



TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON NOVEMBER 29, 2016
FROM:	ART ZUIDEMA CITY MANAGER
SUBJECT:	SECTION 18(17)

RECOMMENDATION

That on the recommendation of the City Manager, this Report **BE RECEIVED** for information purposes.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

N/A

BACKGROUND

EXECUTIVE SUMMARY

Municipal Council, at its session held on November 8, 2016 resolved:

“That the communication dated October 24, 2016, from Councillor J. Morgan, with respect to the utilization of by-laws to appoint members of the Senior Leadership Team and any other statutory officers of The Corporation of the City of London, **BE REFERRED** to a future meeting of the Corporate Services Committee in order to receive additional information, including information regarding the currency of Council Policy 18(17) entitled “Appointments Requiring Council Approval”.

Upon a full review of the matter, the Civic Administration can advise that Section 18(17) of the Policy Manual, which is currently posted on the Corporation’s website, does not reflect a Resolution of Council and as such is not a Policy approved by Council.

ANALYSIS

i) Council Resolutions

The last resolution of the Municipal Council (Appendix "A") relating to Section 18(17) dates back to 1982. The 1982 resolution amended a 1981 resolution, (Appendix "B").

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The following illustrates the last resolution of the Municipal Council relating to Section 18(17):

“(a) The following positions be identified (based on the administrative organization existing as of December 1, 1980) as those for whose appointment Board of Control is to make a nomination to Council:

1. City Administrator
2. City Clerk
3. City Engineer
4. City Solicitor
5. City Treasurer
6. Commissioner of Community Services
7. Deputy City Clerk
8. Deputy City Engineer
9. Director of Planning
10. Director of Social Administration & Development
11. Fire Chief and Deputy Fire Chief (*permanent and interim*) (*February 1, 1982*)
12. Administrator, Dearness Home
13. Finance Commissioner
14. Tax Collector
15. Director of Personnel
16. Director of Economic Development
17. Director of Systems and Data Processing;

(b) “Vacancy” means a vacancy which occurs in cases such as promotion, resignation, retirement, discharge or death and which is indefinite or long lasting in nature, and includes a vacancy caused by approved or authorized absence from work of an employee;

(c) In the case of positions numbered 2 to 6 under subclause (a) above, the City Administrator shall make a recommendation to the Board of Control on its nomination to Council;

(d) In the case of positions numbered 7 to 17 under subclause (a) above, the City Administrator and the head of a department shall make a joint recommendation to the Board of Control on its nomination to Council;

(e) Unless otherwise decided by the Board of Control, in the case of all positions mentioned under subclause (a) above, every vacancy shall be bulletined and in addition, may be advertised and/or placed with management search services. Nothing prevents the City Administrator and the head of a department from recommending or the Board of Control from nominating a present staff member whether or not that person applied as a result of the bulletining;

(f) In the case of established non-union positions other than those mentioned in subclause (a),

- (i) Appointments of heads of divisions and above may be made by the head of the department in which the vacancy occurs with the concurrence of the City Administrator;
- (ii) Appointments below the level of heads of divisions may be made by the head of the department in which the vacancy occurs,

and all such appointments to management positions shall be reported at appropriate intervals to the Board of Control by the Director of Personnel for information purposes;

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(g) In the case of established non-union positions other than those mentioned in subclause (a) above, every vacancy shall be bulletined and in addition, may be advertised where there are no applications submitted or where none of the applicants is suitable in the opinion of the department head or where the vacancy to be filled requires expert, technical or special knowledge not possessed by any present employee;

(h) With respect to the requirement or bulletin all positions covered by this policy, the City Administrator may waive such requirement for all positions other than those listed in subclause (a) above."

ii) Policy Manual - Hard Copy

Council Policies (Resolutions of Council) were contained and consolidated within a hard copy binder referred to as the Policy Manual (the "Manual"). The last hard copy version of the Manual appears to have been issued in 2000.

The "Forward" to the 2000 Manual states:

"This Policy Manual is a compilation of "policies" that have been adopted (and in some cases, amended) by the Municipal Council of the City of London over a number of years.

The City Clerk's Office maintains the currency of this document by issuing updated pages as new policies are created by the Council or as existing ones are amended.

From time to time a completely new edition of this Manual is published; and this present edition supersedes the one issued in August, 1999.

