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**TO:** GENERAL COMMITTEE

**SUBJECT:** EMERGENCY MANAGEMENT BY-LAW

**WARD:** ALL

**PREPARED BY AND KEY CONTACT:** J. LYNN, FIRE CHIEF/CEMC EXT. 3256 

**SUBMITTED BY:** J. LYNN, FIRE CHIEF/CEMC 

**GENERAL MANAGER APPROVAL:** E. ARCHER, GENERAL MANAGER COMMUNITY AND CORPORATE SERVICES 

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** C. LADD, CHIEF ADMINISTRATIVE OFFICER 

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**RECOMMENDED MOTION**

1. That By-law 2007-121, Emergency Management By-law, be repealed and replaced with the attached by-law in Appendix "A"
2. That the Community Emergency Management Coordinator (CEMC) be authorized to amend the Emergency Plan consistent with the new by-law.

**PURPOSE & BACKGROUND**

3. The Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 and Ontario Regulation 380/04, made there under, require every municipality to have an emergency management program and emergency plan which the council of the municipality shall by by-law adopt and that they shall be reviewed and, if necessary revised, annually.
4. In May 2007, City Council enacted By-law 2007-121, Emergency Management By-law, which adopted the City of Barrie Emergency Management Program and established the City of Barrie Emergency Response Plan.
5. The legislation and regulation require there to be an emergency management program committee to advise the council of the municipality on the development and implementation of the municipality's emergency management program and a municipal emergency control group to direct the municipality's response in an emergency. Council has designated the Community Emergency Management Coordinator to be the program coordinator, and the Chief Administrative Officer shall be the chair of the committee. The remaining membership of this committee and all members of the emergency control group may be officials, employees or members of council as may be appointed by council.

**ANALYSIS**

6. To achieve the program objective of being an emergency resilient community requires the application of resources and the involvement of staff from across the Corporation.
7. Replacement of the current Program Committee with one comprised of members of senior management of the Corporation that reflects the recent structural reorganization of the senior leadership team with terms of reference will harmonize the pursuit of program objectives.

8. The Emergency Control Group will mirror the Program Committee structure, thereby ensuring continuity between emergency preparedness, which is the responsibility of the Program Committee, and the emergency response and recovery, which is a function of the Emergency Control Group.
9. These committees would still enable Council to exercise the oversight responsibility, which is required by provincial regulation
10. Replacing the by-law and amending the current Emergency Plan with the current structure of the senior leadership team will reflect that the Program Committee and Emergency Control Group members' responsibilities and authority co-ordinate and are consistent with their normal responsibilities assigned to their roles.
11. As a result of enacting the proposed new by-law, amendments will be required to the Emergency Plan to be consistent with the by-law. The changes to the Emergency Plan can be implemented without greatly changing the overall operational intent by the CEMC, by reflecting on the corporate organizational changes consistent with the roles and responsibilities established through the reorganization.

#### **ENVIRONMENTAL MATTERS**

12. There are no environmental matters related to the recommendation.

#### **ALTERNATIVES**

13. The following alternatives are available for consideration by General Committee:

**Alternative #1**

General Committee could maintain the existing by-law and emergency plan with respect to the composition of the Emergency Management Program Committee, Emergency Control Group, assignment of powers and duties and operational procedures. (i.e. Status Quo)

This alternative is not recommended as it does not address the assignment of roles and responsibilities with those assigned by legislation and current job descriptions, does not recognize the potential for staff to simultaneously address emergency response and business continuity, results in unnecessary change of management procedures at times when employees can expect to be under considerable stress, provides less effective management of emergency preparedness within Corporate processes and precludes the implementation of proven enhancements to emergency operational procedures.

**Alternative #2**

General Committee could alter the proposed recommendation by adopting the proposed by-law and requiring the CEMC to report back to the Community Services Committee with the revisions to the Emergency Plan.

Although this alternative is available, the changes to the Emergency Plan would be consistent with the proposed by-law and the roles and responsibilities of the new organizational structure of the corporation without greatly altering the operational intent of the Emergency plan.

