

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Cathy Saunders, City Clerk
Subject: Various By-law Amendments to Implement Organizational Structure Change
Meeting on: October 12, 2021

Recommendation

That on the recommendation of the City Clerk, the following action be taken with respect to various By-law amendments to implement organizational structure changes:

- a) the proposed attached by-law (Appendix "A"), being "A by-law to amend By-law No. A.-7922-3, entitled "A by-law to approve a Neighbourhood, Children and Fire Services Funding Agreement Template; and to authorize the Managing Director, Neighbourhood, Children and Fire Services, or in their absence the Manager IV Neighbourhood, Children and Fire Services, to approve and execute agreements using the Neighbourhood, Children and Fire Services Agreement Template" to reflect the current organizational structure", BE INTRODUCED at the Municipal Council meeting to be held on October 26, 2021;
- b) the proposed attached by-law (Appendix "B") being "A by-law to amend By-law No. A.-6945-139, being "A by-law to establish the Child Care and Early Childhood Development Reserve Fund" to reflect the current organizational structure", BE INTRODUCED at the Municipal Council meeting to be held on October 26, 2021; and,
- c) the proposed attached by-law (Appendix "C") being "A by-law to amend By-law No. A.-7100-150, as amended, being "A by-law to approve Service Contracts/Agreements, Schedules, and Amendments with Her Majesty the Queen in Right of Ontario with respect to Social Services; and to authorize the Mayor and the City Clerk to execute these Contracts/Agreements" to reflect the current organizational structure", BE INTRODUCED as the Municipal Council meeting to be held on October 26, 2021;
- d) the proposed attached by-law (Appendix "D") being "A by-law to amend By-law No. A.-7551-146, being "A By-law to approve the Contribution Agreement between The Corporation of the City of London and Her Majesty the Queen in Right of Canada, as represented by the Federal Minister of Health through the Public Health Agency of Canada; and to authorize the Mayor and the City Clerk to execute the Agreement" to reflect the current organizational structure", BE INTRODUCED at the Municipal Council meeting to be held on October 26, 2021; and
- e) the proposed attached by-law (Appendix "E") being "A by-law to amend By-law No. A.-7253-138, being "A by-law to approve and adopt the standard form Children's Services Wage Enhancement Grant Agreement and to delegate authority to the Managing Director, Neighbourhood Children and Fire Services as Administrator, *Day Nurseries Act* to insert information, amend the Schedules and execute agreements which employ this form" to reflect the current organizational structure, BE INTRODUCED at the Municipal Council meeting to be held on October 26, 2021.

Executive Summary

As a result of the recently approved organizational structure change, the ongoing review of current By-laws to ensure that the By-laws reflect to current organizational structure has resulted in the need for five additional By-laws to be amended to reflect organizational change with respect to Child Care, EarlyON Child and Family Centres matter now falling under Social and Housing Development instead of Neighbourhood, Children and Fire Services.

Analysis

1.0 Background Information

Municipal Council approved a new Corporate structure, which came into effect on May 4, 2021. The resulting changes to service areas and job titles were incorporated into a number of By-law amendments brought forward to the August 30, 2021 Corporate Services Committee for consideration that were subsequently enacted by Municipal Council at the meeting held on September 14, 2021. As noted in the August 30, 2021 staff report, it was and is anticipated that as the implementation of the new Corporate structure continues, additional By-law amendments may be required. As part of this ongoing process, the following five By-laws require amendments in order to reflect the organizational structure changes to reflect that the responsibilities for these matters now lies with the Social and Health Development and the Deputy City Manager, Social and Health Development:

- the Neighbourhood, Children and Fire Services Funding Agreement By-law A.-7922-3.
- the Child Care and Early Childhood Development Reserve Fund By-law No. A.-6945-139.
- the Service Contracts/Agreements, Schedules, and Amendments with Her Majesty the Queen in right of Ontario with respect to Social Services By-law No. A.-7100-150, as amended.
- the Contribution Agreement between The Corporation of the City of London and Her Majesty the Queen in Right of Canada as represented by the Federal Minister of Health through the Public Agency of Canada for funding under the communityaction program for children, Families First – CAPC project By-law No. A.-7551-146.
- the Children's Services Wage Enhancement Grant Agreement By-law No. A.-7253-138.