This Manual does not contain detailed "operating procedures" for many different services provided by Civic Departments not does it reflect the many regulations contained in City by-laws. By-law information can be obtained from the City Clerk's Office; information about any operating procedures that affect municipal services provided by Civic Departments can be obtained from the Department involved."

The Manual also contains a "User Information" page which states, in part:

Dating of Policies

"The dates that appear at the end of each policy indicate the date when it was first adopted by Council and any later dates when the Council has amended it.

Previous Edition of Manual

The information that appears at the end of each policy in square brackets indicates the number that was assigned to that policy in the previous complete edition of this manual dated August, 1999."

The Civic Administration has found two versions of 18(17) contained in hard copy Policy Manual binders dated 2000. Those versions are contained as Appendices "C" and "D".

At this time, we are not able to confirm which of those versions that the Civic Administration would have been operating under at that time.

However, it is believed that Appendix "D" is the last version of Section 18(17) contained in the hard copy Manual.

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iii) 2001 Draft Report

A draft report prepared for a 2001 Board of Control meeting proposed to amend various sections of Chapter 18 of the Manual. That draft report included a proposed amendment to 18(17) of the Manual although subsequent documents suggest a change to that proposal. The draft report reflected that Council direction and approval was required to amend provisions of the Manual. That report was never brought forward for Council's consideration.

iv) Website Manual

In 2002, a new manual was released on the Corporation's website. The communication to staff at the time indicated that "the virtual Policy Manual will be updated whenever a policy is added, amended or deleted by Council".

The home page to this site states, in part:

"The Policy Manual is a consolidation of policies that have been adopted (and in some cases, amended) by the Municipal Council of the City of London over a number of years.

This Manual does not contain detailed operating procedures for the many different services provided by Civic Departments nor does it reflect the many regulations contained in City By-laws. By-law information can be obtained from the City Clerk's Office; information about any operating procedures that affect municipal service provided by Civic Departments can be obtained from the Department involved. Please note that all City policies are currently under review.

Wording

The wording of the policies contained in this manual may not be exactly as adopted or amended by Council. Without altering the original intent, policies may be updated by administration to reflect current structure, job titles, language, etc.

Dating of Policies

The dates that appear at the end of each policy indicate the date when it was first adopted by Council and any later dates when Council has amended it."

The earliest hard copy version of the Website Manual for 18(17) that could be identified was from February 2003. That version is identical in most respects to the current version of 18(17) on the website except with respect to the dating of the section which in 2003 stated: "Adopted January 5, 1981, February 1, 1982 [18(17) AUG 1999]". The dating of the section on the current Website Manual states: "Adopted January 5, 1981, February 1, 1982 [18(17)]".

The website version of 18(17) (attached at Appendix "E") is different from both versions of 18(17) as contained in the hard copy Manual last issued in 2000.

It would appear that a number of the position titles have changed between the versions of Section 18(17) attached to this Report as Appendices "B", "C", "D" & "E". In addition, Appendix "E" contained additional changes not reflected in previous versions.

With the exception of Appendix "A" and "B" none of these other versions of Section 18(17) were approved by Council.

The impact of this is that Civic Administration has been relying on incorrect versions of Section 18(17) since at least 2000.

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v) Can a Council Policy be Amended Without Council Direction or Approval?

It takes a specific recommendation to Council, with a by-law, to amend a Council Policy. A unilateral change to a Council policy cannot be made without explicit Council approval.

vi) Changes to Civic Administration By-law A-19

In February 2010, a number of changes were made to the Civic Administration By-Law A-19 through Civic Administration By-law A-36 including changes that deleted the following sections:

