

Subject: Advisory Body Review

File Number: 2023-OCC-GEN-0008

Report to Finance and Corporate Services Committee on 4 July 2023

and Council 12 July 2023

Submitted on June 22, 2023 by M. Rick O'Connor, City Clerk

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Ward: Citywide

Objet : Examen des organismes consultatifs

Numéro de dossier : 2023-OCC-GEN-0008

Rapport présenté au Comité des finances et des services organisationnels

Rapport soumis le 4 juillet 2023

et au Conseil le 12 juillet 2023

Soumis le 22 juin 2023 par M. Rick O'Connor, greffier municipal

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Quartier : À l'échelle de la ville

REPORT RECOMMENDATION(S)

That the Finance and Corporate Services Committee recommend City Council:

- 1. Approve the revised structure establishing Advisory Committees as statutory and policy-based advisory bodies, as described in this report and set out in Document 1, as follows:**
 - a. The Accessibility Advisory Committee;**
 - b. The Community Safety and Well-Being Advisory Committee;**
 - c. The French Language Services Advisory Committee; and**

Reference, and to bring forward by-laws as required to implement Council's decisions further to the approval of this report and to reflect the current organizational alignment.

RECOMMANDATION(S) DU RAPPORT

Que le Comité des finances et des services organisationnels recommande au Conseil municipal ce qui suit :

1. Approuver la structure révisée établissant les comités consultatifs énumérés ci-dessous comme des organismes consultatifs prescrits et axés sur les politiques, laquelle est décrite dans le présent rapport et le document 1 :
 - a) Comité consultatif sur l'accessibilité
 - b) Comité consultatif pour le Plan de sécurité et de bien-être dans les collectivités
 - c) Comité consultatif sur les services en français
 - d) Comité consultatif sur l'aménagement du territoire
2. Approuver ce qui suit concernant les comités consultatifs et leur personnel municipal, comme l'indique le présent rapport :
 - a) Les exigences procédurales pour les comités consultatifs et sujets connexes, énoncées dans le présent rapport et dans le document 3, dont les suivantes :
 - i. Demander à chaque comité consultatif d'adopter et de remettre au Bureau du greffier municipal d'ici la fin du troisième trimestre de 2023 les documents de gouvernance et les dispositions minimales obligatoires indiqués dans le document 3 pour répondre aux exigences prévues par les règlements et les politiques;
 - ii. Abroger le *Règlement de procédure pour les comités consultatifs* (Règlement n° 2019-44, dans sa version modifiée);
 - iii. Demander au greffier municipal d'examiner les exigences procédurales et les documents de gouvernance des comités consultatifs dans le cadre de l'Examen de mi-mandat de la structure de gestion publique 2022-2026;
 - b) Les indemnités par réunion des membres du Comité consultatif sur l'accessibilité, qui seront financées à même les ressources existantes;

- c) **Les modifications à apporter au mandat du Comité consultatif sur l'aménagement du territoire, exposées au document 4;**
 - d) **Demander au greffier municipal de consulter les membres du Conseil sur les qualités recherchées chez les membres des comités consultatifs dans le cadre du processus d'Examen de mi-mandat de la structure de gestion publique 2022-2026;**
 - e) **Prendre acte de la mise à jour sur les modifications intérimaires apportées aux comités consultatifs dans le cadre de l'Examen de la structure de gestion publique du Conseil municipal 2022-2026;**
- 3. Prendre connaissance des conseils procéduraux généraux prévus pour les organismes consultatifs spéciaux suivants, lesquels sont énoncés aux documents 5 et 6 :**
- a) **le Groupe de conseillers parrains;**
 - b) **les groupes de travail dirigés par les directions générales;**
- 4. Prendre connaissance du mandat, de la composition et des autres détails entourant l'établissement d'un groupe de travail sur le transport en commun, lesquels sont exposés dans le présent rapport;**
- 5. Approuver que soit conféré au greffier municipal le pouvoir délégué de mettre en œuvre toutes les modifications apportées aux procédures, aux processus, aux politiques et aux mandats connexes, et de présenter au besoin les règlements municipaux requis afin de donner suite aux décisions du Conseil après l'approbation du présent rapport et de manière à refléter l'actuelle structure organisationnelle.**

EXECUTIVE SUMMARY

Various bodies at the City of Ottawa have traditionally been created to provide advice to City Council, Committees and/or staff. These advisory bodies supplement the formal governance structure of Standing Committees and Sub-Committees established by Council. During past terms of Council, advisory bodies operated with varying levels of formalization and governance procedures.

The [2022-2026 Council Governance Review](#) report considered by Council on December 7, 2022, noted a need for the City's advisory bodies to be reviewed further to recent decisions of the Ontario Divisional Court and Ontario Ombudsman. Council directed the City Clerk to undertake a review and provided additional direction regarding other related matters, such as the establishment of a transit advisory body composed of public members.

In accordance with Council's direction, the Office of the City Clerk worked with a Council-appointed working group to develop recommendations with respect to the City's advisory body structure and related procedural requirements and guidance. This report proposes an updated structure composed of the following advisory bodies, as further described in Documents 1 and 2.

1. **Advisory Committees** – These are statutory and policy-based advisory bodies that are required under legislation or with direct ties to legislation. Advisory Committees provide advice to Council and/or staff. They are typically composed of members of the public and/or other members based on statutory requirements. Advisory Committees are considered to be statutory “local boards” of the City of Ottawa and are therefore subject to certain mandatory by-law and policy requirements.
2. **Council Sponsors Groups** – These are ad hoc advisory bodies established by Standing Committee/Council to provide advice to staff. They are typically composed of Members of Council and staff. Unlike Committees of Council, Council Sponsors Groups do not have decision-making authority. Council Sponsors Groups are not established under legislation and are not considered to be “local boards,” but would be subject to general procedural guidance brought forward by staff to ensure consistency, transparency and accountability.
3. **Department-led Working Groups** – These are ad hoc advisory bodies established by staff (General Managers) to provide advice to staff. They are typically composed of members of the public and staff, and may include Members of Council in an *ex officio*/Council liaison capacity. As with Council Sponsors Groups, Department-led Working Groups are not established under legislation and are not considered to be “local boards,” but would be subject to general procedural guidance brought forward by staff.

With respect to the statutory and policy-based Advisory Committees, this report recommends the following revised structure:

1. The Accessibility Advisory Committee (required under the *Accessibility for Ontarians with Disabilities Act, 2005*)
2. The Community Safety and Well-being Advisory Committee (required under the *Police Services Act*)
3. The French Language Services Advisory Committee (required under the City's Bilingualism Policy, which is tied to the *Bilingualism By-law* and requirements under the *City of Ottawa Act, 1999*)
4. The Planning Advisory Committee (required under the *Planning Act*)

The former Arts, Culture and Recreation Advisory Committee and Environmental Stewardship Advisory Committee are not tied to legislation and would therefore be eliminated as Advisory Committees. That said, the relevant General Managers have

indicated that they intend to establish Department-led Working Groups with respect to arts, culture and recreation, as well as the environment and climate change, as required, taking into account the existing working groups and stakeholder groups that the departments already engage with. These Department-led Working Groups would provide advice to staff on related City programs.

Other recommendations with respect to Advisory Committees include:

- The approval of various procedural requirements, including a recommendation that each Advisory Committee be directed to adopt and provide to the Office of the City Clerk by the end of Q3 of 2023 the mandatory governance documents and minimum provisions included in Document 3 to address statutory by-law and policy requirements.
- A proposed per meeting honorarium of \$125 for members of the Accessibility Advisory Committee, to be funded from existing resources in the Accessibility Office. The honorarium would recognize the Accessibility Advisory Committee's heavy workload, meeting frequency, and barriers encountered by people with disabilities when they volunteer their time and share their lived experience.
- Amendments to the Planning Advisory Committee's Terms of Reference that would expand this Advisory Committee's mandate in order to formally recognize its role in providing advice related to staff-initiated items such as City-wide policies and plans (Document 4). Other proposed changes, such as removing Members of Council from the Planning Advisory Committee membership and establishing a liaison role for a Member of Council, would provide for consistency with other Advisory Committees.
- Proposals for the City Clerk to review Advisory Committee procedural requirements and governance documents as part of the 2022-2026 Mid-term Governance Review, and to also consult with Members of Council regarding desired qualifications for Advisory Committee members as part of the mid-term governance review process.

