

Report to Strategic Priorities and Policy Committee

To: Chair and Members
Strategic Priorities and Policy Committee
From: Cathy Saunders, City Clerk
Subject: Amendment – Terms of Reference Committee of Management
for the Dearness Home
Meeting on: October 20, 2020

Recommendation

That, on the recommendation of the City Clerk, the attached proposed by-law (Appendix “A”) being “A by-law to amend By-law No. A.-6582-255 being “A By-law to establish a Committee of Management for the Dearness Home in accordance with section 132 of the *Long-Term Care Homes Act, 2007*” by removing the requirement for a minimum of one meeting a year to be held at the Dearness Home due to health and safety concerns, BE INTRODUCED at the Municipal Council Meeting to be held on October 27, 2020.

Previous Reports Pertinent to this Matter

None.

Background

On September 20, 2010, the Municipal Council enacted By-law No. A.-6582.255 being “A By-law to establish a Committee of Management for the Dearness Home in accordance with section 132 of the *Long-Term Care Homes Act, 2007*”. Attached to the above-noted by-law as Schedule 1 is the Terms of Reference to establish a Committee of Management for the Dearness Home. A copy of the current Terms of Reference is attached to this report as Appendix “B”.

The Terms of Reference states: “All meetings will be generally held at City Hall, with a minimum of one meeting a year being held at the Dearness Home”.

On March 11, 2020 the World Health Organization characterized the Novel Coronavirus (COVID-19) as a pandemic. On March 20,, 2020 an emergency was declared by The Corporation of the City of London pursuant to section 4 of the *Emergency Management and Civic Protection Act* in support of the Province of Ontario efforts to contain the spread of COVID-19).

As noted previously in this report, the Terms of Reference for the Committee of Management for the Dearness Home requires that a least one meeting per year of the Committee be held at the Dearness Home. Section 5 of the *Long-Term Care Homes Act*, requires the City to ensure that the home is a safe and secure environment for residents and given the health and safety concerns related to the COVID-19 emergency and provincial regulations pertaining to access to Long Term Care facilities, holding a meeting of the Committee at the Dearness Home is not advisable. A similar situation could also occur in the future whereby public access to the Dearness Home may not be advisable or in the best interest of the residents.

The Civic Administration recommends that the Terms of Reference for the Committee to be amended to remove the requirement for a minimum of one meeting a year being held at the Dearness Home. Best efforts will be made in the future to hold meetings at the Dearness Home, when it is safe to do so.

Attached as Appendix "A" to this report is a proposed by-law to amend the Terms of Reference to remove the words "with a minimum of one meeting a year being held at the Dearness Home".

Prepared and Recommended by:

Cathy Saunders, RPP, MPA
City Clerk

Appendix "A"

Bill No.
2020

By-law No. A.-

A by-law to amend By-law A.-6582-255 being "A by-law to establish a Committee of Management for the Dearness Home in accordance with section 132 of the *Long-Term Care Homes Act, 2007*" by removing the requirement for a minimum of one meeting a year to be held at the Dearness Home due to health and safety concerns.

WHEREAS the *Long Term Care Homes Act, 2007*, requires a municipality to establish and maintain a long-term care home;

AND WHEREAS The Corporation of the City of London has established and maintains a long-term care home known as the Dearness Home;

AND WHEREAS the Municipal Council enacted By-law No. A.-6582-255 to establish a Committee of Management for the Dearness Home in accordance with section 132 of the *Long-Term Care Homes Act, 2007* on September 20, 2010 to come into effect on December 1, 2010 to establish a new governance model for the Committee of Management;

AND WHEREAS on March 11, 2020, the World Health Organization characterized the Novel Coronavirus ("COVID-19") as a pandemic;

AND WHEREAS on March 20, 2020, an emergency was declared by The Corporation of the City of London ("City") pursuant to section 4 of the *Emergency Management and Civic Protection Act* in support of the Provincial Government's efforts to contain the spread of COVID-19;

AND WHEREAS section 5 of the *Long-Term Care Homes Act* requires that the City shall ensure that the home is a safe and secure environment and COVID-19 continues to be a health and safety concern;

AND WHEREAS the Municipal Council deems it appropriate to amend the Terms of Reference for the Committee of Management for the Dearness Home to remove the requirement for a minimum of one meeting a year being held at the Dearness Home due to health and safety concerns:

AND WHEREAS subsection 5(3) of the *Municipal Act, 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. That By-law A.-6582-255 being "A By-law to establish a Committee of Management for the Dearness Home in accordance with section 132 of the *Long-Term Care Homes Act, 2007*" be amended in the section entitled "Location of Meetings" of Schedule 1' to the by-law, by deleting the following words: ", with a minimum of one meeting a year being held at the Dearness Home".

