

Policy Discussion Papers Decision Requested


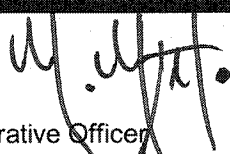
Request for Recommendation Priorities Committee



Type of Decision									
Meeting	December 5, 2007				Report Date	November 26, 2007			
Decision Requested	x	Yes		No	Priority	x	High		Low
	Direction Only				Type of Meeting	x	Open		Closed

Report Title
<p>Adoption of Policies:</p> <ol style="list-style-type: none"> 1. Accountability and Transparency Policy 2. Delegation of Powers and Duties Policy

Budget Impact / Policy Implication	Recommendation
<p>This report has been reviewed by the Finance Division and the funding source has been identified.</p>	
<div style="border: 1px solid black; height: 350px; width: 100%;"></div>	<p>THAT COUNCIL consider the draft Policies attached, adopt them, and that the necessary By-laws be passed at the December 12th, 2007 meeting of Council.</p>
<p>x Background Attached</p>	<p>Recommendation Continued</p>

Recommended by the Department	Recommended by the C.A.O.
<p> Caroline Hallsworth Executive Director, Administrative Services</p>	<p> Mark Mieta Chief Administrative Officer</p>

Report Prepared By	Division Review
Name: Title:	Name Title

BACKGROUND

Under recent changes to the *Municipal Act, 2001*, Municipalities throughout Ontario are required to have Policies in place relating to a number of separate issues. In most cases, the City of Greater Sudbury already has such Policies in place. However two Policies are required to be passed by Council by January 1st, 2008. This is the deadline set by the Province by regulation this summer.

Under Section 270 of the Act, "a Municipality shall adopt and maintain Policies with respect to the following matters:

- ...5. The manner in which the Municipality will try to ensure that it is accountable to the Public for its actions, and the manner in which the Municipality will try to ensure that its actions are transparent to the Public.
- ...6. The Delegation of its Powers and Duties."

The attached Policies reflect changes proposed at the November 21st, 2007 meeting of Priorities when the matter was presented for preliminary discussion. A copy of the report to the November 21st, meeting is attached for your reference.

By adopting the amended Policies, together with any further proposed amendments, the policies can be passed by By-law at Council's Meeting of December 12th, 2008 and meet the deadline established by the Province.

CITY OF GREATER SUDBURY

Accountability and Transparency Policy

I. Purpose/Application

The *Municipal Act*, 2001 (the *Act*) requires that all Municipalities adopt and maintain a policy with respect to the manner in which the Municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the Municipality will try to ensure that its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the Municipality's activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the *Act* to comply with Section 270.

II. Definition(s): Accountability; Transparency

- i) Accountability - The principle that the Municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.
- ii) Transparency - The principle that the Municipality actively encourages and fosters stakeholder participation and openness in its decision making processes. Additionally, transparency means that the Municipality's decision making process is open and clear to the public.

III. Policy Statement

The City of Greater Sudbury conducts business within the municipality in a way that is open, transparent and accountable to the public. The City is committed to creating policies, guidelines and positions for delegation in a transparent manner for all staff of the Corporation.

Mapping the Vision has been adopted by the City of Greater Sudbury as a policy statement of its Vision, Mission, Values, Broad Goals and Strategies. In part, that document provides:

Mission:

We provide excellent access to quality municipal services and leadership in the social, environmental and economic development of the City of Greater Sudbury.

Values:

We are committed to:

- providing high quality service with a citizen focus;
- managing the resources in our trust efficiently, responsibly and effectively;
- encouraging innovation and accepting risks;
- developing organization excellence;
- maintaining honest and open communication;
- creating a climate of trust and a collegial working environment;
- acting today in the interests of tomorrow.