In addition, general procedural guidance for Council Sponsors Groups and Department-led Working Groups is provided to Council for information in Documents 5 and 6. This procedural guidance is meant to ensure consistency, accountability and transparency, while still providing these ad hoc advisory bodies with flexibility to meet their objectives.

With respect to the establishment of a transit advisory body that includes public members, this report advises that the General Manager, Transit Services, is to create the Transit Working Group as a Department-led Working Group. The Transit Working Group will provide advice to Transit Services, informed by user experience, on matters related to the operation of public transit. The Working Group will address matters such as feedback and input into OC Transpo's work plan and the department's recommendations to Transit Commission and Council on major policy or operational

issues, as well as other issues brought forward by staff. It is anticipated that the Transit Working Group will be composed of at-large members as well as organizational representatives, and its membership will reflect Council's direction in this regard.

RÉSUMÉ

Au sein de la Ville d'Ottawa, diverses instances sont créées pour conseiller le Conseil municipal, les comités et le personnel. Elles viennent compléter la structure de gouvernance officielle des comités permanents et des sous-comités établis par le Conseil. Dans les précédents mandats du Conseil, leur fonctionnement reposait sur des procédures de gouvernance et d'officialisation hétérogènes.

Le rapport « [Examen de la structure de gestion publique du Conseil municipal pour 2022-2026](#) », dont a pris connaissance le Conseil le 7 décembre 2022, soulignait la nécessité d'examiner les organes consultatifs de la Ville après les récentes décisions de la Cour divisionnaire et de l'Ombudsman de l'Ontario. Le Conseil a donc demandé au greffier municipal de mener cet examen et lui a donné d'autres directives concernant des sujets connexes, comme la mise sur pied d'une instance consultative pour le transport en commun, formée de membres du public.

Conformément aux directives du Conseil, le Bureau du greffier municipal a élaboré, en collaboration avec un groupe de travail nommé par le Conseil, des recommandations sur la structure des organes consultatifs municipaux et les exigences et conseils procéduraux afférents. Le présent rapport propose une structure révisée composée des catégories suivantes (voir documents 1 et 2) :

1. **Comités consultatifs** – Organes consultatifs axés sur les politiques prescrits par la loi ou directement liés à la législation. Les comités consultatifs conseillent le Conseil municipal et le personnel. Ils se composent généralement de membres du public ou d'autres personnes, selon les exigences législatives. Considérés dans la loi comme des « conseils locaux » de la Ville d'Ottawa, ces comités sont soumis à certains règlements municipaux obligatoires et à certaines exigences en matière de politiques.
2. **Groupes de conseillers parrains** – Groupes consultatifs spéciaux établis par un comité permanent ou par le Conseil pour conseiller le personnel. Ils se composent généralement de membres du Conseil et du personnel. Contrairement aux comités du Conseil, les groupes de conseillers parrains n'ont pas de pouvoir décisionnel. Ils ne sont pas prescrits par la loi et ne sont pas considérés comme des « conseils locaux », mais peuvent être soumis à certains conseils procéduraux généraux définis par le personnel aux fins de cohérence, de transparence et de responsabilisation.
3. **Groupes de travail dirigés par les directions générales** – Groupes

consultatifs spéciaux établis par le personnel (les directeurs généraux) et chargés de le conseiller. Ils se composent généralement de membres du public et du personnel et, éventuellement, de membres du Conseil à titre de membres d'office ou d'agents de liaison. Comme les groupes de conseillers parrains, ces groupes de travail ne sont pas prescrits par la loi ni considérés comme des « conseils locaux », mais peuvent être soumis à certains conseils procéduraux généraux définis par le personnel.

Pour les comités consultatifs prescrits par la loi et axés sur les politiques, le présent rapport recommande la structure révisée suivante :

1. Comité consultatif sur l'accessibilité (prescrit par la *Loi de 2005 sur l'accessibilité pour les personnes handicapées de l'Ontario*);
2. Comité consultatif pour le Plan de sécurité et de bien-être dans les collectivités (prescrit par la *Loi sur les services policiers*);
3. Comité consultatif sur les services en français (prescrit par la *Politique de bilinguisme* de la Ville, elle-même liée au *Règlement sur le bilinguisme* et aux exigences de la *Loi de 1999 sur la ville d'Ottawa*);
4. Comité consultatif sur l'aménagement du territoire (prescrit par la *Loi sur l'aménagement du territoire*).

Les anciens Comité consultatif sur les arts, la culture et les loisirs et Comité consultatif sur la gérance environnementale, qui ne sont pas liés à la législation, seraient donc supprimés. Cela dit, les directeurs généraux concernés ont indiqué leur intention de mettre sur pied des groupes de travail dirigés par leur direction générale dans le domaine des arts, de la culture et des loisirs et celui de l'environnement et des changements climatiques, selon les besoins et en tenant compte des groupes de travail et d'intervenants avec lesquels les directions générales collaborent déjà. Ces groupes conseilleraient le personnel sur les programmes municipaux afférents.

Voici les autres recommandations concernant les comités consultatifs :

- Approuver les différentes exigences procédurales et demander à chaque comité consultatif d'adopter et de remettre au Bureau du greffier municipal d'ici la fin du troisième trimestre de 2023 les documents de gouvernance et les dispositions minimales obligatoires indiqués dans le document 3 pour répondre aux exigences prévues par les règlements et les politiques.
- Instaurer une rétribution par réunion de 125 \$ pour les membres du Comité consultatif sur l'accessibilité, qui sera financée à même les ressources du Bureau de l'accessibilité. Cette rétribution permettrait de reconnaître l'importante charge de travail et la fréquence des réunions du Comité ainsi que des obstacles auxquels sont confrontées les personnes en situation de handicap qui souhaitent

donner de leur temps et faire part de leur expérience.

- Modifier le mandat du Comité consultatif sur l'aménagement du territoire : élargir la mission du Comité pour reconnaître officiellement son rôle consultatif concernant les initiatives du personnel, notamment les plans et politiques applicables à l'ensemble de la Ville (document 4), ou encore destituer les membres du Comité qui sont également membres du Conseil et créer un rôle de liaison pour un conseiller, par souci de cohérence avec les autres comités consultatifs.
- Demander au greffier municipal d'examiner les exigences procédurales et les documents de gouvernance des comités consultatifs et de consulter les membres du Conseil sur les qualités recherchées chez les membres des comités consultatifs dans le cadre du processus d'Examen de mi-mandat de la structure de gestion publique 2022-2026.

Par ailleurs, le Conseil trouvera à titre informatif dans les documents 5 et 6 les conseils procéduraux généraux relatifs aux groupes de conseillers parrains et aux groupes de travail dirigés par les directions générales. Ces conseils visent à favoriser la cohérence, la responsabilisation et la transparence tout en laissant à ces organes consultatifs spéciaux la marge de manœuvre nécessaire pour atteindre leurs objectifs.

Concernant la mise sur pied d'une instance consultative pour le transport en commun, formée de membres du public, le présent rapport suggère à la directrice générale des Services de transport en commun de créer un groupe de travail sur le transport en commun dirigé par la direction générale. Éclairé par l'expérience des usagers, ce groupe conseillera les Services de transport en commun sur l'exploitation du réseau. Son rôle consistera notamment à fournir des commentaires et des avis sur le plan de travail d'OC Transpo ainsi que sur les recommandations que la direction générale adressera au Conseil et à la Commission du transport en commun concernant les grandes questions relatives aux politiques ou à l'exploitation du réseau et à d'autres sujets soulevés par le personnel. Il serait composé de membres sans fonction déterminée et de représentants de l'organisme et respectera la directive du Conseil concernant sa composition.

