

The Corporation of the City of Guelph

By-law Number (2021)-20591

A by-law to repeal and replace By-law (2016)-20090 to delegate authority to The Elliott to operate The Elliott Long-term Care Residence as the City of Guelph's Long-Term Care Home.

Whereas the City is required under the Long-Term Care Home Act ("LTCHA") to provide long-term care services as approved by the Minister of Health and Long-Term Care ("the Minister");

And whereas the Minister has approved the City fulfilling its obligations under the LTCHA through the establishment and maintenance of the existing long-term care home operated by The Elliott, a local board of the City of Guelph, subject to certain conditions, including the passing of a by-law delegating the provision of long-term care services by the City to The Elliott;

And whereas the City wishes to establish the long-term care home operated by The Elliott as the City's long-term care home and to create a Committee of Management to oversee the long-term care home operations and to delegate certain responsibilities and obligations relating to the provision of long-term care services to The Elliott and the Committee of Management;

And whereas Section 23.1 of the Municipal Act permits the delegation of Council's powers and duties under the LTCHA to The Elliott, subject to the rules in section 23.1;

The Council of the Corporation of the City of Guelph enacts as follows:

Fundamental Principle

1. The fundamental principle to be applied in the interpretation of this By-law and anything required or permitted under this By-law or the LTCHA 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.

Definitions

2. In this by-law,

"Administrator" means the administrator of The Elliott Long-Term Care Residence required under section 70 of the LTCHA, as appointed by the Board of Trustees of The Elliott and approved by the Committee of Management;

"Board of Trustees" means the Board of Trustees of The Elliott;

"Committee of Management" means the Committee of Management of The Elliott Long-Term Care Residence, the body required to be created pursuant to section 132 of the LTCHA;

"Council" means the Council of the Corporation of the City of Guelph;

"Delegated Authority" means the delegation of rights and obligations set out in section 10 of this by-law;

"LTCHA" means the Long-Term Care Homes Act, 2007, S.O. 2007, c. 8;

"Long-Term Care Services Agreement" means the agreement between the City and The Elliott described in section 11;

"Ministry" means the Ministry of Health and Long-Term Care;

"Services" means the operation of a long-term care home and related services, but does not include the operation of a retirement or life lease residence;

"The Elliott" means the corporation established by The Elliott Act, 2002, S.O. 2002, c. Pr7- Bill Pr9, being a local board of the City of Guelph; and,

"The Elliott Long-Term Care Residence" means the 85-bed long-term care home operated by The Elliott.

Committee of Management

3. Pursuant to section 132 of the LTCHA, the City hereby creates the Committee of Management of The Elliott Long-Term Care Residence.
4. The Committee of Management shall be composed of all members of Council.
5. Every member of the Committee of Management shall,
 1. Exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances; and,
 2. Take such measures as necessary to ensure that the City and The Elliott manages and operates The Elliott Long-Term Care Residence in compliance with all requirements under the LTCHA.
6. The Committee of Management is authorized to make the decisions and give the directions necessary to fulfill the duty of care set out in Section 6 of the LTCHA.
7. The Committee of Management shall hold a meeting at least once each quarter in each annual year, the timing of such meetings to be determined by the Committee of Management in consultation with the Board of Trustees.
8. The Committee of Management shall comply with all laws, regulations, by-laws, policies and procedures required as a Committee of Council, except where there is any contradiction between a by-law, policy or procedure of Council and this by-law, the provisions of this by-law shall apply.
9. The Chair of the Committee of Management shall be appointed by Council.
10. Notice and materials for all meetings of the Committee of Management shall be communicated in the same manner as for meetings of Council's Committee of the Whole, except that the Board of Trustees shall also be provided all notices and materials.