2.0 Financial Impact/Considerations

None.

3.0 Conclusion

As the implementation of the new Corporate structure continues, the Civic Administration will continue to review current By-laws to ensure that all By-laws have been updated appropriately to reflect new Corporate structure.

Prepared and Recommended by:

Cathy Saunders, City Clerk

APPENDIX "A"

Bill No.
2021

By-law No. A.-

A by-law to amend By-law No. A.-7922-3, being "A by-law to approve a Neighbourhood, Children and Fire Services Funding Agreement Template; and to authorize the Managing Director, Neighbourhood, Children and Fire Services, or in their absence the Manager IV Neighbourhood, Children and Fire Services, to approve and execute agreements using the Neighbourhood, Children and Fire Services Agreement Template" to reflect the current organizational structure.

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;

AND WHEREAS the City and the Province of Ontario have entered into an Ontario Transfer Payment Agreement for the purposes of funding Ontario Child Care and EarlyON Child and Family Centres;

AND WHEREAS sections 9 and 10 and 23.1 through 23.5 of the *Municipal Act, 2001* authorize a municipality to delegate its powers and duties under this or any other Act to a person or body;

AND WHEREAS under section 2 of Ontario Regulation 138/15 under the *Child Care and Early Years Act, 2014* ("CCEYA") The Corporation of the City of London is designated as the Service System Manager for the geographic service area of "City of London and County of Middlesex";

AND WHEREAS under section 56 of the *CCEYA*, a service system manager shall: (a) develop and administer local policies respecting the operation of child care and early years programs and services; (c) coordinate the planning and operating of child care and early years programs and services with the planning and provision of other human services delivered by the service system manager; (d) assess the economic viability of the child care and early years programs and services in the service area and, if necessary, make or facilitate changes to help make such programs and services economically viable; (e) perform such other duties as may be prescribed by the regulations;

AND WHEREAS under section 57 of the *CCEYA*, a service system manager may: (a) establish, administer, operate and fund child care and early years programs and services; (c) fund and provide financial assistance for other programs and services prescribed by the regulations that provide or support temporary care for or supervision of children; (d) provide assistance to persons who operate child care and early years programs and services to improve their capabilities in relation to matters such as governance, financial management and the planning and delivery of programs and services; (e) evaluate and assess the impact of public funding; and (f) exercise such other powers as may be prescribed by the regulations;

AND WHEREAS subsection 57(2) of the *Child Care and Early Years Act, 2014* provides that the City may use its powers under section 9 of the *Municipal Act, 2001* for the purposes of the *Child Care and Early Years Act, 2014*;

AND WHEREAS subsection 57(4) of the *Child Care and Early Years Act, 2014* provides that s. 19 of the *Municipal Act, 2001* does not limit a service system manager that is a municipality from exercising its powers under the Act or s. 9 of the *Municipal Act, 2001* throughout its service area;

AND WHEREAS subsection 57(6) of the *Child Care and Early Years Act, 2014* provides that section 106 of the *Municipal Act, 2001* does not apply with respect to assistance for child care and early years programs and services;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* enables a municipality to delegate certain powers and duties any Act, to a person or body, subject to restrictions set out in the *Municipal Act, 2001*;

AND WHEREAS the Municipal Council has deemed the delegations herein to be of a minor nature, having regard to the number of people, the size of the geographic area, and the time period affected by the delegation;

AND WHEREAS the Municipal Council enacted By-law A.-7922-3 on December 10, 2019 to approve a Neighbourhood, Children and Fire Services Funding Agreement Template; and to authorize the Managing Director, Neighbourhood, Children and Fire Services, or in their absence the Manager IV Neighbourhood, Children and Fire Services, to approve and execute agreements using the Neighbourhood, Children and Fire Services Agreement Template”;

AND WHEREAS the Council deems it appropriate to amend By-law A.-7922-3 to change the Civic Administration titles to reflect the current organizational structure;

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

1. The Neighbourhood, Children and Fire Services Funding Agreement Template By-law No. A.-7922-3, is hereby amended as follows:

- i) by deleting all references to the title “Managing Director, Neighbourhood, Children and Fire Services” and by replacing it with the title “Deputy City Manager, Social and Health Development”; and,
- ii) by deleting all references to the following words “or in their absence the Manager IV, Neighbourhood, Children and Fire Services” and by replacing them with the following words “or written designate”.

