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| <b>TO:</b>     | <b>CHAIR AND MEMBERS<br/>FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE<br/>MEETING ON FEBRUARY 27, 2012</b>               |
| <b>FROM:</b>   | <b>GRANT HOPCROFT<br/>DIRECTOR, INTERGOVERNMENTAL &amp; COMMUNITY LIAISON</b>   |
| <b>SUBJECT</b> | <b>AGREEMENT WITH THE PROVINCE OF ONTARIO TO ENHANCE THE<br/>MARKETING OF THE LONDON AND MIDDLESEX IMMIGRATION PORTAL</b> |

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| <b>RECOMMENDATION</b> |
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That, on the recommendation of the Director of Intergovernmental and Community Liaison, the attached proposed By-Law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting of March 20, 2012:

- a) **TO APPROVE** the agreement with Her Majesty the Queen in Right of Ontario, as represented by the Minister of Citizenship and Immigration, to obtain Provincial funding of \$11,899 to enhance the marketing of the London and Middlesex Immigration Portal; and
- b) **TO AUTHORIZE** the Mayor and City Clerk to execute the Agreement in (a) above.

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| <b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b> |
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Immigration Portal Status Report, Board of Control, March 22, 2006.  
 Immigration Portal Status Report, Board of Control, January 31, 2007.  
 Immigration Portal Status Report, Board of Control, October 31, 2007.  
 Immigration Portal Sustainability, Board of Control, February 5, 2008.  
 Agreement with the Province of Ontario for Enhancements to the London and Middlesex Immigration Portal, Board of Control, April 9, 2008.  
 Requested Administrative Funding for the Heritage and Immigration Web Portals, Committee of the Whole, February 10, 2009.  
 Immigration Portal Status Report, Board of Control, March 25, 2009;  
 Agreement with the Province of Ontario to host the 2010 Municipal Immigration Information Online Workshop, Board of Control August 25, 2010.  
 Agreement with the Province to develop multilingual marketing materials, Board of Control, Sept 29, 2010  
 Agreement with the Province to enhance the London and Middlesex Immigration Portal, Finance and Administration Committee, July 20, 2011

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| <b>BACKGROUND</b> |
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The purpose of this project is to increase the secondary migration of immigrants from the Greater Toronto Area and to attract a larger international audience. This will be accomplished by enhancing the marketing of the London and Middlesex County Immigration Portal, which launched in 2007. The project includes purchase of print and online advertising within Canada and outside Canada. The Immigration Portal was created with funding from the Province of Ontario and has been enhanced through project funding, also funded by the Province's Ministry of Citizenship and Immigration.

The vast majority of immigrants to Canada move to larger centres such as Toronto, Montreal and Vancouver. London's immigrant-born population is at 18%, far below the provincial average of 26%, 43% for Toronto and the much smaller centre of Kitchener at 22%. London needs to attract more immigrants to increase its population and maintain its competitive advantage.

The City of London is entering into an agreement with the Province of Ontario to obtain funding for marketing to promote the London and Middlesex Immigration Portal. All funding for this project will be provided by the Province of Ontario.

**Indemnity**

In the past, the Province has permitted the City of London to amend the indemnity clause in a way that reduces its scope and the City’s liability. The Province has now adopted a firm stance on this, and will not permit amendment of the contract in any way, such that the indemnity clause reads as follows:

13.1 The Recipient will indemnify and hold harmless the Province from and against any and all Claims, by whomever made, sustained, incurred, brought or prosecuted, including for third party bodily injury (including death), personal injury and property damage, in any way based upon, occasioned by or attributable to anything done or omitted to be done by the Recipient, its subcontractors or their respective directors, officers, agents, employees, partners, affiliates, volunteers or independent contractors in the course of carrying out the Project under, or otherwise in connection with, this Agreement. The Recipient further agrees to indemnify and hold harmless the Province for any incidental, indirect, special or consequential damages, or any loss of use, revenue or profit, by any person, entity or organisation, including, without limitation, the Province, claimed or resulting from such Claims.

**Insurance**

Similarly, the Province will not allow us to alter the language in the insurance clause which reads as follows:

14.1 The Recipient hereby agrees to put in effect and maintain insurance for the term of this Agreement, at its own cost and expense, with insurers having a secure A.M. Best rating of B + or greater, or the equivalent, all the necessary insurance that is appropriate for a prudent person in the business of the Recipient would maintain including, but not limited to, the following:

(a) commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage to an inclusive limit of not less than two million dollars (\$2,000,000) per occurrence. The policy is to include the following clauses:

- (i) the Province as an additional insured with respect to liability arising in the course of performance of the Recipient’s obligations under, or otherwise in connection with, this Agreement;
- (ii) cross-liability clause;
- (iii) contractual liability coverage; and
- (iv) thirty (30) day written notice of cancellation, termination or material change.

The Manager of Risk Management has advised that the City of London does not comply with the requirements of the Province of Ontario as we do not belong to A.M. Best, an agency that rates the financial stability of insurance companies but rather to Ontario Municipal Insurance Exchange (OMEX), a not-for-profit insurer dedicated solely to insuring municipalities. The Province has indicated that as it has done in the past, it considers the City of London’s insurance equivalent to what’s specified in the contract.

This report was prepared in consultation with Lynn Marshall, Solicitor and Joy Jackson, Manager, Risk Management.

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| <b>PREPARED BY:</b>                                 | <b>RECOMMENDED BY:</b>  |
| <b>JILL TANSLEY<br/>MUNICIPAL POLICY SPECIALIST</b> | <b>GRANT HOPCROFT, DIRECTOR<br/>INTERGOVERNMENTAL AND<br/>COMMUNITY LIAISON</b> |

## APPENDIX "A"

Bill No.  
2012

By-law No.

A By-law to approve the Ontario Funding Agreement for the enhancement of the marketing of the London and Middlesex Immigration Portal with Her Majesty the Queen in Right of Ontario as represented by the Minister of Citizenship and Immigration; and to authorize the Mayor and the City Clerk to execute the Agreement.

WHEREAS section 9 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 section 8 provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality; 7. Services and things that the municipality is authorized to provide under subsection (1);

AND WHEREAS section 22 of the *Municipal Act, 2001* provides that a municipality may provide a system that it would otherwise not have power to provide within the municipality if it does so in accordance with an agreement with the Province of Ontario under a program established and administered by the Province of Ontario;

AND WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

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

1. The agreement to be entered into between The Corporation of the City of London and Her Majesty the Queen in Right of Ontario, for the provision of the Ontario Funding Agreement for marketing of the London and Middlesex Immigration Portal, attached as Schedule "1" to this By-law, is approved.
2. The Mayor and the City Clerk are authorized to execute the agreement approved under section 1 above.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 20, 2012.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First reading -  
Second reading -  
Third reading -