2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

Appendix "B"

TERMS OF REFERENCE

COMMITTEE OF MANAGEMENT FOR THE DEARNESS HOME

COMPOSITION

The Committee of Management will be composed of five (5) appointed members of Municipal Council.

TERM OF OFFICE

The term of office for the members of the Committee of Management shall coincide with the term of office of members of Municipal Council.

APPOINTMENT POLICIES

On the day immediately following the Inaugural Meeting of a new Municipal Council, a meeting of the Committee of the Whole shall be convened to make recommendations to the Municipal Council, at a Council meeting on the same day as the Committee of the Whole meeting, with respect to the appointment of Council Members to the Committee of Management. In advance of the Committee of the Whole meeting, the City Clerk shall provide members of the Council-Elect with a communication briefly describing the mandate of the Committee of Management to which Council Members are to be appointed, and providing a document on which each Council Member Elect is to indicate their desire to be appointed to the Committee of Management. This document shall be returned to the City Clerk, by a specific date, in order to form part of the agenda for the Committee of the Whole meeting.

VACANCIES

In the event of a vacancy on the Committee of Management becomes available during a Council Term, after appointments have been made at the commencement of the Council Term, the City Clerk shall canvass the Council Members to determine which Council Members would be interest in filling the vacancy. The names of the Council Members who have expressed an interest in filling the vacancy shall be placed on an agenda of the Committee of the Whole, at the earliest opportunity, for a nomination to be brought forward to Municipal Council for consideration.

MEETINGS

The Committee of Management will meet a minimum of four times a year.

The first meeting will be called by the City Clerk, or his or her designate. Subsequent meetings shall be at the call of the Chair, in consultation with the Committee Secretary. All time frames established in the *Long-Term Care Homes Act, 2007* and regulations shall be adhered to.

The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting.

Quorum for meetings shall consist of a majority of the members of the Committee.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.

CHAIR

The Committee members will select a Chair from amongst its members at its first meeting.

DUTIES

The Committee of Management may provide information reports to Municipal Council. The duties of the members of the Committee of Management are set out in the *Long Term Care Homes Act, 2007*. These duties are as follows:

- (a) To exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances; and
- (b) To take such measures as necessary to ensure that the corporation complies with all requirements of the *Long Term Care Homes Act, 2007*.

The members of the Committee of Management also have a duty under s. 24 to report their suspicion to the Director of: improper or incompetent treatment or care of a resident that resulted in harm or a risk of harm to the resident; abuse of a resident by anyone or neglect of a resident by the licensee or staff that resulted in harm or a risk of harm to the resident; unlawful conduct that resulted in harm or a risk of harm to a resident; misuse or misappropriation of a resident's money; misuse or misappropriation of funding provided to a licensee under the Act or the *Local Health System Integration Act, 2006*.

In fulfilling its duties, the Committee of Management may wish to:

- receive reports from the General Manager of Community Services with respect to administration of the Dearness Home and the fulfillment of the duties and obligations under the *Long Term Care Homes Act, 2007*.

The fundamental principle to be applied in the interpretation of the Act and anything required or permitted under the Act is that a long-term care home is primarily the home of its residents and is to be operated so that it is a place where they may live with dignity and in security, safety and comfort and have their physical, psychological, social, spiritual and cultural needs adequately met.

STAFF RESOURCES

The Clerk will provide administrative support to the Committee of Management. The Clerk shall carry out any duties to implement the Committee of Management's decisions.

Members will not receive remuneration.

MEETING PROCEDURES

Meetings of the Committee shall be covered by the Council Procedure By-law, Legislation.

The City's web site will be used to communicate the meeting notices and agendas.

CLOSED MEETINGS

Meetings of the Committee will be conducted in public subject to the need to meet in closed session for purposes authorized by section 239 of the *Municipal Act, 2001*.

LOCATION OF MEETINGS

All meetings will be generally held at City Hall, with a minimum of one meeting a year being held at the Dearness Home.