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

Passed in Open Council on October 26, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 26, 2021
Second Reading – October 26, 2021
Third Reading – October 26, 2021

APPENDIX "B"

Bill No.
2021

By-law No. A.-

A by-law to amend By-law No. A.-6945-139, being "A by-law to establish the Child Care and Early Childhood Development Reserve Fund" to reflect the current organizational structure.

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;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* as amended 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* as amended provides that a municipality may pass by-laws respecting the financial management of the municipality (paragraph 3) and services or things that the municipality is authorized to provide under subsection 10(1) (paragraph 7);

AND WHEREAS the City of London is designated as the delivery agent for the geographic areas of the City of London and the County of Middlesex under the *Day Nurseries Act*, R.S.O 1990, Chapter D.2;

AND WHEREAS it is desirable to establish a child care and early childhood development reserve fund to provide a funding mechanism to meet the future operating and capital funding needs of the City of London's and the County of Middlesex's child care and early learning sectors;

AND WHEREAS the Council considers the establishment of such Child Care and Early Childhood Development Reserve Fund necessary and desirable for the public;

AND WHEREAS the Municipal Council enacted By-law A.-6945-139 on April 16, 2013 to establish the Child Care and Early Childhood Development Reserve Fund;

AND WHEREAS the Council deems it appropriate to amend By-law A.-6945-139 to change the Civic Administration titles to reflect the current organizational structure ;

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

1. The Child Care and Early Childhood Development Reserve Fund By-law No. A.-6945-139, is hereby amended by deleting the title and words "Managing Director of Neighbourhood, Children and Fire Services or designate" and by replacing them with the following title and words "Deputy City Manager, Social and Health Development or their written designate".

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

Passed in Open Council on October 26, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 26, 2021
Second Reading – October 26, 2021
Third Reading – October 26, 2021

APPENDIX "C"

Bill No.
2021

By-law No. A.-

A by-law to amend By-law No. A.-7100-150, as amended, being "A by-law to approve Service Contracts/Agreements, Schedules, and Amendments with Her Majesty the Queen in Right of Ontario with respect to Social Services; and to authorize the Mayor and the City Clerk to execute these Contracts/Agreements" to reflect the current organizational structure.

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;

AND WHEREAS the Municipal Council enacted By-law A.-7100-150 on April 15, 2014 to establish approve Service Contracts/Agreements, Schedules, and Amendments with Her Majesty the Queen in Right of Ontario with respect to Social Services;

AND WHEREAS the Council deems it appropriate to amend By-law A.-7100-150, as amended, to change the Civic Administration titles to reflect the current organizational structure;

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

1. The Service Contracts/Agreements, Schedules, and Amendments with Her Majesty the Queen in Right of Ontario with respect to Social Services By-law No. A.-7100-150, as amended, is hereby further amended by deleting the title "Managing Director of Neighbourhood, Children and Fire Services" and by replacing it with the title "Deputy City Manager, Social and Health Development".
2. This by-law comes into effect on the day it is passed.

Passed in Open Council on October 26, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 26, 2021
Second Reading – October 26, 2021
Third Reading – October 26, 2021

APPENDIX "D"

Bill No.
2021

By-law No. A.-

A by-law to amend By-law No. A.-7551-146, being "A By-law to approve the Contribution Agreement between The Corporation of the City of London and Her Majesty the Queen in Right of Canada, as represented by the Federal Minister of Health through the Public Health Agency of Canada; and to authorize the Mayor and the City Clerk to execute the Agreement" to reflect the current organizational structure.