BACKGROUND

Advisory bodies at the City of Ottawa – 2018-2022 Term of Council

Various bodies at the City of Ottawa have traditionally been created to provide advice to City Council, Committees and/or staff. These advisory bodies supplement the formal governance structure of Standing Committees and Sub-Committees established by Council.

During the 2018-2022 Term of Council, the City's advisory bodies included Advisory

Committees, Council Sponsors Groups and bodies established by City departments, such as Community Advisory Tables, as described below.

Advisory Committees

The original structure of the City's Advisory Committees was largely established in 2000 (at amalgamation) by the Ottawa Transition Board. The original structure was based on a model that had been used at the former City of Ottawa for many years. Under this model, Advisory Committees were responsible for providing advice to City Council on matters that fell within their respective mandates, and also served as a forum for the public to identify emerging issues.

Advisory Committees were last reviewed in 2012. On September 12, 2012, Council considered the report titled, "[Advisory Committee Renewal to Support Council's Term of Council Priorities](#)," and approved a revised structure consisting of five Advisory Committees, down from 15. The report noted as follows:

"Advisory Committees were established before electronic and social media tools were either available or in general use. They were a direct way for City Council to receive advice from informed citizens about the relative merits of staff proposals or emerging issues in their areas of interest and expertise. Over the years, Advisory Committees have often been used by staff as their *de facto* public consultation vehicle. ...

The new structure aims to better align Advisory Committees with the existing Standing Committee and departmental structures and Council's identified strategic priorities 'Term of Council Priorities', to improve the functioning of Advisory Committees and their contribution to policy development and to make more efficient use of the limited resources set aside for Council's priorities of good governance, citizen engagement, accountability and transparency."

During the 2018-2022 Term of Council, five Advisory Committees had a mandate to provide advice to City Council, through Standing Committees, on matters that fell within their respective jurisdictions and aligned with the Term of Council priorities. These Advisory Committees included as follows:

1. The Accessibility Advisory Committee (required under the *Accessibility for Ontarians with Disabilities Act, 2005*), which had a mandate "to fulfill the duties of a Municipal Accessibility Advisory Committee as outlined in the *Accessibility for Ontarians with Disabilities Act, 2005* and to provide advice to Council on programs, policies and services provided to persons with disabilities and seniors."

2. The Arts, Culture and Recreation Advisory Committee, which had a mandate “to advise Ottawa City Council on policy, programs and service delivery in the area of arts, recreation and culture.”
3. The Environmental Stewardship Advisory Committee, which had a mandate “to advise Ottawa City Council on policy, programs and service delivery in the area of environmental stewardship.”
4. The French Language Services Advisory Committee (required under clause R.1.19 of the City’s Bilingualism Policy), which had a mandate “to advise Ottawa City Council on issues that impact the implementation of the Bilingualism Policy and its application to the City’s services, programs, policies and initiatives.”
5. The Planning Advisory Committee (required under the *Planning Act*), which had a mandate “to advise Ottawa City Council on planning matters, specifically with respect to the annual workplan of the [Planning, Real Estate and Economic Development Department] and such other matters as Planning Committee, Agriculture and Rural Affairs Committee or Council may specify.”

Advisory Committees were composed of public volunteers, with the exception of the Planning Advisory Committee, which included three Members of Council. The membership of most Advisory Committees also included one Member of Council in a liaison capacity. Advisory Committees operated similarly to the City’s Standing Committees and Sub-Committees. In this regard, Advisory Committees were generally characterized by the following:

- Supported by the Office of the City Clerk
- Meetings followed the *Advisory Committee Procedure By-law* (By-law No. 2019-44, as amended), agenda materials were posted to ottawa.ca, and meetings were open to the public
- Members were appointed in accordance with the City’s Appointment Policy
- Members were subject to the Code of Conduct for Members of Advisory Committees, which is included as an appendix to the *Advisory Committee Procedure By-law*

An additional “Advisory Committee” – The Community Safety and Well-Being Advisory Committee

The *Police Services Act* as amended by Bill 175, the *Safer Ontario Act, 2018*, requires certain municipal councils, including Ottawa City Council, to prepare and, by resolution, adopt a community safety and well-being plan that addresses various prescribed matters. Subsection 145(1) of the *Police Services Act* requires a municipal council that prepares a community safety and well-being plan to establish an advisory committee. The statute includes minimum membership requirements for the advisory committee.

Crime Prevention Ottawa's board of directors acted as the first advisory committee for the City of Ottawa's Community Safety and Well-Being Plan, further to Council's consideration of the [2018-2022 Council Governance Review](#) report on December 5, 2018, and a subsequent report titled, "[Crime Prevention Ottawa Terms of Reference](#)," which was considered on June 26, 2019. That said, a new advisory committee was established further to Council's consideration of the reports titled, "[Community Safety and Well-Being Plan](#)" (considered on October 27, 2021) and, "[Community Safety and Well-Being Plan Progress Update](#)" (considered on April 27, 2022). The latter report set out the new advisory committee's membership and selection process.

While the Community Safety and Well-Being Advisory Committee identified as an "Advisory Committee" during the 2018-2022 Term of Council, it did not follow the same governance model as the five other Advisory Committees listed above. For example, the following characteristics applied to the Community Safety and Well-Being Advisory Committee:

- Supported by the Community Safety and Well-Being Office (not by the Office of the City Clerk)
- Meetings did not follow the *Advisory Committee Procedure By-law*, agenda materials were not posted to ottawa.ca, and meetings were not open to the public
- Members were appointed further to a targeted application process led by the Community Safety and Well-Being Office
- Members were not subject to the Code of Conduct for Members of Advisory Committees
- The Advisory Committee was chaired by the General Manager of the Community and Social Services Department

Council Sponsors Groups

During the past several terms of Council, City Council and its Committees established Council Sponsors Groups on an ad hoc basis to address specific policies, projects or Master Plan reviews.

Council and Standing Committees generally approved the establishment of a Council Sponsors Group by way of a report or motion. Committee members were typically appointed to serve on the Council Sponsors Group along with staff from the relevant department. The resulting work of the Council Sponsors Groups rose to the relevant Standing Committee in the form of a staff report for consideration and approval.

The ability for Council to establish 'policy sponsors' to work directly with staff on specific policy initiatives was identified in 2009 as part of the [2006-2010 Mid-term Governance Review](#). Council Sponsors Groups were established during the 2018-2022 Term of Council for matters including climate change; the *Community Benefits Charge By-law*; ditch alteration and maintenance; matters relating to the Lansdowne Partnership Long-

term Sustainability Review; the new *Zoning By-law* project; the Solid Waste Master Plan; the Transportation Master Plan Update; and the Women and Gender Equity Strategy.

Characteristics of the Council Sponsors Groups generally included as follows:

- Supported by the relevant department
- No formal rules of procedure
- Meetings were not subject to open meeting provisions set out under the *Municipal Act, 2001*
- Members were appointed by Committee/Council
- Recordkeeping was subject to department practices in accordance with any relevant City policies

Community Advisory Tables

During the 2018-2022 Term of Council, City departments established Community Advisory Tables on an ad hoc basis to address specific matters. Advisory Tables were generally created and supported by the relevant department and included Members of Council, City staff and community representatives.

For example, the Community and Social Services Department supported three Community Advisory Tables with the view of advancing equity, diversity and inclusion across the organization and the City (the Anti-Racism and Race Relations Advisory Table, the Women and Gender Equity Advisory Table, and the Youth Advisory Table). Members of these Community Advisory Tables were appointed through a targeted application process led by the Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service Area, rather than in accordance with the City's Appointment Policy.