- "5. (1) Without restricting Council's role and responsibility as generally defined in section 4, Council has particular responsibility:
- (b) to appoint persons as appointed officers and temporary acting officers and to approve the compensation of such persons upon their appointment;
 - (d) to approve, insofar as Council has authority in law to do so, any terms and conditions as Council considers advisable that relate to the suspension or dismissal of an appointed person
- (2) No appointed officer shall be appointed by Council in the absence of a nomination of the Board
- (3) Council may on a majority vote appoint someone as an appointed officer other than the person nominated by the Board
6. The role and responsibility of the Board, having regard to Part V of the Municipal Act which continues to apply to the Board pursuant to section 468 of the Municipal Act, 2001 is:
- (c) to nominate to Council,
 - (i) in the case of a vacancy, every appointed officer, and
 - (ii) a temporary acting officer when, a vacancy occurs in the office of an appointed officer or an appointed officer is unable to carry on his or her duties for any reason, and in the Board's opinion, it is desirable that a temporary acting officer be appointed,and concurrent with a nomination, to recommend to Council the compensation of the appointed officer or temporary acting officer,
 - (d) with respect to a change in status of an appointed officer,
 - (i) to recommend to Council the suspension or dismissal of an appointed officer; and
 - (ii) To report to Council any other change in status of an appointed officer, including the terms and conditions related thereto;"

The current Civic Administration By-law A-44 contains the following relevant provisions regarding appointed officers:

17. Without restricting the generality of section 16 of this by-law, the City Manager shall:
- (a) Appointed Officers – report to the Council any change in status of an appointed officer, including any terms and conditions related thereto, consistent

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appointed officer, including any terms and conditions related thereto, consistent with any applicable Council or Administrative policy;

- (i) Employment Oversight – within the terms of collective bargaining agreements and the human resources policies of Council and Administration, oversee and authorize the Service Area Leads in exercising their responsibilities in the appointment, employment, suspension or dismissal of employees

vii) Impact of Changes

It would appear that with the elimination of the Board of Control in 2010, and changes to the Civic Administration by-law at the time, Civic Administration may have believed that 18(17) of the Manual was redundant and no longer applicable.

Individuals that are statutory officers and required to be appointed by statute continue to be appointed by by-law. Generally, such appointments are accomplished by placing a by-law on a Council agenda without the need for a cover report or recommendation of Council.

viii) Current Process for Changes to Council Policies

Currently changes to Council Policy, be it an addition, deletion or amendment, are done through a specific recommendation to Council with a by-law of the Municipal Council.

CONCLUSION AND NEXT STEPS

Section 18(17) of the Policy Manual, as currently posted on the Corporation's website, does not reflect a Resolution of Council and as such is not a Policy approved by Council.

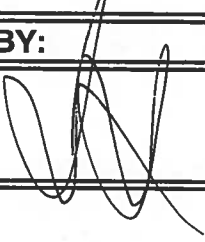
The last version of Section 18(17) that was authorized by the Municipal Council was from 1982, as outlined in section (i) above.

The Civic Administration recognizes that there is a need to review all Council Policies and report back with any changes to ensure they remain current and relevant to the current practices and requirements of the Corporation.

That work is currently in progress and each Service Area has brought, or will be bringing forward, various proposed updates to the Council Policies that fall within their respective Service Areas for consideration and adoption by the Municipal Council.

The Senior Leadership Team has tasked the Operations Management Team with coordinating the Corporate review of the Council Policies. This work is ongoing with some Services Areas having already reported out with updated Policies which have been approved by Council through a recommendation and by-law.

In the interim and until Civic Administration can verify the validity of various sections of the Policy Manual posted on the Corporation's website, all sections on the website that can't be verified as valid will be removed.

RECOMMENDED BY:

ART ZUIDEMA CITY MANAGER

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- (b) Messrs. R. W. Grainger and R. J. Hawkins - to rezone Municipal Number 829 Richmond Street. (C.P.-953(ac)-70)
- (c) Bell Canada - to rezone an area of land located on the east side of Adelaide Street, North, south of Fanshawe Park Road. (C.P.-952(ah)-67)
112. The Chair directs that Communication #2 from Mr. T. R. Moore, Executive Secretary, Board of Education, be referred to the Community and Protective Services Committee Report Stage for consideration with clause 4.
113. The Chair directs that Communication #3 from the City Clerk, submitting copy of notice sent in connection with application for approval of certain zoning by-laws, be noted and filed, namely:
- London Regional Children's Museum - to amend the zoning regulations for an area of land located at the north-west corner of Whatncliffe Road South and Riverview Avenue. (C.P.-953(ap)-67)

MOTIONS OF WHICH NOTICE GIVEN

114. Alderman Gosnell moves, seconded by Alderman Grant, that the City Council's Policy with respect to the appointment of persons to non-union positions within the Corporation, adopted on January 5, 1981, be amended in order to provide that all permanent or temporary appointments to the positions of Fire Chief, Deputy Fire Chief or Assistant Deputy Fire Chief shall be considered by the Board of Control and recommended to the City Council for final approval.