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;

WHEREAS section 2 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that The Corporation of the City of London (the "City") has responsibility for fostering the current and future economic and social well-being of London, and for providing the services and other things that it considers are necessary or desirable for London;

AND WHEREAS section 57 of the *Child Care and Early Years Act, 2014* states that the City may fund and provide financial assistance for other programs or services prescribed by the regulations that provide or support temporary care for or supervision of children; or that provide assistance to persons who operate child care and early years programs and services to improve their capabilities in relation to matters such as governance, financial management and the planning and delivery of programs and services;

AND WHEREAS subsection 57(2) of the *Child Care and Early Years Act, 2014* states that the City may use its powers under section 9 of the *Municipal Act, 2001* for the purposes of the *Child Care and Early Years Act, 2014*;

AND WHEREAS the Municipal Council enacted By-law A.-7551-146 on May 2, 2017 to approve the Contribution Agreement between The Corporation of the City of London and Her Majesty the Queen in Right of Canada, as represented by the Federal Minister of Health through the Public Health Agency of Canada for funding under the community action program for children, Families First – CAPC project;

AND WHEREAS the Council deems it appropriate to amend By-law A.-7551-146 to change the Civic Administration titles to reflect the current organizational structure;

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

1. The Contribution Agreement between The Corporation of the City of London and Her Majesty the Queen in Right of Canada as represented by the Federal Minister of Health through the Public Agency of Canada for funding under the community action program for children, Families First – CAPC project By-law No. A.-7551-146, is hereby amended by deleting the title "Managing Director of Neighbourhood, Children and Fire Services" and by replacing it with the title "Deputy City Manager, Social and Health Development".

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

Passed in Open Council on October 26, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 26, 2021
Second Reading – October 26, 2021
Third Reading – October 26, 2021

APPENDIX "E"

Bill No.
2021

By-law No. A.-

A by-law to amend By-law No. A.-7253-138, being "A by-law to approve and adopt the standard form Children's Services Wage Enhancement Grant Agreement and to delegate authority to the Managing Director, Neighbourhood Children and Fire Services as Administrator, *Day Nurseries Act* to insert information, amend the Schedules and execute agreements which employ this form" to reflect the current organizational structure.

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;

WHEREAS pursuant to section 2.2 of the *Day Nurseries Act*, and Ontario Regulation 137/99, the City has been designated as the delivery agent for the geographic area of "City of London and County of Middlesex";

AND WHEREAS the City and Her Majesty the Queen in right of Ontario, as represented by the Minister of Education ("Ontario") have entered into an agreement ("Provincial Agreement") in which the City agrees to provide services with respect to the *Day Nurseries Act*, which are funded under the *Day Nurseries Act* and/or the *Ministry of Community and Social Services Act*, R.S.O. 1990, c. M.20;

AND WHEREAS subsection 66.1(2) of R.R.O. 1990, Regulation 262 ("Regulation 262") prescribes the services respecting the provision of which the Minister may enter into agreements with delivery agents for the purposes of section 7.2(1) of the *Day Nurseries Act*;

AND WHEREAS subsection 3(2) of the *Day Nurseries Act* provides that the council of a municipality may pass by-laws granting aid to day nurseries, and in subsection 3(3) that a delivery agent may enter into an agreement with the operator of a day nursery for the furnishing of day nursery services for such children as is agreed upon, and the administrator may make expenditures as are necessary for the purpose;

AND WHEREAS subsection 4(1) of the *Day Nurseries Act* provides that the council of a municipality may pass by-laws granting aid to any person providing private-home day care, and in subsection 4(2) that a delivery agent may enter into an agreement with any person for the furnishing of private-home day care, and the administrator may make expenditures as are necessary for that purpose;

AND WHEREAS the Municipal Council enacted By-law A.-7253-138 on April 28, 2015 to approve and adopt the standard form Children's Services Wage Enhancement Grant Agreement and to delegate authority to the Managing Director, Neighbourhood Children and Fire Services as Administrator, *Day Nurseries Act* to insert information, amend the Schedules and execute agreements which employ this form;

AND WHEREAS the Council deems it appropriate to amend By-law A.-7253-138, to change the Civic Administration titles to reflect the current organizational structure;

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

1. The Children's Services Wage Enhancement Grant Agreement By-law No. A.-7253-138, is hereby amended by deleting the title and words "Managing Director, Neighbourhood, Children and Fire Service as Administrator, *Day Nurseries Act* or her/his respective written designate" and by replacing them with the following title and words "Deputy City Manager, Social and Health Development or their written designate".
2. This by-law comes into effect on the day it is passed.

Passed in Open Council on October 26, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 26, 2021
Second Reading – October 26, 2021
Third Reading – October 26, 2021