Characteristics of the Community Advisory Tables generally included as follows:

- Supported by the relevant department
- No formal rules of procedure
- Meetings were not subject to open meeting provisions set out under the *Municipal Act, 2001*
- Members were determined by the department and generally included public members
- Public members were not required to adhere to a code of conduct specific to their activities with the Community Advisory Table

- Recordkeeping was subject to department practices in accordance with any relevant City policies

Certain advisory bodies may be considered to be statutory “local boards” that are subject to mandatory by-law and policy requirements

Under the *Municipal Act, 2001* as well as other pieces of legislation such as the *Municipal Elections Act, 1996* (MEA), certain local bodies that typically have ties to an element of municipal business may be considered to be “local boards.” Municipal councils have broad authority regarding matters relating to bodies identified as such “local boards.”

Each “local board” may be subject to legislative provisions requiring it to establish certain by-laws, policies, rules or procedures, and/or making it subject to particular oversight mechanisms. This includes the following potential requirements:

- Passing a procedure by-law for governing the calling, place and proceedings of meetings, including public notice of meetings [Subsections 238(2) and 238(2.1) of the *Municipal Act, 2001*].
- Holding open meetings except in particular circumstances set out in the *Municipal Act, 2001*. Certain local boards will also be subject to a municipality’s Meetings Investigator appointed to review requests for investigation regarding whether a meeting of a local board was properly closed to the public [sections 239 to 239.2 of the *Municipal Act, 2001*].
- Adopting and maintaining policies with respect to the sale and other disposition of land; hiring of employees; and procurement of goods and services [Subsection 270(2) of the *Municipal Act, 2001*].
- Members are subject to a mandatory code of conduct for members of local boards established by Council [Section 223.2 of the Act]; as well as the municipal Integrity Commissioner’s role with respect to the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to local boards [Section 223.3 of the *Municipal Act, 2001*].
- Establishing rules and procedures regarding use of board resources during the election campaign period [Section 88.18 of the *Municipal Elections Act, 1996*].
- The local board may be subject to the oversight role of the municipal Auditor General [Section 223.19 of the *Municipal Act, 2001*].

As Council may have broad authority with respect to local boards, it is necessary to determine which local bodies are considered to be “local boards” for the purposes of applicable statutory provisions. While certain bodies are expressly defined as “local boards” in the legislation, case law may also be used to determine the status of some bodies not defined in the statute.

As discussed in the [2022-2026 Council Governance Review](#) report, the Ontario Divisional Court and Ontario Ombudsman issued decisions during the 2018-2022 Term of Council that resulted in the need for staff to consider which of the City of Ottawa's advisory bodies may be considered to be statutory "local boards":

- On December 15, 2021, a Divisional Court decision in the case of *Kroetsch v. Integrity Commissioner for the City of Hamilton, 2021* (ONSC 7982) found that the City of Hamilton's LGBTQ Advisory Committee was a local board under the *Municipal Act, 2001*. The LGBTQ Advisory Committee Chair had taken the position that the Advisory Committee was not a local board and should not be subject to the jurisdiction of the Integrity Commissioner. The Integrity Commissioner and the City had taken the position that the LGBTQ Advisory Committee met the definition of a "local board" as defined in the *Municipal Act, 2001* and the Court determined that this conclusion was reasonable. The Court made reference to the principle in Subsection 8(1) of the *Municipal Act, 2001* which provides that the "powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues." In this regard, it noted in the decision that courts have recognized that the powers given to municipalities under the *Municipal Act, 2001* should be interpreted broadly and purposively to allow municipalities to achieve their goals. The Court found that, consistent with the definition of "local board" in the *Municipal Act, 2001*, the City of Hamilton had established the LGBTQ Advisory Committee utilizing Council's powers under the *Municipal Act, 2001* for a purpose that relates to the City's affairs and purposes.¹ The decision further noted that the LGBTQ Advisory Committee was not an "ad hoc informal committee." Specifically, the Committee is established in accordance with Hamilton's Council Procedure By-law which formalizes the criteria, function, operations and reporting for advisory committees, and requires advisory committee members to abide by a code of conduct. The Court found that the LGBTQ Advisory Committee has "a measure of independence, but it is integral to the day-to-day business of the City."²
- The Ontario Ombudsman issued at least two decisions during the 2018-2022 Term of Council in relation to the meeting practices and procedures for bodies such as committees, working groups and task forces. These decisions – found in the reports titled, "[Investigation into working group meetings held by the Off Road Vehicle Task Force of the City of Kawartha Lakes on February 19 and March 4,](#)"

¹ [Kroetsch v. Integrity Commissioner for the City of Hamilton](#), 2021 ONSC 7982 (CanLII), at paragraph 45.

² *Ibid.*, at paragraph 49.

[2021](#)” (April 2022), and, “[Investigation into a complaint about the meetings of the Baconfest Committee, Finance Working Group, and Policy Working Group of the Township of Lucan Biddulph](#)” (October 2021) – spoke to the need for certain advisory bodies to operate consistently with open meeting requirements under the *Municipal Act, 2001*/procedure by-law.

The Governance Review report noted that prior to the Ontario Divisional Court decision, the City of Ottawa’s Advisory Committees were not considered to be “local boards” of the City for purposes of the *Municipal Act, 2001*. However, the report stated that this determination needed to be considered further to the Divisional Court finding that the Hamilton LGBTQ Advisory Committee is a “local board.” The report further noted that, “the Ombudsman’s decisions during the 2018-2022 Term of Council highlight the need for municipalities to ensure that their diverse advisory bodies operate in accordance with any relevant statutory requirements.”

The Governance Review report recommended that Council direct the City Clerk to bring forward to Committee and Council a report and recommendations regarding matters relating to advisory bodies such as Advisory Committees, Council Sponsors Groups and Community Advisory Tables. The Governance Review report further noted that:

- The proposed report from the City Clerk would specifically address procedural requirements for the City’s various advisory bodies and consider any further requirements, including formalizing governance structure and practices, codifying recruitment and appointment practices, and enforcing codes of conduct.
- As part of the review, the Office of the City Clerk would consult with the Planning, Real Estate and Economic Development Department on any recommended changes to the Planning Advisory Committee as a result of recent and proposed legislative changes.
- The proposed report would address a recommendation from the Mayor that citizen input on transit matters be received through the establishment of a new transit advisory body that includes public members.

The Governance Review report also set out an interim approach for Advisory Committee membership, meetings and other changes to be applied until the City Clerk brought forward the proposed report.

Council direction to review advisory bodies and related matters

Council considered the 2022-2026 Council Governance Review report on December 7, 2022, and approved the following recommendations with respect to Advisory Committees and other advisory bodies, as amended:

- Part I, Recommendation 7(b):

- b. **Direct staff to begin the process of establishing a transit advisory body composed of public members, including at least one user of Para Transpo**
- Part I, Recommendation 14:
 - a. **Direct the City Clerk to bring forward to the Finance and Economic Development Committee and Council in Q2 of 2023 a report and recommendations regarding matters relating to advisory bodies such as Advisory Committees, Council Sponsors Groups, Community Advisory Tables and the proposed new transit advisory body;**
 - b. **That the Advisory Committees and their membership established during the 2018-2022 Term of Council shall continue on an interim basis, with the Advisory Committees meeting as required in the format outlined in this report should staff or Council have a need to consult with them on time-sensitive matters within their respective mandates, until Council considers the City Clerk's report and recommendations with respect to advisory bodies;**
 - c. **That despite clause (b), recruitment and appointment for the membership of the mandatory statutory Accessibility Advisory Committee shall proceed in accordance with the timelines and process of the City's broader public recruitment process in early 2023; and**
 - d. **The meeting schedule and reporting relationship for the Accessibility Advisory Committee**

In addition, Council issued the following directions to staff:

- Given that the Ottawa Transit Riders is a non-partisan, membership-based, advocacy group, working to make Ottawa's transit system more affordable, reliable, accessible, and safe for users, that the General Manager of Transit Services work towards finding a role for Ottawa Transit Riders in the City's new Transit Advisory Body.
- That staff expedite the review of the new transit advisory body that includes public members as outlined in the 2022-2026 Council Governance Review report as soon as it practicable and no later than Q2 2023 to ensure user experience is considered on matters relating to the operations of public transit, Para Transpo, conventional bus service and the O-train.

