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TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON DECEMBER 3 , 2013
FROM:	SANDRA DATARS BERE MANAGING DIRECTOR HOUSING, SOCIAL SERVICES AND DEARNESS HOME
SUBJECT:	DEARNESS HOME: LONG TERM CARE AND ADULT DAY PROGRAM MANAGEMENT CONSULTING AND ADMINISTRATOR SERVICES CONTRACT AMENDMENT

RECOMMENDATION

That, on the recommendation of the Managing Director of Housing, Social Services and Dearness Home, the following actions **BE TAKEN** with respect to the Management Agreement for Administrator and Consulting Services at Dearness Home:

- a) The attached proposed By-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting to be held on December 3, 2013:
 - i) **TO APPROVE** the Amending Agreement between Extendicare (Canada) Inc. (Schedule 1) and The Corporation of the City of London to provide Administrator Services and Management Consulting Services to the Dearness Home from November 1, 2013 to October 31,2014; and
 - ii) **TO AUTHORIZE** the Mayor and City Clerk to execute the agreement in (a)(i) above.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Dearness Home: Long Term Care and Adult Day Program Management Consulting and Administrator Services Contract (CPSC, September 23, 2013)

BACKGROUND

On October 2, 2013, Council approved a contract with Extendicare (Canada) Inc. for the provision of administrator and management consulting services at the Dearness Home. The agreement has been executed with an effective start date of November 1, 2013.

Ministry of Health and Long Term Care Review

In September 2013, as part of the contract development process, Civic Administration requested direction from the Ministry of Health and Long Term Care (MOHLTC) regarding the agreement, including the possible requirement for Ministry approval. A copy of the then draft agreement as well as the agreement that was in force at that time (ending October 31, 2013) were forwarded to MOHLTC. In November, 2013, once approved by Council and fully executed, the current agreement (with the start date of November 1, 2013) was also forwarded to MOHLTC, with a similar request for review and possible approval.

On November 25, 2013, the MOHLTC advised the City that:

- the Ministry deems the agreement with Extendicare to be a Management Agreement which requires provincial approval.

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- the Ministry requires the agreement to be amended to more adequately and appropriately identify the necessary accountability and reporting requirements between the Administrator (Extendicare) and the Licensee (the City)
- that a revised agreement must be submitted to the MOHLTC as soon as possible, and that a review and approval processes will be undertaken thereafter

A copy of the letter from the MOHLTC is attached (Appendix A).

Amendments to Agreement

In response to feedback from MOHLTC, it is proposed that Section 2.1 of the agreement be amended, to add the following paragraph:

“(5) In addition to the roles and responsibilities under this agreement as set out in Appendix A, the Administrator shall, at all times, be responsible to the Licensee and provide reports to and shall receive direction from the Licensee, the Committee of Management or its City Representative in accordance with their respective roles and responsibilities as set out in the Long Term Care Homes Act. “

It is also proposed that this contract amendment be implemented through an Amending Agreement which will form part of the overall agreement with Extendicare. Except for the amendment provided in the Amending Agreement, all provisions in the original agreement shall remain in full force and effect.

The Amending Agreement (Schedule 1, attached) has been reviewed by Extendicare (Canada) Inc. and meets with the organization’s approval. The proposed amendment was also forwarded to the MOHLTC for its review and has been deemed to meet their requirements.

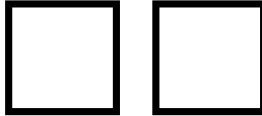
Once approved by Council, this Amending Agreement will be appended to the original Agreement and resubmitted to the Ministry for formal review. Several supporting documents as outlined in the MOHLTC letter, are required to be forwarded to the MOHLTC to facilitate this review. Council will be advised of the results of this review and approval process when the MOHLTC provides formal notice.

FINANCIAL IMPACT

There are no financial impacts of the proposed amendment to the agreement. The original terms and conditions approved by Council including the fees to be paid to Extendicare remain unchanged.

RECOMMENDED BY:
SANDRA DATARS BERE MANAGING DIRECTOR HOUSING, SOCIAL SERVICES & DEARNESS HOME

- Cc: L. Marshall, Solicitor II
 J. Barber, Managing Director, Corporate Services and City Solicitor
 M. Hayward, Managing Director, Corporate Services & City Treasurer, CFO
 V. Major McAlea, Managing Director, Corporate Services & Chief Human Resources Officer
 A.L. Barbon, Manager, Financial & Business Services
 G. Loder, Extendicare (Canada) Inc.



Bill No.
2014

By-law No. A.-

A by-law to approve an Amending Agreement for an Agreement between The Corporation of the City of London (the City) and Extencicare (Canada) Inc. (Extencicare) for the provision of Administrator and Management Consulting Services at the Dearness Home; and to authorize the Mayor and the City Clerk to execute the Amending Agreement.

WHEREAS section 5(3) of the *Municipal Act, 2001* provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 8 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS The Corporation of the City of London entered into an Agreement dated the 1st day of November, 1, 2013 with Extencicare (Canada) Inc. for the provision of Administrator and Management Consulting services at the Dearness Home and now wishes to make certain changes to the original Agreement;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Amending Agreement attached as Schedule 1 to this by-law is hereby approved.
2. The Mayor and the City Clerk are hereby authorized to execute the Amending Agreement approved in section 1, above.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on December 3, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

[] []

Schedule 1

AMENDING AGREEMENT

THIS AMENDING AGREEMENT (hereinafter referred to as "amending agreement") is made as of the ___ day of _____, 2013.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (the "City")

-and-

EXTENDICARE (CANADA) INC. ("Extendicare")

WHEREAS the parties entered into an agreement approved by By-law ___ of The Corporation of the City of London;

AND WHEREAS the parties wish to provide for greater certainty in relation to the roles of Extendicare, the Administrator and the Licensee under that Agreement;

In consideration of the mutual covenants and agreements contained in this Amending Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

- 1. Section 2.1 is hereby amended by adding the following paragraph (5) thereto: "(5) In addition to the roles and responsibilities under this agreement as set out in Appendix A, the Administrator shall, at all times, be responsible to the Licensee and provide reports to and shall receive direction from the Licensee, the Committee of Management or its City Representative in accordance with their respective roles and responsibilities as set out in the Long Term Care Homes Act."
2. Except for the amendments provided for in this Amending Agreement, all provisions in the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF LONDON

Joe Fontana
Mayor

Catharine Saunders
City Clerk

EXTENDICARE (CANADA) INC.

I/We have the authority to bind the corporation.