IV. Policy Requirements

The principles of accountability and transparency shall apply equally to the political process and decision making and to the administrative management of the Municipality.

i. Financial Matters

The City will be open, accountable and transparent to its stakeholders in its financial dealings as required under the *Act*. Some examples of how the City provides such accountability and transparency are as follows:

1. External audit;
2. Reporting statements;

3. Long term financial planning;
4. Annual Financial Statements;
5. Budget to actual variance analysis;
6. Budget process;
7. Auditor General;
8. Asset management;
9. Purchasing/procurement including tendering for goods and services;
10. Sale of land and other assets;
11. Adoption of policies / procedures / processes, such as Financial Information Returns

ii. **Internal Governance**

The Municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

1. Employee Handbook;
2. Salary Administration Plan;
3. Supervisor's Guidebook;
4. Performance management and evaluation;
5. Hiring policy;
6. Recruitment Guidebook;
7. Orientation/continuing education;

8. Health and Safety:

- Joint Health and Safety Committee
- Health and Safety Handbook
- Annual Health and Safety Due Diligence Training
- Harassment Policy which includes anti-bullying and anti-harassment training;

9. Work/life balance;

- Employee Wellness Committee

10. Compensation/benefit;

11. Continuous Improvement Plan;

12. Employee Recognition Trial Program;

13. Responsibility for ensuring that administrative practices and procedures recognize Council's commitment to accountability and transparency.

iii. Public Participation and Information Sharing

The City ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The City's meetings will be open to the public when and required under the Act, and members of the public will have an opportunity to make delegations or comments in writing on specific items at these meetings. In addition, the City has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, websites, etc. Some specific examples include:

1. Procedure By-law;
2. Code of Conduct for Councillors
Procedure By-law, Schedule "D"
3. Strategic Priorities embedded in the Business Plans;
4. Delegation By-law;

5. Records Retention By-law, including archival facilities;
6. Planning processes;
7. Public notice By-law or policy;
8. 3 -1 -1;
9. Customer Relationship Management System;
10. Provincial/Municipal Benchmarking;

- Ontario Municipal Benchmarking Initiative

- Municipal Performance Measurement Program

CITY OF GREATER SUDBURY

Delegation of Powers and Duties Policy

1. Purpose/Application

The *Municipal Act, 2001* (the *Act*) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the *Act* in order to comply with its other applicable sections, including section 270. This policy applies to all committees of Council, departments and staff.

II. Definition(s):

- i) Legislative Powers - Includes all matters where Council acts in a legislative or quasi judicial function including enacting by-laws, setting policies, and exercising decision making authority.
- ii) Administrative Powers - Includes all matters required for the management of the corporation which do not involve discretionary decision making.

III. Policy Statement

The Council of the City, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council's decision are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the *Act* and will respect the applicable restrictions outlined in the *Act*.

IV. Policy Requirements

1. All delegations of Council powers, duties or functions shall be exercised by By-law.
2. Unless a power, duty, or function of Council has been expressly delegated by By-law, all of the powers, duties and functions of Council remain with Council.
3. A delegation of a power, duty or function under any By-law to any member of staff includes a delegation to a person who is appointed by the Chief Administrative Officer or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
4. Subject to Section 3, a person to whom a power, duty or function has been delegated by By-law has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.
5. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the limitations set out in the *Act*.
6. Administrative matters may generally be delegated to staff subject to the conditions set out in the Delegation and in this Policy, and must take into account the limitations set out in the *Act*.
7. Council has authorized the delegation of specific administrative matters to those individuals listed in the Delegation By-law subject to the terms set out therein.

In exercising any delegated power, the delegate shall ensure the following:

- Any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the Purchasing By-law);
- The scope of the delegated authority shall not be exceeded by the delegate;
- Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy;
- all practices regarding insurance and risk management shall be complied with;
- delegates shall ensure the consistent and equitable application of Council policies and guidelines;
- any undertaking or contract with a third party will be reviewed by Legal Services as appropriate.