At this stage of the Proceedings, 5:04 p.m., Controller Cartier enters the Meeting.

Alderman Gosnell moves, seconded by Alderman Fontana, that the motion moved by Alderman Gosnell and seconded by Alderman Grant be amended in line 4 by deleting the word "temporary" and by substituting for it the word "interim". CARRIED.

Alderman Gosnell moves, seconded by Alderman Fontana, that the motion moved by Alderman Gosnell and seconded by Alderman Grant be amended in line 5 by deleting the word "or" and by substituting for it the word "and". CARRIED.

Alderman De Zorzi moves, seconded by Alderman Smith, that the motion moved by Alderman Gosnell and seconded by Alderman Grant be amended in line 5 by deleting the phrase "Deputy Fire Chief and Assistant Deputy Fire Chief" and by substituting therefor the phrase, "and Deputy Fire Chief".

At this stage in the Proceedings, the Deputy Mayor welcomes the Girl Guide Group that is in attendance in the Gallery.

At this stage in the Proceedings, 5:15 p.m., Alderman Tiller enters the Meeting.

The amendment moved by Alderman De Zorzi and seconded by Alderman Smith is put and CARRIED on a recorded vote of Council, the Council voting as follows:

YEAS: Controllers Bigelow, White; Aldermen Tiller, De Zorzi, Jorgensen, Smith, Avola, McEwen and Deputy Mayor Zamproga. (9)

NAYS: Controller Cartier; Aldermen MacDonald, Grant, Flitton, Williams, Martin, Fontana and Gosnell. (8)

At this stage of the Proceedings, 5:25 p.m., Alderman Judson enters the Meeting.

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60. 7. Alderman De Zorzi moves, seconded by Alderman Williams, that on the recommendation of the Assistant City Clerk, the following holidays be proclaimed during the year 1981, namely:

Monday, August 3, 1981 - Civic Holiday
Saturday, December 26, 1981 - Boxing Day

CARRIED.

2ND REPORT OF THE BOARD OF CONTROL

61. Controller Bigelow submits the 2nd Report of the Board of Control which is considered.

Controller Bigelow moves that clauses 1 to 4, inclusive, be adopted.

Alderman De Zorzi moves, seconded by Alderman Judson, that clause 4 be deleted and referred back to the Board of Control with the request that the Board obtain from George Wimpey Canada Limited, an undertaking that it will fulfill the requirements of the Development Agreement concerning the Chesham Estates Subdivision prior to the City Council awarding the contract with respect to the construction of the Dingman Creek Trunk Sanitary Sewer Replacement.

At this stage of the Proceedings, 5:20 p.m., Alderman Avola enters the Meeting.

The motion to refer is put and LOST. Aldermen Smith, Gosnell, Fontana, Flitton, Avola, MacDonald, McEwen, Controllers Zamprogna, Bigelow and His Worship the Mayor voting Nay.

The motion to adopt clauses 1 to 4, inclusive, is put and CARRIED. Controller Cartier, Aldermen De Zorzi, Martin, Tiller, Williams and Judson voting Nay to clause 4.

Controller Bigelow moves that clause 5 be adopted. CARRIED. Alderman Tiller voting Nay.

Controller Zamprogna moves that clause 6 be adopted. CARRIED. Controller Bigelow disclosed a personal interest in clause 6 and refrained from participating in the discussion and voting thereon.

Clause 7 is considered with Communication #5.

Controller Bigelow moves that clause 7 be adopted.

Alderman Smith moves, seconded by Alderman Jorgenson, that clause 7 be deleted and referred back to the Board of Control for further consideration.

With the consent of Council, Aldermen Smith and Jorgenson withdraw their motion to refer.

At this stage of the Proceedings, 5:40 p.m., His Worship the Mayor places Deputy Mayor Zamprogna in the Chair and takes a seat at the Council Board.

At this stage of the Proceedings, 6:12 p.m., His Worship the Mayor reassumes the Chair and Controller Zamprogna takes his seat at the Council Board.