Council also approved the motions excerpted below:

- Motion No. 2022 – 03/08:
THEREFORE BE IT RESOLVED that the Transit Advisory Board include one active member from an OC Transpo union involved in the operation of the

transit service.

- Motion No. 2022 – 03/10:

THEREFORE BE IT RESOLVED that the City’s Transit Advisory Committee include a broader equity lens and reflect a diverse cross section of our OC Transpo ridership; and

THEREFORE BE IT FURTHER RESOLVED that members consist of 50% plus 1 of women, non-binary, transgender, and gender non-conforming persons.

- Motion No. 2022 – 03/18:

THEREFORE BE IT RESOLVED THAT Council strike a working group to work with the City Clerk to develop the report on Advisory Committees, Council Sponsors Groups, Community Advisory Tables, and the proposed new transit advisory body comprised of up to 5 Members of Council that do not form a quorum of any Standing Committee, and staff representatives from each City department; and

BE IT FURTHER RESOLVED that a circulation for interest be undertaken for the Councillor representatives as part of the Nominating Committee process.

On December 14, 2022, Council considered the report titled, “[Appointment of selection panels for Advisory Committees, Boards Requiring Public Appointment and Committee of Adjustment – 2022-2026 Term of Council](#),” and appointed the following Members of Council to the working group on advisory bodies established by Motion No. 2022 – 03/18:

- Councillor Rawlson King
- Councillor Matthew Luloff
- Councillor Shawn Menard
- Councillor Laine Johnson
- Councillor Steve Desroches

DISCUSSION

Further to Council’s direction, the Council-appointed working group on advisory bodies met with staff three times in 2023. At its meetings, the working group exchanged information with staff. Meetings began with a review of the working group’s mandate, including related recommendations and motions arising from the 2022-2026

Governance Review. Staff also provided an overview of the history of Advisory Committees in Ottawa. The working group reviewed recent developments with Advisory Committees in other Ontario municipalities, particularly with respect to closed meetings investigations conducted by the Ontario Ombudsman and the classification of Advisory Committees as local boards.

Members shared their experiences with the various advisory bodies, including Advisory Committees, Council Sponsors Groups, and Community Advisory Tables.

Members and staff generally agreed that Advisory Committees were most effective when they had a legislated mandate. The working group also discussed how Advisory Committees, as Committees of Council, have not always been the most effective way of receiving advice from residents and often led to frustration arising from confusion over roles and responsibilities. It was also noted that Advisory Committees are different than public engagement, the latter of which has evolved over the years to involve a wide variety of activities that often include the use of new technology. At least one Member noted that the staff-led Anti-Racism Table had been an effective alternative to an Advisory Committee when it came to developing the City's first Anti-Racism Strategy.

Members were generally supportive of the continuation of Council Sponsors Groups and Community Advisory Tables. Members noted that both types of bodies provided opportunities to share ideas with staff, which provides staff with different perspectives early in the policy drafting process.

The working group did not make any decisions during the course of its three meetings.

This report includes recommendations that reflect the advice and feedback from working group members. The proposed advisory body structure and associated measures, information and recommendations set out in this report:

- Address statutory requirements for certain Advisory Committees to be established under applicable legislation.
- Identify advisory bodies that are deemed to be “local boards” for the purposes of statutory by-law and policy requirements. In determining whether the advisory bodies are deemed to be “local boards,” staff reviewed legislative definitions as well as other considerations relating to case law and statutory authorities, as set out in Document 1.
- Recognize the ability of Council and staff to establish ad hoc advisory bodies to address emerging matters, enhance staff research activities and respond to issues in a flexible manner.
- Provide for improved consistency, accountability and transparency for any ad hoc advisory bodies, which are not considered “local boards,” through general procedural guidance to address matters such as roles and responsibilities,

recordkeeping, access to information, confidentiality, reporting mechanisms and public access to information about the body.

- Respond to Council's direction with respect to establishing a transit advisory body.

The proposed approach respects Council's statutory decision-making role as well as the statutory research and advisory role of staff. It also recognizes that technology has allowed community members to organize and communicate in new ways.

It should be noted that the trend of improved public consultation by means other than structured advisory bodies – as noted in the 2012 report titled, "[Advisory Committee Renewal to Support Council's Term of Council Priorities](#)" – has continued at the City. Advisory Committees and other advisory bodies are not considered to be broad, formal public engagement tools, and are no longer used by staff as their "*de facto* public consultation vehicle," as referenced in the above-noted report.

The advisory bodies recommended in this report are not intended to replace public consultation, nor the ability for members of the public to provide direct input to Council (through correspondence) and its Standing Committees (through direct delegations and/or correspondence). Rather, the role of an advisory body is for its members, who are selected based on certain qualifications, to provide informed feedback to specific matters raised by staff or Council, depending on the role and mandate of the body.

Further to the continued trend of improved public consultation and engagement at the City, the Office of the City Clerk is undertaking various initiatives to provide members of the public with user-friendly information about the City's governance and how they may contribute to Council's decision-making process.

For example, information about the City's governance will be added to ottawa.ca, including a "Municipal Governance 101" webpage with various media and diagrams that explain how residents can contribute to Council's decision-making process. These materials will also describe how advisory bodies may be used to inform certain stages of the process, and how members of the public may be appointed to some of those bodies.

Similar initiatives are also underway further to Council's consideration of the report titled, "[Anti-Racism Strategy](#)," on June 22, 2022. Council approved various actions to be implemented by the Office of the City Clerk in order to increase awareness, education and transparency around the City's governance processes, structures, appointments and elections process. These include:

- Creating a City governance guide on the electoral process and the City's governance processes and sharing through targeted outreach and engagement with Black and racialized communities.

- Identifying the cost and feasibility of multilingual election-related communication materials and voting tools and making recommendations as part of the 2026 Elections report, where permitted by the *Municipal Elections Act, 1996*.
- Enhancing awareness and access to the City Archives and the role it plays in documenting and preserving evidence of decision-making at the City, fostering community memory and making records available to the public.
- Establishing opportunities for racialized youth to access mentorships and paid City internships with the Integrated Neighborhood Services Team and Office of the City Clerk to gain exposure to City Council processes.

Recommended structure for statutory and policy-based Advisory Committees, and other ad hoc advisory bodies

The proposed advisory body structure includes a revised structure for statutory and policy-based Advisory Committees. The overall structure also includes ad hoc Council Sponsors Groups and Department-led Working Groups that are to be established in accordance with general procedural guidance developed by staff.

The proposed structure is summarized in a table in Document 2 and described in more detail below.

Advisory Committees

Revised structure

Staff recommend that the City of Ottawa's Advisory Committees be limited to bodies that are established in accordance with legislation, or have direct ties to legislation.

As such, Advisory Committees would be considered to be "local boards" of the City and therefore subject to various statutory requirements, as described below and in Document 1. Staff note that the overarching definition of "local board" set out in Subsection 1(1) of the *Municipal Act, 2001* is as follows [emphasis added]:

"local board" means a municipal service board, transportation commission, public library board, 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

Under the revised structure, the City's Advisory Committees would include the following:

1. The **Accessibility Advisory Committee** (required under the *Accessibility for Ontarians with Disabilities Act, 2005*), with a continued mandate to fulfill the duties of a Municipal Accessibility Advisory Committee as outlined in the

Accessibility for Ontarians with Disabilities Act, 2005 and to provide advice to Council on programs, policies and services provided to persons with disabilities and seniors. The Accessibility Advisory Committee would report to Council through the Finance and Corporate Services Committee. It may also report to another Standing Committee where appropriate, depending on the issue.