**Alternative #3**

General Committee could alter the proposed recommendation by amending the proposed by-law by changing the committee members assigned to the Emergency Management Program Committee and/or the Emergency Control Group.

This alternative is not recommended, as the structure of the committees reflect on the daily business units in order to maintain consistent strategic planning and emergency decisions and are consistent with their established roles and responsibilities on a daily basis.

**FINANCIAL**

14. There are no financial implications for the Corporation resulting from the proposed recommendation.

**LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN**

15. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.

APPENDIX "A"

**BY-LAW NUMBER 2013-XXX**

**A By-law of The Corporation of the City of Barrie to repeal By-law 2007-121 and to adopt an Emergency Management Program and Emergency Plan, pursuant to the Emergency Management and Civil Protection Act, R.SO. 1990, c. E. 9 as amended, and Regulations made thereunder.**

**WHEREAS** under section 2.1 of the Emergency Management and Civil Protection Act, R.SO. 1990, c. E. 9. as amended, (the "Act") every municipality is required to develop and implement an emergency management program and to adopt by by-law the emergency management program. The emergency management program shall consist of an emergency plan, public education on risks to public safety and on public preparedness, and training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery efforts;

**AND WHEREAS**, the Act requires every municipality in developing its emergency management program to identify and assess the various hazards and risks to public safety and the facilities and other elements of the infrastructure that are at risk of being affected by emergencies, and also that the emergency management program conform to standards set by Regulations;

**AND WHEREAS**, under section 3 of the Act every municipality is required to formulate an emergency plan governing the provision of necessary services during an emergency and the procedures under and the manner in which employees of the municipality and other persons will respond to the emergency;

**AND WHEREAS**, the Act requires every municipality to adopt by by-law its emergency plan and to review and, if necessary, revise its emergency plan every year;

**AND WHEREAS**, the Act requires every municipality to submit a copy of its emergency plan and any revisions thereof to the Chief Emergency Management Ontario;

**AND WHEREAS**, the Act requires that the emergency plan of a municipality be made available to the public for inspection and copying during normal business hours at an office of the municipality;

**AND WHEREAS**, the Act authorizes the head of council to declare that an emergency exists in the City of Barrie or in any part thereof and to take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan to protect the property and the health, safety and welfare of the inhabitants of the emergency area;

**AND WHEREAS**, the Act authorizes the head of council or the council at any time to declare that an emergency has terminated;

**AND WHEREAS**, the Act authorizes one or more members of council to be designated to exercise the powers and to perform the duties of the head of council under the Act or the emergency plan during his/her absence or inability to act;

**AND WHEREAS**, the Act authorizes a municipality to exercise a municipal power in response to an order of the Premier or his or her delegate made under section 7.0.3 (2) of the Act without a by-law;

**AND WHEREAS**, the Act authorizes employees of the municipality to take actions under the emergency plan where an emergency exists but has not yet been declared to exist;

**AND WHEREAS**, under subsection 11. (1) of the Act no action or other proceeding lies or shall be instituted against a member of council, an employee of a municipality, an employee of a local services board, an employee of a district social services administration board, or any other individual acting pursuant to the Act or an order made under the Act for any act done in good faith in the exercise or performance or the intended exercise or performance of any power or duty under the Act or an order under the Act or for neglect or default in the good faith exercise or performance of such a power or duty;

**AND WHEREAS**, the Act does not relieve a municipality of liability for the acts or omissions of a member of council or an employee of the municipality referred to in subsection 11. (1), and the municipality is liable as if subsection 11. (1) had not been enacted and, in the case of a member of council, as if the member were an employee of the municipality;

**AND WHEREAS**, the Act authorizes a municipality right of action against any person who caused the emergency for the recovery of such money expended or cost incurred by a municipality in implementation of an emergency plan or in connection with an emergency;

**AND WHEREAS**, the Act authorizes the council of a municipality to make an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency;

**AND WHEREAS**, the Act requires every municipality to ensure that their emergency management program and emergency plan conforms to the standards set by the Solicitor General.