The motion to adopt clause 7 is put and CARRIED on a recorded vote of Council, the Council voting as follows:

YEAS: Controller Bigelow, Aldermen MacDonald, Judson, Jorgenson, Smith, Williams, Tiller, McEwen, De Zorzi and His Worship the Mayor. (10)

NAYS: Controllers Zamprogna, Cartier, Aldermen Gosnell, Fontana, Flitton, Avola and Martin. (7)

Controller Bigelow moves that clause 8 be adopted.

Controller Bigelow moves, seconded by Controller Zamprogna, that clause 8 be amended in Section (a)13. by deleting the word "Administrator" and by substituting therefor the word "Commissioner".
CARRIED.

Controller Bigelow moves that clause 8, as amended, be adopted.

Alderman Smith moves, seconded by Controller Bigelow, that clause 8 be further amended in Section (e) by deleting the word "But" in the fifth line and by deleting the words "as the case may be" in the sixth line. CARRIED.

At this stage of the Proceedings, 6:44 p.m., His Worship the Mayor places Alderman De Zorzi in the Chair and takes a seat at the Council Board.

The main motion, as amended, is put and CARRIED. Alderman Avola and Controller Bigelow voting Nay.

The Chair directs that clauses 1 and 2, inclusive, of Section II be noted.

Controller Bigelow moves, seconded by Controller Zamprogna, that the following be added as clause 9 of the 2nd Report of the Board of Control and adopted, namely:

9. That, on the recommendation of the City Engineer, with the concurrence of the City Treasurer and of the Director of Purchasing:
- (a) A contract for the Hutton-Wonderland Connection, Phase 2, Contract No. 4, Commissioners Road to Springbank Drive, BE AWARDED to Elgin Construction Co. Ltd., 140 Burwell Road, St. Thomas, Ontario, NSP 3R8, in the amount of \$1,568,633.60;
 - (b) A by-law be introduced and enacted to authorize the Mayor and the City Clerk to execute a contract with Elgin Construction Co. Ltd.;
 - (c) M. M. Dillon Limited, Consulting Engineers, London, be authorized to carry out the resident supervision of the project in accordance with its agreement with the City, at a cost, which is included in the financing of the project, for general administration and resident supervision including disbursements, not to exceed \$153,000.00;
 - (d) All administrative acts be authorized which are necessary in connection with this work;

it being pointed out that the bid submitted by Elgin was the lowest of seven received and the work to be carried out will be in accordance with the City's requirements; it being further pointed out that the Finance Department has confirmed that the sources of financing for this project are as set out on Appendix "A" attached hereto.
CARRIED.

62. Controller Bigelow moves, seconded by Controller Cartier, that the Council rise and go into a Committee of the Whole, in camera, for the purpose of considering a property matter. CARRIED.

The Council accordingly rises and goes into a Committee of the Whole, in camera, at 6:51 p.m., with Deputy Mayor Zamprogna in the Chair and considers the said matter.

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it being pointed out that the awards for gasoline and diesel fuels are based on the lowest price meeting City specifications; it being further pointed out that the bid submitted by Shell Canada Limited for oil lubricants was low with the exception of transmission fluid in one litre containers; however, it was felt that because of the low expenditure for these two items, it would be logical from an administrative point of view to include these with the balance of the items, for one award; it being noted that the total approximate expenditures for these products, for which the various Civic Departments, Boards and Commissions have included funds in their 1981 Current Budget Estimates, are as follows:

Gasoline	\$ 630,000.00
Diesel Fuel	\$ 292,000.00
Oils & Lubricants	\$ 43,000.00
TOTAL	\$ 965,000.00

(23.16.1)

6. (3-6) That, on the recommendation of the City Treasurer, with the concurrence of the Director of Purchasing and of the City Administrator, the bid for supply of butter and eggs to the Dearness Home submitted as follows by Medway Creamery, R. R. #3, Ilderton, Ontario, BE ACCEPTED:

- 1 lb. prints salted butter	@	\$ 1.68/lb.
- 1 lb. prints sweet butter	@	\$ 1.70/lb.
- Butter "Reddies"	@	\$ 1.88/lb.
- Grade "A" Medium Eggs	@	\$ 0.12/doz. over daily published Ontario Egg & Fowl Producers' price;

it being pointed out that the total estimated expenditure for these purchases is \$15,000.00 for butter and \$17,000.00 for eggs, funds for which have been included in the 1981 Current Budget Estimates of the Dearness Home (Account No. 653-002-713-2); it being further pointed out that the prices submitted by Medway Creamery were the lowest of five bids received, although all of the bidders did not bid on both products. (10.7.5)