Request for Recommendation Priorities Committee

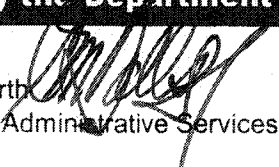
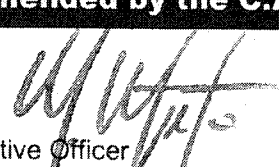


Type of Decision									
Meeting	November 21, 2007				Report Date	November 8, 2007			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

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	<p>THAT COUNCIL consider the draft Policies attached, adopt them, and that the necessary By-laws be passed at the December 12th, 2007 meeting of Council.</p>
<input checked="" type="checkbox"/> Background Attached	<input type="checkbox"/> Recommendation Continued

Recommended by the Department	Recommended by the C.A.O.
<p>Name: Caroline Hallsworth</p> <p>Title: Executive Director, Administrative Services</p> 	<p>Mark Mieto</p> <p>Chief Administrative Officer</p> 

Report Prepared By	Division Review
Name: Title:	Name Title

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It is recommended that Council review the attached Policies, make any amendments it sees fit, and adopt the Policies so that they can be passed by By-law at Council's Meeting of December 12th, 2008.

CITY OF GREATER SUDBURY

Delegation of Powers and Duties Policy

1. Purpose/Application

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7. Orientation/continuing education;
8. Health and safety;
 - Joint Health and Safety Committee
 - Health and Safety Handbook;
 - Annual Health and Safety Due Diligence Training;
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 - Employee Wellness Committee
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iii. **Public Participation and Information Sharing**

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1. Procedure by-law;
2. Code of conduct for Councillors;
3. Strategic priorities embedded in the Business Plans;
4. Delegation By-law;
5. Records retention By-law;
6. Planning processes;
7. Public notice by-law or policy;
8. Customer Relationship Management System
9. Provincial/Municipal Benchmarking;
 - Ontario Municipal Benchmarking Initiative
 - Municipal Performance Measurement Program
10. Code of Conduct forming part of the Procedures Bylaw.

Request for Recommendation Priorities Committee





Type of Decision									
Meeting	November 21, 2007				Report Date	October 31, 2007			
Decision Requested	X	Yes		No	Priority	X	High		Low
	Direction Only				Type of Meeting	X	Open		Closed

Report Title
For-profit child care in Greater Sudbury

Budget Impact / Policy Implication	Recommendation
<div style="border: 1px solid black; padding: 5px;"> <p>This report has been reviewed by the Finance Division and the funding source has been identified.</p> </div>	
<div style="border: 1px solid black; height: 300px; width: 100%;"></div>	<p>Whereas the City of Greater Sudbury works with local child care agencies to provide high quality licensed child care to thousands of children, including some of Greater Sudbury's most vulnerable children; and</p> <p>Whereas Canadian and international studies have shown that overall quality in child care centres is higher in not-for-profit child care programs and in centres where parents have input into programs; and</p> <p>Whereas interest from a well known multinational corporation in purchasing for-profit child care centres in Greater Sudbury and throughout Ontario has raised concerns about the impact of corporate, for profit child care on the development of a high quality, accessible system of early learning and care in Ontario; and</p> <p>Whereas the City's Children Services Purchase of Service Policy allows the City to set criteria which operators must meet in order to access start-up, operating and fee subsidies</p>
<div style="border: 1px solid black; padding: 5px;"> <p>X Background Attached</p> </div>	<div style="border: 1px solid black; padding: 5px;"> <p>X Recommendation Continued</p> </div>

Recommended by the Department	Recommended by the C.A.O.
<div style="border: 1px solid black; padding: 10px;"> <p>Catherine Matheson General Manager, Community Development</p> </div>	<div style="border: 1px solid black; padding: 10px;"> <p>Mark Mieto Chief Administrative Officer</p> </div>

Report Prepared By	Division Review
 Kate Barber Children Services Planner	 Ron Henderson Director, Citizen Services Division

Recommendation (cont.)