**AND WHEREAS**, by motion 13-G-XXX it is deemed expedient that the Council of The Corporation of the City of Barrie, repeal By-law 2007-121 being a by-law to appoint certain individuals as members of the Emergency Operations Control Group and to authorize the preparation and maintenance of an emergency plan in accordance with the Emergency Plans Act, R.S.O. 1990, c. E.9

**NOW THEREFORE**, the Council of The Corporation of the City of Barrie hereby enacts as follows:

#### **1. Definitions**

1.1. That for the purposes of this by-law, the following definitions apply:

a) "Act" means the *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9*

b) "Acting Mayor" means the Member of the Council of The Corporation of the City of Barrie who is appointed by by-law, to exercise the powers and to perform the duties of the head of council during his/her absence or inability to act.

c) "City Area" means the land within the geographic boundaries of the City of Barrie.

d) "Chief Administrative Officer" means the Chief Administrative Officer for The Corporation of the City of Barrie.

e) "Committee" means the Emergency Management Program Committee of The Corporation of the City of Barrie.

f) "Control Group" means the Emergency Control Group of The Corporation of the City of Barrie that will direct the Corporation's response in an emergency, including implementation of The Corporation of the City of Barrie's emergency plan.

g) "Council" means the Council of The Corporation of the City of Barrie.

- h) "Emergency" means a situation or an impending situation caused that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or act whether intentional or otherwise.
- i) "Emergency Area" means the area in which an emergency exists.
- j) "Emergency Control Group Manager" means the person designated to co-ordinate the emergency operations of the Control Group.
- k) "Emergency Plan" means a plan formulated pursuant to the Act.
- l) "Mayor" means the Mayor for The Corporation of the City of Barrie.
- m) "Program" means an emergency management program established pursuant to the Act that conforms to standards promulgated by the Solicitor General, and in accordance with international best practices, is risk-based and includes the four core components of emergency management, namely: mitigation/prevention, preparedness, response, and recovery.
- n) "Solicitor General" means the Minister of Community Safety and Correctional Services of the Province of Ontario or any successor minister of the Province of Ontario responsible for emergency planning and response issues.

## **2. Emergency Management Program**

2.1. That there shall be established an emergency management program for the City of Barrie to protect public safety, public health, the environment, the critical infrastructure and property, and to promote economic stability and a disaster-resilient community;

2.2. That the emergency management program shall consist of:

- a) identification and assessment of the various hazards and risks to public safety that could give rise to emergencies and identification of the facilities and other elements of the infrastructure that are at risk of being affected by emergencies;
- b) an emergency plan governing the provision of necessary services during an emergency and the procedures by which employees of the Corporation and others will respond to the emergency
- c) public education on the risks to public safety and on public preparedness for emergencies;
- d) training programs and exercises to ensure the readiness of employees of the Corporation and others to act under the emergency plan; and
- e) any other elements required by the standards for emergency management programs set by the Solicitor General:

## **3. Emergency Management Program Committee Roles and Responsibilities**

3.1 That there shall be established the Emergency Management Program Committee with its membership comprising the persons serving in the capacity of:

- i) Chief Administrative Officer,
- ii) City Clerk,

- iii) General Manager of Community and Corporate Services,
- iv) General Manager of Infrastructure and Growth Management,
- v) Executive Director Access Barrie,
- vi) Community Emergency Management Program Coordinator,
- vii) Executive Director Invest Barrie,
- viii) Executive Director Innovate Barrie, and
- ix) Fire Chief.