7. (3-9) That a by-law be introduced and enacted to give a municipal tax exemption to Theatre London for the years 1981 and 1982 on the understanding that there will be no City of London grants to Theatre London in 1981 and 1982. (70.1.1)

8. (3-10) That, on the recommendation of the City Administrator, with the concurrence of the Senior Management Team, Policy 18(28) (see attached) adopted by the Municipal Council on October 6, 1975 BE RESCINDED and that the following policy for the filling of established non-union vacancies be adopted:

(a) The following positions be identified (based on the administrative organization existing as of December 1, 1980) as those for whose appointment Board of Control is to make a nomination to Council:

1. City Administrator
2. City Clerk
3. City Engineer
4. City Solicitor
5. City Treasurer

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6. Commissioner of Community Services
7. Deputy City Clerk
8. Deputy City Engineer
9. Director of Planning
10. Director of Social Administration & Development
11. Fire Chief
12. Administrator, Dearness Home
13. Finance ~~MANAGEMENT~~ Commissioner
14. Tax Collector
15. Director of Personnel
16. Director of Economic Development
17. Director of Systems and Data Processing;

- (b) "Vacancy" means a vacancy which occurs in cases such as promotion, resignation, retirement, discharge or death and which is indefinite or long lasting in nature, and includes a vacancy caused by approved or authorized absence from work of an employee;
- (c) In the case of positions numbered 2 to 6 under subclause (a) above, the City Administrator shall make a recommendation to the Board of Control on its nomination to Council;
- (d) In the case of positions numbered 7 to 17 under subclause (a) above, the City Administrator and the head of a department shall make a joint recommendation to the Board of Control on its nomination to Council;
- (e) Unless otherwise decided by the Board of Control, in the case of all positions mentioned under subclause (a) above, every vacancy shall be bulletined and in addition, may be advertised and/or placed with management search services. ~~NOT~~ Nothing prevents the City Administrator and the head of a department ~~XXXXXXXXXXXXXXXXXXXX~~ from recommending or the Board of Control from nominating a present staff member whether or not that person applied as a result of the bulletining;
- (F) In the case of established non-union positions other than those mentioned in subclause (a),
- (i) appointments of heads of divisions and above may be made by the head of the department in which the vacancy occurs with the concurrence of the City Administrator;
 - (ii) appointments below the level of heads of divisions may be made by the head of the department in which the vacancy occurs,
- and all such appointments to management positions shall be reported at appropriate intervals to the Board of Control by the Director of Personnel for information purposes;
- (g) In the case of established non-union positions other than those mentioned in subclause (a) above, every vacancy shall be bulletined and in addition, may be advertised where there are no applications submitted or where none of the applicants is suitable in the opinion of the department head or where the vacancy to be filled requires expert, technical or special knowledge not possessed by any present employee;
- (h) With respect to the requirement to bulletin all positions covered by this policy, the City Administrator may waive such requirement for all positions other than those listed in subclause (a) above. (56.1.1)

AS AMENED.

Aug. 2000

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granted to survivors of City employees who are killed while carrying out their duties.

ADOPTED FEBRUARY 4, 1980 [18(15) AUG 1999]

) That the following policy be established concerning past service pensions:

(a) effective January 1, 1980, the surviving spouses of all retired City of London employees who are receiving past service pension benefits under the provisions of Section 98 of the Municipal Act, R.S.O. 1990, Chapter M.45, be granted a surviving spouse allowance in the amount of 50% of the gratuity being paid to the past service pensioners, such gratuity to commence the month following the death of the former employee, provided both the following conditions are met:

- (i) married to a pensioner at the time of death;
- (ii) married before a pensioner's payments commence; and further that effective January 1, 1980, the surviving spouse allowance outlined hereinbefore be granted to common-law spouses of all retired City of London employees who are receiving past service pension benefits, the determination of the eligibility of such common-law spouses to receive this allowance to be made in accordance with the criteria used by OMERS with respect to the payment of pension benefits to common-law partners;

(b) in the event the surviving spouse is more than 10 years younger than the pensioner, the surviving spouse allowance be reduced by 2 ½ for each full year the surviving spouse is more than 10 years younger;

(c) the surviving spouse allowance be continued until death or remarriage, whichever occurs first;

(d) any further improvements to the surviving spouse allowance which may be deemed necessary in order to maintain it on a basis similar to the benefits in this regard offered under OMERS Pension Plans, be the subject in each case of a report and recommendation to the Board of Control from the Administration.