Therefore be it resolved that the City of Greater Sudbury amend its Purchase of Service policy so that new public funding in the form of start-up, operating and fee subsidies, is only available to public and/or non-profit child care operations located in Greater Sudbury and

That the five for-profit owner-operators who have current Purchase of Service agreements with the City and have demonstrated their willingness to work with the City and other partners to provide responsive, quality programs, will continue to be given equal consideration for funding and subsidies, as long as they remain under their current ownership and continue to meet the conditions of their legal agreements, and

That Children Services be directed to amend its "Purchase of Service" policy to reflect this resolution.

Background:

The current child care system in Greater Sudbury includes 25 agencies providing 4663 spaces. 5 agencies are for-profit (also referred to as commercial, or private), 16 agencies are non-profit and 4 are public (the City, College Boreal, Cambrian College and Conseil Scolaire Catholique du Nouvel Ontario). All child care operators who have a Purchase of Service agreement with the City are eligible for wage and fee subsidy funding and must participate in the City's "Program Quality Indicators" program and maintain the basic standards required by the Day Nurseries Act. Current for-profit centres in Greater Sudbury are all operated by their owners who are residents of Greater Sudbury. The Child Care Supervisor's Network represents all licensed child care agencies.

Over the past several decades, progressive governments have shifted their understanding of child care from a "welfare service", to an "employment support" and, most recently, to defining child care as both an educational program which can increase opportunities for children's success and a necessary support to an economy where over 72% of mothers with children under 6 are in the workforce.

In Greater Sudbury, the City and its child care partners have advocated to the Province to move to a public model of child care where direct funding, similarly to the education system, is provided to child care centres to offer accessible programs, instead of relying on a system of parent fees and subsidies. Northern municipalities and DSSAB's are currently meeting with Ministry personnel to develop a model of base funding that may be piloted as a first step to this type of public funding of child care.

The "Corporatization" of Child Care

There has been much recent attention in the local and national media about advances by a company representing ABC Learning Centres, the world's largest child care company, based in Australia and traded on the Australian stock exchange. Several child care operators in Greater Sudbury have received letters from this company offering evaluations of the value of their businesses and potential opportunities for purchase.

Child care advocates in Ontario and Canada have sounded the alarm about the dangers of large, corporately owned child care centres and point to the experience in Australia where the opening up of public funding to private, for-profit child care has created an explosion of for-profit child care. In 1991, Australia was like Ontario - about 70% of child care providers were public and not-for-profit community based agencies. Today, commercial for-profit child care accounts for 70% of all of Australia's child care. The Ontario Coalition for Better Child Care, a child care advocacy organization, has outlined some of the problems that have accompanied this shift. According to their research the "corporatization" of child care has led to severe problems with lack of accessibility for families in rural communities and children with special needs, skyrocketing costs for families and for governments, and serious concerns about quality in centres.

Working towards a system of Publicly Funded Child Care in Greater Sudbury

While the scenario of foreign owned child care taking over the child care system in Greater Sudbury may be far-fetched, the advances of corporate child care centres from outside of the City does bring up the long standing issue of the City's funding relationship with for-profit, commercial child care centres.

The City has strong and positive relationships with 5 private owner/operators of licensed child care in Greater Sudbury that have been developed over many years. However, this type of child care is a difficult fit for the child care system that the City envisions for the future. The potential conflict where the City provides direct operating funding grants to private, for-profit operators makes it more difficult to move forward the vision of child care as a publicly-funded system of early education, accessible to all families.

As with the public education system in Ontario, where private schools may be licensed but do not receive public funding, the vision of a public system for early education would not exclude private, for-profit child care from opening their doors. However, public funding in the form of operating grants and fee subsidies would not be provided to for-profit commercial child care centres.

Overall Quality Issues in For-Profit Commercial Child Care

In Greater Sudbury, we have invested in high standards of quality in child care. The City has two full time employees who work directly with all child care providers receiving City funding to implement the "Program Quality Indicators" program, which was developed locally by the City of Greater Sudbury and child care partners. This program entails detailed site visits (many unannounced) and quality reports with recommendations that focus on the quality of programming and staff interactions with children. Local for-profit owner-operators in Greater

Sudbury have worked hard, along with the non-profit and publicly operated child care counterparts, to meet and maintain the quality standards expected of all licensed centres.