2. The **Community Safety and Well-Being Advisory Committee** (required under the *Police Services Act*), with a continued mandate to guide the strategic direction of the City's mandatory Community Safety and Well-Being Plan, advising the other entities in the governance structure and over time bringing forward proposed changes as progress is made to City Council, as set out in the report titled, "[Community Safety and Well-Being Plan Progress Update](#)." The Community Safety and Well-Being Advisory Committee would report to Council through the Community Services Committee. It may also report to another Standing Committee where appropriate, depending on the issue.
3. The **French Language Services Advisory Committee** (required under the City's Bilingualism Policy, which is tied to the *Bilingualism By-law* and requirements under the *City of Ottawa Act, 1999*), which would continue to advise Council on issues that impact the implementation of the Bilingualism Policy and its application to the City's services, programs, policies and initiatives. The French Language Services Advisory Committee would report to Council through the Finance and Corporate Services Committee. It may also report to another Standing Committee where appropriate, depending on the issue.
4. The **Planning Advisory Committee** (required under the *Planning Act*), which would continue to advise Ottawa City Council on planning matters, specifically with respect to the annual work plan of the Planning, Real Estate and Economic Development department and such other matters as Planning and Housing Committee, Agriculture and Rural Affairs Committee or Council may specify – with some proposed changes to its Terms of Reference, as described below. The Planning Advisory Committee would report to Council through the Planning and Housing Committee and the Agriculture and Rural Affairs Committee. It may also report to another Standing Committee where appropriate, depending on the issue.

The former Arts, Culture and Recreation Advisory Committee and Environmental Stewardship Advisory Committee are not tied to legislation and would therefore be eliminated as Advisory Committees. That said, the relevant General Managers have indicated that they intend to establish Department-led Working Groups with respect to arts, culture and recreation, as well as the environment and climate change, as required, taking into account the existing Working Groups and stakeholder groups that the departments already engage with. Such Department-led Working Groups would

provide advice to staff on related City programs, as described below. The Office of the City Clerk recommends General Managers provide updates regarding the establishment of any Department-led Working Groups by way of a memorandum to the relevant Standing Committee(s).

The current membership composition of existing Advisory Committees would generally remain unchanged under the proposed approach, and members would continue to be appointed by Council in accordance with the City's Appointment Policy or other appointment processes that were previously used and/or approved by Council. That said, the following changes are recommended at the current time to provide consistency among Advisory Committees:

- Staff recommend the three Members of Council be removed from the membership of the Planning Advisory Committee, and that a liaison role be created for a Member of Council, similar to other Advisory Committees, as described below.
- The General Manager of Community and Social Services will no longer chair the Community Safety and Well-Being Advisory Committee, as staff do not typically chair Advisory Committees. A liaison role for a Member of Council would also be created for the Community Safety and Well-Being Advisory Committee.

With respect to recruitment and appointment for Advisory Committee members, which in some cases was effectively placed on hold pending this review:

- Recruitment and appointment for new members of the French Language Services Advisory Committee and Planning Advisory Committee will begin shortly should Council approve the recommendations in this report. Staff in the Planning, Real Estate and Economic Development Department may engage existing members of the Planning Advisory Committee from the previous term of Council should it be required in advance of new members being appointed.
- Recruitment and appointment for the Accessibility Advisory Committee proceeded in accordance with the timelines and process of the City's broader public recruitment process in early 2023, further to an approved recommendation in the 2022-2026 Council Governance Review report. As such, the Accessibility Advisory Committee's membership has been established.
- The Community Safety and Well-Being Advisory Committee membership is largely required by statute and will remain as established further to the report titled, "[Community Safety and Well-Being Plan Progress Update](#)," which Council considered on April 27, 2022. As noted above, a liaison role for a Member of Council would be created.

The Office of the City Clerk would make administrative updates to the existing Terms of Reference for the Advisory Committees to reflect matters such as current department and Committee names.

Procedural requirements and associated recommendations

Procedural requirements for Advisory Committees are set out in Document 3, and include the following statutory requirements due to these bodies being “local boards”:

- Passing a procedure by-law for governing the calling, place and proceedings of meetings, including public notice of meetings
- Holding open meetings except in particular circumstances set out in the *Municipal Act, 2001*, and being subject to the City’s Meetings Investigator (Integrity Commissioner)
- Adopting and maintaining policies with respect to the sale and other disposition of land; hiring of employees; and procurement of goods and services
- Establishing rules and procedures regarding the use of board resources during the election campaign period
- Members are subject to the [Code of Conduct for Members of Local Boards](#) as well as the municipal Integrity Commissioner’s role with respect to the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to local boards
- Advisory Committees are subject to the oversight role of the City’s Auditor General

The City Clerk, in consultation with Legal Services and the Integrity Commissioner, will work to ensure the Advisory Committees adopt the policies and other measures required of local boards. Staff recommend Council direct each Advisory Committee to adopt and provide to the Office of the City Clerk by the end of Q3 of 2023 the mandatory governance documents and minimum provisions included in Document 3 to address the statutory by-law and policy requirements noted above.

It should be noted that some of the minimum provisions in Document 3 are drafted based on existing documents (e.g. the *Advisory Committee Procedure By-law*) and will be subject to amendments from the City Clerk to update department names, position titles, etc., and to incorporate any of Council’s decisions with respect to this report. The governance documents and minimum provisions will also be further reviewed and updated through the 2022-2026 Mid-term Governance Review should Council approve the recommendations in this report, as outlined below.

In addition to the matters described above, this report makes the following recommendations with respect to Advisory Committee procedural matters:

- Along with providing minimum provisions to meet statutory requirements, Document 3 includes procedural requirements for Advisory Committees and staff

regarding matters such as department support of Advisory Committees and consultation with Advisory Committees.

- As each Advisory Committee will be required to adopt its own procedure by-law, staff recommend Council repeal the *Advisory Committee Procedure By-law* (By-law No. 2019-44, as amended), which previously applied to Advisory Committees. In addition, as Advisory Committee members are considered to be members of local boards, they would fall under the City's existing Code of Conduct for Members of Local Boards (By-law No. 2018-399). Previously, the Code of Conduct for Members of Advisory Committees applied to these members, and was set out in an appendix to the *Advisory Committee Procedure By-law*, which would be repealed as part of the staff recommendation.
- Staff recommend that Council direct the City Clerk to review the procedural requirements and governance documents for Advisory Committees as part of the 2022-2026 Mid-term Governance Review. The review would be intended to ensure the rules of procedure reflect that Advisory Committees are advisory bodies rather than decision-making bodies, and that any discretionary procedural requirements facilitate discussion and do not act as a barrier to engagement. Staff believe there may be an opportunity to simplify the current *Advisory Committee Procedure By-law*, which is adapted from Council's *Procedure By-law*, to make provisions more user-friendly and provide greater flexibility to reflect the different functions of the Advisory Committees. The review would also ensure that the rules of procedure continue to be appropriate for Advisory Committees in their capacity as local boards.

Per meeting honorarium for the Accessibility Advisory Committee

Staff recommend Council approve an honorarium of \$125 per regular meeting attended, and up to one special meeting attended, for each public member of the Accessibility Advisory Committee. This honorarium would recognize the Accessibility Advisory Committee's heavy workload, meeting frequency, and barriers encountered by people with disabilities when they volunteer their time and share their lived experience. Staff note that the City of Toronto provides this per meeting amount to members of its Accessibility Advisory Committee.

As the City of Ottawa's Accessibility Advisory Committee has 12 public members and is to meet eight times per year, the anticipated maximum cost of the honoraria is \$12,000 and would be funded through existing resources in the Accessibility Office.

Amendments to the Planning Advisory Committee's Terms of Reference

As noted in the Background section of this report, staff consulted with the Planning, Real Estate and Economic Development Department regarding recommended changes to the Planning Advisory Committee as a result of legislative changes.

