

Information Report



Service Area	Corporate Services
Date	Friday, November 3, 2023
Subject	Governance Structure for the Strategic Advisory Group on Downtown Guelph

Executive Summary

Purpose of Report

To respond to the following resolution of City Council passed on June 27, 2023:

That the City Clerk and Mayor be directed to review the current governance framework for the Strategic Advisory Group on Downtown Guelph to ensure compliance with all applicable legislation and report back to City Council as required.

Key Findings

The governance structure for the Advisory Group on Downtown Guelph will be amended so that it does not qualify as a local board and therefore operates as an independent local body not affiliated with the City of Guelph.

Strategic Plan Alignment

As an independent local body, the Advisory Group on Downtown Guelph is not affiliated with the Corporation of the City of Guelph and is not governed by the City's Strategic Plan.

Financial Implications

None.

Report

Details

On March 22, 2021 City Council passed the following resolution:

That staff report back on best practices for task forces through the next Governance Review.

City staff responded to this resolution as part of the [2023 Governance Review](#) and City Council passed the following resolution in response to the 2023 Governance Review on June 27th, 2023:

That the City Clerk and Mayor be directed to review the current governance framework for the Strategic Advisory Group on Downtown Guelph to ensure compliance with all applicable legislation and report back to City Council as required.

The City Clerk and Mayor Guthrie reviewed the existing governance structure of the [Strategic Advisory Group on Downtown Guelph](#) (the Strategic Advisory Group) and determined that its work is best enabled by operating in a way that is similar to an independent local body. In this regard, and in alignment with recent court decisions and legislative requirements, the Strategic Advisory Group could carry out its meetings in a way that is independent of formal City of Guelph structures to allow for the flexibility required to discuss the issues before them. As outlined in the [2023 Governance Review](#), members of City Council are free to establish task forces, committees, groups, organizations or other bodies that do not qualify as local boards if the following criteria are met:

- They are not established, created or appointed by City Council.
- They are not directly connected to or controlled by the municipality.
- They are not carrying on the affairs of the municipality.

The proposed governance structure for the Strategic Advisory Group meets these three requirements:

- It was endorsed, but not established, created or appointed by City Council.
- It will operate independently, with the City of Guelph exercising no connection or control; City staff currently attending will no longer do so to ensure that the task force can operate in this independent manner.
- While the [Strategic Advisory Group Action Plan](#) activities overlap with elements of the [Future Guelph Strategic Plan 2024-2027](#), its independence from the City ensures that it is not carrying on the affairs of the municipality. This would be similar in practice to any other independent local body which meets to advocate for any issue which also falls under the City's jurisdiction (e.g. parks, transit, culture, etc.).

Given the ability of any member of City Council to form such a group, and because City Council did not create but rather endorsed the Strategic Advisory Group, no decision of City Council is required to enable the changes outlined above. While the Strategic Advisory Group can operate as an independent body, City staff may attend periodically for general awareness which is in line with the 'spirit' of the resolution of Council from July 2022 when Council adopted the following:

That City Council endorse a new sub-committee, Strategic Advisory Group on Downtown Issues, of the Mayor's Taskforce on Homelessness and Community Safety and under the direction of the CAO, that a member of City staff sit on the advisory group for general awareness.

In short and as a result of the recent court rulings noted above and in the [2023 Governance Review](#), the CAO will no longer require that a staff person attend by default to support the meeting directly. Rather, attendance will be on an as needed basis and in consultation with the Mayor in order to ensure that the task force can operate in an independent manner.

For added clarity, any future requests of the City of Guelph or City Council from the Strategic Advisory Group would be handled in the same fashion as requests from any other independent local group, body, committee or organization. Namely, these requests would come in writing to Council and may be accompanied by a delegation to Council provided there is a related item on an agenda of Committee or Council.

As a result of the governance changes noted above, the Strategic Advisory Group will not receive administrative support from the City of Guelph and content related to its work will be removed from Guelph.ca.

Continued Transparency

While the Strategic Advisory Group will operate outside of the statutory framework established for local boards, Mayor Guthrie has committed to continue posting meeting summaries, a membership list and general updates publicly.

Financial Implications

None.

Consultations

Mayor Guthrie

Attachments

None.

Departmental Approval

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