However, a growing research literature in several countries documents the clear trend of higher quality in non-profit and public child care. For example, a 2004 study by Cleveland and Krashinsky, showed that non-profit centres in Canada score about 10 percent higher in quality than for-profit, commercial centres. According to this research, non-profit centres tend to have better ratios of children to staff than for-profit centres; non-profit centres are more likely than for-profit centres to exceed minimum ratios. Lead teachers in non-profit classrooms tend to have more training and experience. Staff wages are lower overall in commercial centres (about 25 percent lower among lead teachers). Non-profit programs serve a wider age of children (in particular, more infants) and more children from diverse economic backgrounds (including more children receiving a fee subsidy and more children with special needs). Cleveland and Krashinsky conclude that "the positive impact of non-profit status on quality is persistent, even when a wide range of variables is held constant".

Local Management of Child Care

The City is the Service System Manager for child care, responsible for planning and overseeing a child care system to meet the needs of all families in Greater Sudbury. Local experience has shown that, overall, non-profit and public child care organizations which exist only to meet the needs of families are better able to be responsive to families' needs and to the needs of hard-to-serve children and families including those who work part time or shift work. In Australia, reports show that the commercial market-based approach to child care has failed children with special needs and children in rural and smaller communities where there is no profit to be had.

In many cases for-profit status has also been a barrier to the development of child care in school buildings. The City of Greater Sudbury supports the Province's Best Start Vision which gives priority to child care program expansions in school buildings in order to promote the integration between child care and education. Citing their status as public agencies, several school boards will only enter into agreements with non-profit child care operators to use their space. This limits the ability of for-profit, commercial operators to expand their operations and participate in implementing the Best Start vision.

Other movements related to for-profit child care

Federal Government: Bill C-303 is expected to return to the House of Commons for a decisive vote on November 20. The bill limits expansion of for-profit, commercial child care, a move that protects Canada from international trade disputes and ensures the highest quality care. While the bill does not have the support of the Conservative party and will not likely pass, it has raised awareness about the issue of foreign-owned, and for-profit commercial child care.

Provincial Government: Advocacy groups in Ontario have also been working to convince the Province to stop licensing for-profit commercial child care centres as a move to stop the expansion of foreign owned child care operators in Ontario. At this time, while the Province has said they will not make capital funding available to for-profit operators, there has been no commitment to look at the issue of limiting licensing of child care centres who meet licensing criteria.

Local Government: Both the City of Toronto and the City of Ottawa have passed resolutions that expansion in the child care system funded by the City will take place in the not-for-profit and public sector.

The Ministry of Children and Youth, while they are not currently considering excluding corporate or for-profit operators from obtaining a Provincial license to operate, have stated that local Service Managers have discretion to put conditions on agencies with whom they have a Purchase of Service agreement.

The resolution

In light of all these issues, Children Services, in consultation with the child care community, is putting forward a recommendation to amend its Purchase of Service policy so that only not-for-profit and public child care operators will be eligible to enter into a Purchase of Service agreement with the City. This policy change would make child care operation in Greater Sudbury less attractive to potential corporate child care owners and would make a strong statement in support of the community's vision of a system of publicly funded, accessible child care.

The resolution would "grandparent" the existing agreements with for profit commercial operators, recognizing the City's longstanding relationship with this small number of owner/operators. This resolution represents a positive step for the child care system in Greater Sudbury and would put Greater Sudbury in a leadership role within the Province as we continue to move towards a publicly funded early education system

Children Services, with the support of the child care community, is committed to protecting the system of quality child care for families that we have built over the last decades and working towards a publicly funded, accessible system of early learning. This resolution will help to do this, while recognizing the commitment of our current partners.