Proposed amendments to the Planning Advisory Committee's Terms of Reference are set out in Document 4 and reflect an approach for the Planning Advisory Committee that staff believe to be effective in the Ottawa context. The changes are also meant to provide consistency with other Advisory Committees and ensure the Planning Advisory Committee has the support needed to meet its requirements as a "local board." They include as follows:

- An expanded mandate that formally recognizes the role of the Planning Advisory Committee in providing advice related to staff-initiated items such as City-wide policies and plans.
- An amended membership composition that would remove Members of Council from the Planning Advisory Committee membership and establish a liaison role for a Member of Council, similar to other Advisory Committees, for consistency.
- The ability for the Planning Advisory Committee to meet as needed to address matters within its mandate, in addition to the current practice of meeting twice per year regarding the annual work plan of the Planning, Real Estate and Economic Development Department.

Staff note that there will be increased legislative support for Planning Advisory Committee meetings from the Office of the City Clerk, including agenda publication, minutes and streaming meetings to YouTube. Planning Advisory Committee meetings will be streamed to YouTube on a pilot basis, and the results will be reviewed at the time of the 2022-2026 Mid-term Governance Review with the goal of implementing YouTube streaming for all Advisory Committees.

Consultation regarding desired qualifications for Advisory Committee members

Apart from the proposed changes to the Planning Advisory Committee membership described above, it is recommended that desired membership qualifications for Advisory Committees remain unchanged at the present time. That said, staff recommend Council direct the City Clerk to consult with Members of Council regarding desired qualifications for Advisory Committee members as part of the 2022-2026 Mid-term Governance Review process.

This consultation would provide for Members to offer feedback based on the operations of the Advisory Committees up to mid-term, and allow for any recommended changes to desired member qualifications to be implemented for the next recruitment cycle.

Update regarding interim changes to Advisory Committees

Certain interim changes to Advisory Committees made through the 2022-2026 Council Governance Review would continue under the proposed approach set out in this report, including as follows:

- Continued virtual meetings for Advisory Committees during the 2022-2026 Term of Council.
- Holding orientation sessions for Advisory Committees in a hybrid capacity, such that members can participate in person and electronically.
- Each Advisory Committee will have the opportunity to hold at least one in-person/hybrid meeting per year if the majority of members are in support and able to attend in person.

As approved by Council through consideration of the 2022-2026 Governance Review report, the meeting schedule of the Accessibility Advisory Committee will be eight times per year, up from six meetings per year in the 2018-2022 Term of Council. Other Advisory Committees will meet on an as-needed basis, an average of four times per year for the French Language Services Advisory Committee and at least twice per year for the Planning Advisory Committee.

Since statutory Advisory Committee meetings often have “heavy” agendas, their meetings, which generally start at 6 pm, often conclude late at night. This has caused challenges with respect to fatigue, maintaining quorum and maintaining interpreters. Appreciating that public Advisory Committee members are volunteers who often have professional responsibilities during the day, staff propose striking a balance by starting meetings earlier, at 5:30 pm, unless otherwise determined by the Chair and supported by the Office of the City Clerk.

Council Sponsors Groups

Council and its Committees may continue to establish Council Sponsors Groups on an ad hoc basis to provide advice to staff regarding specific policies, projects or Master Plan reviews.

Council Sponsors Groups are not established or exercising any power under legislation. They are typically composed of Members of Council and staff, and are one of the many ways in which staff may carry out its role “**to undertake research** and provide advice to council on the policies and programs of the municipality” [emphasis added], as set out in Subsection 227(b) of the *Municipal Act, 2001*. Unlike Committees of Council, Council Sponsors Groups do not have decision-making authority.

During consultation for the 2022-2026 Council Governance Review report, several Members of Council expressed a desire to maintain Council Sponsors Groups, noting that these advisory bodies focus on idea-sharing and allow for interaction with staff at

the policy/initiative development stage, whereas Standing Committees largely address the decision-making stage.

Given their ad hoc nature and role to provide advice to staff regarding specific matters, staff do not consider Council Sponsors Groups to be “local boards,” as described in Document 1. The general work of Council Sponsors Groups in providing advice to staff regarding specific matters as part of staff’s research process is not intended to be integral to the day-to-day business of the City.

That said, to ensure consistency, accountability and transparency while still providing Council Sponsors Groups with flexibility to meet their objectives, staff have developed general procedural guidance that will apply to these bodies, as described below.

General procedural guidance for Council Sponsors Groups

General procedural guidance for Council Sponsors Groups addresses the following matters, as set out in Document 5:

- Matters related to establishing a Council Sponsors Group, such as quorum considerations
- Roles and responsibilities
- Posting general information about the Council Sponsors Group, its mandate, membership, a staff contact and links to relevant staff reports to ottawa.ca
- Meeting-related matters
- Recordkeeping
- Reporting
- Accountability and transparency
- Access to information and confidentiality

The Office of the City Clerk recommends that any Council Sponsors Group established by Committee/Council incorporate the term “Sponsors Group” in the body’s name to provide clarity regarding the type of advisory body.

The procedural guidance will be regularly reviewed through the City’s governance review process to address any emerging issues and ensure new case law and/or best practices are reflected.

Department-led Working Groups

General Managers may continue to establish advisory bodies – to be known as “Department-led Working Groups” – on an ad hoc basis to provide advice to staff

regarding specific matters. Such bodies were previously known under various titles, such as “Community Advisory Tables.”

Department-led Working Groups are not established or exercising any power under legislation. They are typically composed of members of the public and staff, and may include Members of Council in an *ex officio*/Council liaison capacity. As noted for Council Sponsors Groups, Department-led Working Groups are one of the many ways in which staff may carry out its statutory role to undertake research and provide advice to Council on City policies and programs. As with Council Sponsors Groups, Department-led Working Groups have no decision-making authority.

Department-led Working Groups are intended to be less prescriptive and more flexible than statutory Advisory Committees. In this regard, staff considered comments received from Advisory Committees through the governance review process. In particular, the former Environmental Stewardship Advisory Committee noted a need for flexibility in terms of the number of meetings per year, and for improving the ability to raise matters for discussion and provide meaningful information to staff early in the development process for policies, programs and strategies. It is anticipated that Department-led Working Groups will provide the ability for staff to address such issues. Other benefits of this approach include:

- Departments may choose to establish ad hoc, project-specific Working Groups that respond to the Term of Council priorities, as well as any forthcoming policies/projects.
- Departments may set the window for involvement of the Working Group to align with the time in which receiving advice will be most useful.
- Depending on the issue and nature of advice being sought, departments may include members of the public, established organizations, advocates and subject-matter experts in the Working Group membership.
- Departments may invite guests such as the Mayor’s Office, Standing Committee Chairs/Vice-Chairs, other Members of Council, or subject-matter experts to individual meetings based on any relevant agenda items.
- The establishment of a Department-led Working Group does not preclude Members of Council or staff from leading their own public engagement initiatives.

Given their ad hoc nature and role to provide advice to staff regarding specific matters, staff do not consider Department-led Working Groups to be “local boards,” as described in Document 1. The general work of Department-led Working Groups in providing advice to staff regarding specific matters as part of staff’s research process is not intended to be integral to the day-to-day business of the City.

That said, to ensure consistency, accountability and transparency while still providing Department-led Working Groups with flexibility to meet their objectives, staff have also developed general procedural guidance that will apply to these bodies, as described below.

General procedural guidance for Department-led Working Groups

Procedural guidance for Department-led Working Groups addresses the following matters, as set out in Document 6:

- Matters related to establishing a Department-led Working Group, such as quorum and diversity considerations
- Recommendations for General Managers who create a Department-led Working Group to advise the Standing Committee(s) with jurisdiction regarding the relevant subject matter of the Working Group's establishment, and to advise how the mandate of the Department-led Working Group relates to Council's strategic priorities
- Roles and responsibilities
- Posting general information about the Department-led Working Group, its mandate, membership, a staff contact and links to relevant staff reports to ottawa.ca
- Meeting-related matters
- Recordkeeping
- Accountability and transparency
- Access to information and confidentiality

This procedural guidance will be regularly reviewed through the City's governance review process to address any emerging issues and ensure new case law and/or best practices are reflected.

