparency in interactions among public servants, elected officials, and lobbyists. The province advised that, moving forward, it would require a clearer understanding of what local governments hope to achieve through such a registry to ensure any approach aligns with intended outcomes and meets the needs of interested municipalities.

In October 2024, Vancouver City Council endorsed a resolution⁷ for submission to the 2025 UBCM convention, renewing its call for the provincial government to

⁵ <https://www.ubcm.ca/convention-resolutions/resolutions/resolutions-database/municipal-lobbyist-registry>

⁶ <https://www.ubcm.ca/convention-resolutions/resolutions/resolutions-database/lobbyist-registration>

⁷ <https://council.vancouver.ca/20241023/documents/pspcA1.pdf>

establish a municipal lobbyist registry. The resolution also encourages the UBCM to explore forming a working group to define clear objectives for the registry, aiming to address the current lack of a formal system.

In March 2025, New Westminster City Council adopted a resolution⁸ advocating for legislative reform to improve transparency in lobbying activities at the municipal level. The resolution proposes that the Government of British Columbia amend the *LTA* to include municipalities and regional districts or modify the *CC* to empower municipal councils to establish and enforce their own lobbyist registries. This resolution has been endorsed for submission to the Lower Mainland Local Government Association.

6.0 ANALYSIS OF LOBBYING DISCLOSURE REQUIREMENTS FOR MUNICIPAL ELECTED OFFICIALS

In British Columbia, the *LTA* does not require elected government officials to register lobbying activities conducted in their official capacity. Section 2(1)(d) of the *LTA* explicitly exempts members of municipal councils, regional district boards, improvement district boards, school district boards, and other local government authorities, as well as their staff, when acting in an official capacity. Both Surrey and Kelowna have incorporated this exemption into their respective policies.

However, if an elected official engages in lobbying outside their official duties, such as representing private interests or participating in activities unrelated to their council responsibilities, they are required to register as a lobbyist under the *LTA* and are subject to its regulations.

6.1 Full Disclosure of Financial Interest by Local Elected Officials

In 2018, Vancouver City Council identified a gap in the *Financial Disclosure Act (FIDA)* concerning municipal elected officials who are registered lobbyists. Specifically, the *FIDA* does not require the disclosure of financial interests or potential conflicts of interest related to lobbying activities. While the *FIDA* mandates that candidates and elected officials disclose their assets, liabilities, and sources of income, ensuring transparency around areas of influence and potential financial benefit, it does not address conflicts arising from roles such as paid lobbyists or consultants for private interests.

To address this oversight, in May 2018, Vancouver City Council adopted the following resolution:

"Whereas The Province of British Columbia states on the government website that The intent of the Financial Disclosure Act is to identify what

⁸ <https://pub-newwestcity.escribemeetings.com/FileStream.ashx?DocumentId=21648>

areas of influence and possible financial benefit an elected official, nominee or designated employee might have by virtue of their office, and to ensure the public has reasonable access to the information.; And whereas while the current Financial Disclosure Act requires disclosure of direct employment conflicts, it does not require disclosure of potential conflicts for local elected officials where the conflicts may be obscured as a result of them being employed as lobbyists or government and public relation consultants on behalf of other private interests: Therefore be it resolved that the Financial Disclosure Act be amended to ensure that all potential conflicts and financial interests of local elected officials are disclosed per the stated intent of the Act."

This resolution (B82)⁹ was endorsed at the UBCM, and the provincial response was as follows:

"Ministry of Attorney General: The Financial Disclosure Act requires a candidate for local office and a local government official to disclose their assets, liabilities, sources of income, real property and corporate assets, including assets held jointly with family members. The Act does not address conflicts of interest. However, local elected officials are also subject to conflict of interest provisions contained in Division 6 of Part 4 of the Community Charter. This Division sets out in detail the rules and procedures for conflicts of interest, which includes both direct and indirect pecuniary interests of the official."

6.2 Community Charter Conflict of Interest Provisions

The *Community Charter* (CC) establishes the powers and responsibilities of local governments in B.C., including provisions to ensure transparency and ethical conduct among elected officials. Division 6 (sections 100 to 109) addresses conflicts of interest, outlining the procedures and restrictions applicable to council members.

In accordance with section 100(2), if a council member attending a meeting considers that the member is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has:

- (a) a direct or indirect pecuniary interest in the matter, or
- (b) another interest in the matter that constitutes a conflict of interest,

⁹ <https://www.ubcm.ca/convention-resolutions/resolutions/resolutions-database/full-disclosure-financial-interests-local>

the member must declare this and state in general terms the reason why the member considers this to be the case.

Section 101(2) further states that the council member must not:

- (a) remain or attend at any part of a meeting referred to in section 100(1) during which the matter is under consideration,
- (b) participate in any discussion of the matter at such a meeting,
- (c) vote on a question in respect of the matter at such a meeting, or
- (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

Section 103(1) additionally prohibits a council member from using their office to attempt to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

As noted in the response to the 2018 UBCM resolution No. B82, these provisions aim to prevent conflicts of interest and ensure ethical conduct without requiring a separate lobbying disclosure mechanism for local elected officials.

6.3 Burnaby Code of Conduct Bylaw 2023 No.14557

Division 8 of the CC empowers municipalities to establish or review a code of conduct for council members within six months of their first regular council meeting following a general local election.

In April 2023, Burnaby City Council adopted its Code of Conduct Bylaw, which addresses various aspects of ethical conduct, including conflicts of interest, use of public resources, and transparency. Specifically, Part 4, Section 4.6 outlines rules regarding conflict of interest, use of influence, gifts, personal benefits, contacts, insider information, and criminal charges. The bylaw states, “Council members shall comply with sections 100 to 109.3 of the *Community Charter*.” In addition to the procedures and remedies under the CC, Part 5 of this bylaw applies to any allegation regarding breaches of sections 100 to 109.3.

Amending the Burnaby Code of Conduct to require elected officials who are registered lobbyists to disclose their clients to the Corporate Officer is legally permissible. However, such a measure may be redundant, as the comprehensive conflict of interest regulations already in place under the CC effectively promote transparency and ethical conduct among elected officials, and outlines provisions already in place to disclose conflicts of interest.

7.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

There are no communication or community engagement initiatives associated with the recommendations in this report.

8.0 FINANCIAL CONSIDERATIONS

There are no immediate financial considerations associated with the recommendations in this report.

Respectfully submitted,

Juli Halliwell, General Manager Corporate Services

ATTACHMENTS

Attachment 1 – Burnaby Code of Conduct Bylaw 2023 Bylaw No.14557

REPORT CONTRIBUTORS

This report was prepared by Samantha Pellizzari, Policy and Governance Administrator and reviewed by May Leung, City Solicitor