Delegation to The Elliott

11. The City hereby delegates to The Elliott the authority to provide, manage and operate a long-term care home, subject to the limits, procedural requirements and conditions that would apply to the operation and provision of the services if the City rendered the services directly and subject to the obligations of the Committee of Management in Section 6 of the LTCHA. Notwithstanding this delegation, and in accordance with S. 23.1 of the Municipal Act, the City retains the ultimate responsibility for fulfilling its obligations relating to the operation of The Elliott Long-Term Care Residence pursuant to the approval issued by the Ministry.
12. The Elliott shall provide all necessary accommodations, equipment, supplies, employees and labour to operate the long-term care home and provide the Services to the satisfaction of the City and the Ministry, in accordance with the Long-Term Care Services Agreement to be entered into between the City and The Elliott, as may be amended from time to time.
13. The Elliott shall follow the rules, procedures and policies established by The Elliott Act, the Municipal Act and the City for all matters relating to the governance of The Elliott and the provision of Services. Except as required by the Ministry or the LTCHA, The Elliott will be responsible for directing the operations of the Services, including such matters as the entering into of all contracts relating to providing the Services and contracting with all employees required to provide the Services.
14. The Elliott shall provide the Services subject to any terms, conditions or limits imposed on it by the LTCHA, the Ministry and the Municipal Act and in accordance with the fundamental principle set out in section 1 of this By-law.

Reporting Requirements

15. The Board of Trustees shall submit quarterly reports on the operations of the Services to the Committee of Management. Such reports shall include, but not limited to the following broad categories of information, which information shall be more particularly defined in the Long-Term Care Home Services Agreement:
 1. All material information on operations related to the Services;
 2. Financial reports relating to provision of the Services;
 3. Disclosure of any conflicts of interest of any Board of Trustee member or employee of The Elliott who is providing Services;
 4. Any risk of potential litigation or other claim or of any complaints to the Ministry or another regulatory body;

5. Any inspections by the Ministry and the outcome of such inspections;
 6. A summary of the issues the Board of Trustees is addressing which relate to The Elliott Long-Term Care Residence;
 7. Information required pursuant to the Long-Term Care Services Agreement; and,
 8. Any other matters which, in the opinion of the Chair of the Board of Trustees, require direction from or a decision of the Committee of Management.
16. The Elliott shall provide an Annual Report to the Committee of Management prior to June 30th of each year containing the information required pursuant to the Long-Term Care Services Agreement and any information required by the Committee of Management.
17. The Committee of Management shall provide the Annual Report to Council for information within 30 days of receipt.

Budget

18. The Board of Trustees shall prepare and present its budget of its estimated revenues and expenditures for the operation of the Services for the next fiscal year, by the date and in such form and detail as required by the Treasurer of the City.
19. Council may approve the budget in whole or in part and may amend the budget.

Auditor

20. The auditor of The Elliott appointed by the Board of Trustees pursuant to The Elliott Act shall issue an audit opinion of The Elliott's Financial Statements to the Board of Trustees annually. The Board of Trustees shall provide the auditor's report to the Committee of Management within 30 days of receipt of same and not later than June 30th of each year. The Committee of Management may require the auditor to attend at a meeting of the Committee of Management to present the report and to provide such additional information required by the Committee of Management.

Funding

21. All funding received by the City from the Ministry for the provision of the Services shall be transferred to The Elliott for the operation of the Services, subject to the provisions of the Long-Term Care Services Agreement.
22. All funding approved by Council for the provision of long-term care services by The Elliott shall be transferred to the Elliott in accordance with the provisions of the Long-Term Care Services Agreement.

Revocation

23. Revocation of this By-law in accordance with section 23.1 of the *Municipal Act*, may be restricted by the requirements under Part VIII of the LTCHA.

Agreements

The Deputy CAO – Public Services or delegate is authorized to enter into a Long-Term Care Services Agreement with The Elliott which provides for those matters set out in section 14 and such other matters as determined by the Deputy CAO – Public Services or delegate, in consultation with the Waterloo Wellington Local Health Integration Network, the City Finance Department and Legal Services, are necessary to properly effect this delegation of authority. The Deputy CAO or delegate shall have the authority to enter into agreements amending the terms of the Long-Term Care Services Agreement as required.

Passed this twenty-ninth day of March, 2021.

Cam Guthrie, Mayor

Dylan McMahon, Deputy City Clerk