ADOPTED DECEMBER 18, 1979; CORRECTED AUGUST, 1988 [18(16) AUG 1999]

Appendix C



18(17)

Appointments
Requiring
Council Approval

The following positions be identified as those for whose appointment Board of Control is to make a nomination to

Council:

- (1) City Administrator
 - (2) Commissioner of Corporate Services & City Clerk
 - (3) Commissioner of Environmental Services & City Engineer
 - (4) Commissioner of Legal Services & City Solicitor
 - (5) Commissioner of Finance and Administration & City Treasurer
 - (6) Commissioner of Planning & Development
 - (7) Assistant City Administrator
 - (8) Assistant City Clerk
 - (9) Deputy City Engineer
 - (10) Director of Planning
 - (11) Commissioner of Community Services
 - (12) Fire Chief
 - (13) Deputy Fire Chief
 - (14) Administrator, Dearness Home
 - (15) Deputy City Treasurer
 - (16) Manager Revenue & Tax Collector
 - (17) Director of Human Resources
 - (18) Director of Economic Development
 - (19) Director of Management Information Systems;
- (b) "Vacancy" means a vacancy which occurs in cases such as promotion, resignation, retirement, discharge or death and which is indefinite or long lasting in nature, and includes a vacancy caused by approved or authorized absence from work of an employee;
- (c) In the case of positions numbered 2 to 7 under subclause (a) above, the City Administrator shall make a recommendation to the Board of Control on its nomination to Council;
- (d) In the case of positions numbered 8 to 18 under subclause (a) above, and in the case of interim appointments to the position of Fire Chief and Deputy Fire Chief, the City Administrator and the head of a department shall make a joint recommendation to the Board of Control on its nomination to Council;
- (e) Unless otherwise decided by the Board of Control, in the case of all positions mentioned under subclause (a) above, every vacancy shall be bulletined and in addition, may be advertised and/or placed with management search services. Nothing prevents the City Administrator and the Head of a department from

recommending or the Board of Control from nominating a present staff member whether or not that person applied as a result of the bulletining;

- (f) In the case of established non-union positions other than those mentioned in subclause (a),
- (i) Appointments of Heads of divisions and above may be made by the Head of the department in which the vacancy occurs with the concurrence of the City Administrator;
- (ii) Appointments below the level of Heads of divisions may be made by the Head of the department in which the vacancy occurs;

and all such appointments to management positions shall be reported at appropriate intervals to the Board of Control by the Director of Human Resources for information purposes;

- (g) In the case of established non-union positions other than those mentioned in subclause (a) above, every vacancy shall be bulletined and in addition, may be advertised where there are no applications submitted or where none of the applicants is suitable in the opinion of the department head or where the vacancy to be filled requires expert, technical or special knowledge not possessed by any present employee;

With respect to the requirement to bulletin all positions covered by this policy, the City Administrator may waive such requirement for all positions other than those listed in subclause (a) above.

ADOPTED JANUARY 5, 1981, FEBRUARY 1, 1982 [18(17) AUG 1999]

Organizational
Structure and
Management
Committee



- 18(18) (a) That the administrative organizational structure for the City of London shown on Appendix 18(18A) be established.
- (b) That the duties and responsibilities of the City Administrator and of the Management Committee be established by way of By-law A-3.