For consistency and clarity, the City Clerk will advise staff that any newly-established or existing groups (i.e., "Community Advisory Tables") should be named/renamed to incorporate the term "Working Group" in the body's name.

Establishment of the Transit Working Group

Through the 2022-2026 Governance Review report, Council approved a recommendation from the Mayor that citizen input on transit matters be received through the establishment of a new transit advisory body that includes public members, as described in the Background section of this report.

The Governance Review report anticipated that the proposed new transit advisory body would provide advice, informed by user experience, regarding matters relating to the operation of public transit, including Para Transpo, conventional bus service and the O-Train. Council also provided direction regarding certain minimum membership requirements, as noted below.

The Governance Review report noted that the City Clerk's report on the advisory body review would include recommendations regarding matters such as the transit advisory body's mandate, desired qualifications for members, any procedural considerations, and a recruitment and appointment process.

In accordance with Council's direction, the General Manager, Transit Services, intends to establish a Department-led Transit Working Group in accordance with the following:

- **Mandate:** The Transit Working Group shall provide advice to Transit Services, informed by user experience, on matters related to the operation of public transit, including Para Transpo, conventional bus service and the O-Train, including:
 - Feedback and input into OC Transpo's work plan
 - Feedback and input, as required, into the department's recommendations to Transit Commission and Council on major policy or operational issues.
 - Other matters as may be brought forward by staff, including the following examples:
 - Consultation on certain matters related to Stage 2 Light Rail
 - Consultation on planned or potential transit operational changes
 - Reviewing key performance indicators
 - Consulting on new technologies being considered, such as new vehicles
 - Consultation on matters relating to improving the safety of the transit network
 - It is also anticipated that Working Group members may raise matters for discussion, including matters related to the transit customer experience, which is an advantage of this format.
- **Desired qualifications for members:** It is anticipated that the Transit Working Group will be composed of at-large members as well as organizational representatives. As directed by Council, the membership will, at minimum:
 - Include at least active one user of Para Transpo. The intent is to include both Para Transpo and conventional transit users and may include representatives of transit-focused community/advocacy organizations.

- Include a broader equity lens and reflect a diverse cross section of OC Transpo ridership.
- Maintain at least 50 per cent plus one of women, non-binary, transgender, and gender non-conforming persons.
- Include one active member from an OC Transpo union involved in the operation of the transit service. It should be noted that the Transit Working Group will not provide advice with respect to labour relations matters.
- **Procedural considerations:** The Transit Working Group will be subject to the general procedural guidance for Department-led Working Groups.
- **Recruitment and appointment:** Recruitment and appointment shall be conducted by the General Manager, Transit Services, in consultation with the Chair of the Transit Commission and Chair of the Light Rail Sub-Committee. The General Manager may expand the Working Group to include additional perspectives and may also hold targeted conversations with specific members (i.e., issue-specific focus groups). Except where not practicable, at least 50 per cent plus one of the members will be individuals who self-identify as women, non-binary, transgender, and gender non-conforming persons.
- **Meeting frequency:** The Transit Working Group will meet as required, which is expected to be three to four times per year.

2024 draft budget – Anticipated submission for proposed additional temporary full-time equivalent position

The changes to Advisory Committees and other advisory bodies recommended in this report are expected to result in an increased legislative workload arising from matters such as the following:

- Coordinating and administering the re-established statutory Advisory Committees, including providing support as required to the Community Safety and Well-Being Advisory Committee and the Planning Advisory Committee with its proposed expanded mandate and live streaming.
- Ensuring Advisory Committees comply with statutory “local board” requirements, including open meeting requirements.
- Recruiting and appointing members as described in this report.
- Providing guidance and advice to departments regarding the establishment and administration of any ad hoc advisory bodies (Council Sponsors Groups and Department-led Working Groups), particularly with respect to the new procedural guidance for those bodies.

Through the 2022-2026 Governance Review, Council approved the establishment of an additional Standing Committee and Sub-Committee, and the implementation of hybrid

meetings for Council, Standing and Sub-Committees on an ongoing basis. Hybrid meetings have also proved to be more resource intensive for Office of the City Clerk staff.

With the exception of the Accessibility Advisory Committee, Advisory Committees have not been meeting since the beginning of the 2022-2026 Term of Council. As a result, staff resources previously dedicated to supporting existing Advisory Committees have been redeployed to support Standing and Sub-Committees of Council.

To support the anticipated increased workload, staff intend to submit a budget pressure for one additional temporary full-time equivalent position (FTE) for the Office of the City Clerk as part of the 2024 Draft Budget process. If an additional FTE position is eventually approved, the continued need for this position would be reviewed through the 2026-2030 Governance Review process.

FINANCIAL IMPLICATIONS

The financial implications are described in this report.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report. The *Municipal Act, 2001* defines “local boards” generally as including “a municipal service board, transportation commission, public library board, 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”. Subsection 8(1) of the *Municipal Act, 2001* also provides that the “powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues.” As further described in this report, Courts have recognized that the powers given to municipalities under the *Municipal Act, 2001* should be interpreted broadly and purposively to allow municipalities to achieve their goals and have provided deference to municipalities in establishing “local boards” that provide advice on matters that are integral to the day-to-day operations of the City. This report outlines the revised structure for Advisory Committees as statutory and policy-based advisory bodies that constitute formal local boards, and the separate procedural guidance for the ad hoc project-specific advisory bodies for consistency, accountability and transparency.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city-wide report.

ADVISORY COMMITTEE(S) COMMENTS

The City Clerk met with the past Chairs and Vice-Chairs of Advisory Committees to discuss the governance structure and to receive feedback and experiences from the 2018-2022 Term of Council as part of the preparation for the 2022-2026 Council Governance Review report, which incorporated the information received.

CONSULTATION

Further to Council's direction, a Council-appointed working group on advisory bodies was established and met with staff three times in 2023. At its meetings, the working group exchanged information with staff and reviewed recent developments with Advisory Committees in other Ontario municipalities, particularly with respect to closed meetings investigations conducted by the Ontario Ombudsman and the classification of Advisory Committees as local boards. The working group received information with respect to this report.

ACCESSIBILITY IMPACTS

In accordance with the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), the City of Ottawa is required to establish an accessibility advisory committee to:

- a) advise the council about the requirements and implementation of accessibility standards and the preparation of accessibility reports and such other matters for which the council may seek its advice under subsection (5);
- b) review in a timely manner the site plans and drawings described in section 41 of the *Planning Act* that the committee selects; and
- c) perform all other functions that are specified in the regulations.

As such, the Accessibility Advisory Committee will continue to fulfill the duties of a municipal accessibility advisory committee as required by the AODA, and provide advice to Council on programs, policies and services provided to persons with disabilities and seniors for the 2022-2026 Term of Council.

Seeking input from the Accessibility Advisory Committee has proven to provide a needed accessibility lens to the City's work, which often prevents the City from creating new accessibility barriers and assists in eliminating or mitigating existing barriers in City policies, programs, projects, and services.

SUPPORTING DOCUMENTATION

Document 1 – Review of proposed advisory bodies as “local boards”

Document 2 – Summary of proposed advisory body structure

Document 3 – Procedural requirements for Advisory Committees

Document 4 – Revised Terms of Reference for the Planning Advisory Committee

Document 5 – General procedural guidance for Council Sponsors Groups

Document 6 – General procedural guidance for Department-led Working Groups

DISPOSITION

The City Clerk in consultation with the City's Legal Services Department will implement the recommendations of this report and place any required amending by-laws on the agenda of Council for enactment.