ADOPTED JULY 6, 1981 [18(18) AUG 1999]

Sick Leave
Reserve Fund

- 18(19) That policies pertaining to the operation of the funded sick leave reserve, which policies will provide for a 5% level of funding of the Corporation's sick leave liability, be established. [Appendix 18(19A)]

ADOPTED FEBRUARY 15, 1982 [18(19) AUG 1999]

	<p>CITY OF LONDON</p> <p>POLICY MANUAL</p>	
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Appointments
Requiring
Council Approval

18(17)

The following positions be identified as those for whose appointment Board of Control is to make a nomination to Council:

- (1) City Manager
- (2) Deputy City Manager & City Clerk
- (3) Commissioner of Environmental Services & City Engineer
- (4) Commissioner of Legal Services & City Solicitor
- (5) Commissioner of Finance and Administration & City Treasurer
- (6) Commissioner of Planning & Development
- (7) Commissioner of Community Services
- (8) Fire Chief
- (9) Deputy City Clerk
- (10) Deputy City Treasurer
- (11) Manager Revenue & Tax Collector
- (12) Chief Building Official;

- (b) "Vacancy" means a vacancy which occurs in cases such as promotion, resignation, retirement, discharge or death and which is indefinite or long lasting in nature, and includes a vacancy caused by approved or authorized absence from work of an employee;
- (c) In the case of positions numbered 2 to 7 under subclause (a) above, the City Manager shall make a recommendation to the Board of Control on its nomination to Council;
- (d) In the case of positions numbered 9 to 12 under subclause (a) above, the City Manager and the head of a department shall make a joint recommendation to the Board of Control on its nomination to Council;
- (e) Unless otherwise decided by the Board of Control, in the case of all positions mentioned under subclause (a) above, every vacancy shall be bulletined and in addition, may be advertised and/or placed with management search services. Nothing prevents the City Manager and the Head of a department from recommending or the Board of Control from nominating a present staff member whether or not that person applied as a result of the bulletining;
- (f) In the case of established non-union positions other than those mentioned in subclause (a),

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- (i) Appointments of Heads of divisions and above may be made by the Head of the department in which the vacancy occurs with the concurrence of the City Manager;
- (ii) Appointments below the level of Heads of divisions may be made by the Head of the department in which the vacancy occurs;

and all such appointments to management positions shall be reported at appropriate intervals to the Board of Control by the Director of Human Resources for information purposes;

- (g) In the case of established non-union positions other than those mentioned in subclause (a) above, every vacancy shall be bulletined and in addition, may be advertised where there are no applications submitted or where none of the applicants is suitable in the opinion of the department head or where the vacancy to be filled requires expert, technical or special knowledge not possessed by any present employee;

With respect to the requirement to bulletin all positions covered by this policy, the City Manager may waive such requirement for all positions other than those listed in subclause (a) above.
ADOPTED JANUARY 5, 1981, FEBRUARY 1, 1982 [18(17) AUG 1999]



Chapter 18

Personnel

benefits, the determination of the eligibility of such common-law spouses to receive this allowance to be made in accordance with the criteria used by OMERS with respect to the payment of pension benefits to common-law partners;

- (b) in the event the surviving spouse is more than 10 years younger than the pensioner, the surviving spouse allowance be reduced by 2½% for each full year the surviving spouse is more than 10 years younger;
- (c) the surviving spouse allowance be continued until death or remarriage, whichever occurs first;
- (d) any further improvements to the surviving spouse allowance which may be deemed necessary in order to maintain it on a basis similar to the benefits in this regard offered under OMERS Pension Plans, be the subject in each case of a report and recommendation to the Board of Control from the Administration.

ADOPTED DECEMBER 18, 1979; CORRECTED AUGUST, 1988 [18(16)]

18(17) Appointments Requiring Council Approval

- (a) That a policy be established requiring the following positions as those for whose appointment Board of Control is to make a nomination to Council and whose appointment shall be approved by Council:
 - (1) City Manager
 - (2) Deputy City Manager
 - (3) Department Heads
 - (4) Statutory Officers required to be appointed by by-law
 - (5) Sub-department Heads (i.e. Fire Chief)
- (b) In the case of positions numbered 2 to 5 under subclause (a) above, the City Manager shall make a recommendation to the Board of Control on nomination to Council;
- (c) Unless otherwise decided by the Board of Control, in the case of all positions mentioned under subclause (a) above, every vacancy shall be posted and in addition, may be advertised and/or placed with external search services. Nothing prevents the City Manager from recommending or the Board of Control from nominating a present staff member whether or not that person applied as a result of the posting;
- (d) The Council shall confirm by by-law the appointment of all statutory positions. The selection of individuals for such positions shall be made by the City Manager on the advice of the relevant Department Head.

ADOPTED JANUARY 5, 1981, FEBRUARY 1, 1982 [18(17)]