3.2 That the persons serving in the capacity of or designated as representatives of the following agencies, boards, commissions, corporations and organizations, may be invited by the Chair to participate in the Committee, with the consent of the appropriate agency, board, commission, corporation or organization:

- a) The Chief of Barrie Police Service,
- b) Officials or employees of any level of government who are involved in emergency management,
- c) Representatives of organizations outside government who are involved in emergency management,
- d) Representatives of industries who may be involved in emergency management;

3.3 That the Committee shall provide overall guidance and direction to staff with respect to:

- a) Establishing strategic direction and priorities for the Emergency Management Program;
- b) The formulation and development of the Program and the Emergency Plan for all departments of the Corporation and agencies and local boards under the jurisdiction of City Council;
- c) The co-ordination of any procedures for implementation of the emergency plans developed by such departments, agencies and local boards for the purpose of integration with the Emergency Plan;
- d) The conduct of training programs and exercises to ensure the readiness of employees of the Corporation and other persons to act under the Emergency Plan;
- e) The conduct of public education on the risks to public safety and on public preparedness for emergencies;
- f) The conduct of an annual review of the Program and Emergency Plan and making recommendation to City Council for their revision, if necessary;
- g) Ensuring that the Program and Emergency Plan are provided in accordance with the Act, and other relevant legislation and in accordance with corporate policies as well as national, provincial and industrial guidelines/standards;

3.4 That the Committee shall provide advice to the Mayor and City Council by reporting through Community Services Committee and General Committee with respect to:

i) The Program and Emergency Plan formulated pursuant to this By-law or any revision thereto which, subject to any amendments deemed appropriate by the General Committee, shall be submitted to City Council for consideration and adoption by by-law; and

ii) All matters relating to the planning and co-ordination of response to emergencies affecting the City area, or any part or parts thereof that have involved the Control Group, whether or not an emergency has been declared to exist.

3.5 That the Chief Administrative Officer shall be the chair of the Committee and have the responsibility and authority to direct its operations, co-ordinate its activities and convene its meetings, and shall report on its behalf through Community Services Committee to City Council pursuant to the requirements of this By-law.

3.6 That the Chief Administrative Officer may delegate to one or more members of the Committee all or part of the authority conferred upon him or her with respect to the Committee.

3.7 That a majority of the members of the Committee is necessary to constitute a quorum;

3.8 That any member of the Committee may designate another individual to attend meetings of the Committee and any such designate shall have all the powers of the member of the Committee for the purposes of such meetings;

3.9 That the Committee may, as it deems necessary, establish ad hoc committees and working groups of its members and/or of citizens at large to deal with any special study or assignment coming within its jurisdiction. Such ad hoc committees shall deal only with the matter of question that is referred to it for consideration and shall be disbanded upon completion of the assignment;

3.10 That the Committee may add any risk specific support plans to the Emergency Plan, as deemed to be required. These plans shall be co-ordinated with all appropriate stakeholders and issued under the authority of the Chief Administrative Officer;

#### **4. Designation of Community Emergency Management Program Coordinator**

4.1. That the CEMC shall make recommendation on alternate CEMCs to act in place of the CEMC when the CEMC is unavailable or to assist the CEMC.

4.2. That the CEMC shall be responsible for the development, implementation and maintenance of the City of Barrie's emergency management program in accordance with the Emergency Management and Civil Protection Act, R.S.O. 1990. c. E. 9, as amended, and any regulations passed thereunder;

#### **5. Emergency Control Group Roles and Responsibilities**

5.1 That the Emergency Control Group (ECG) shall direct the City's response during an emergency.

Members of the Group are the individuals serving the capacity of:

i) Chief Administrative Officer (ECG Manager),

ii) City Clerk,

iii) General Manager of Community and Corporate Services (Alternate ECG Manager),

iv) General Manager of Infrastructure and Growth Management,

- v) Executive Director Access Barrie,
- vi) Community Emergency Management Program Coordinator (CEMC),
- vii) Fire Chief,
- viii) Executive Director Invest Barrie
- ix) Executive Director Innovate Barrie, and
- x) any other persons as the ECG Manager deems appropriate to the current emergency situation.

5.2 That with the consent of the Barrie Police Services Board, the person serving in the capacity of the Chief of Barrie Police Service shall be a member of the Group;

5.3 That the Chief Administrative Officer shall be the Emergency Control Group Manager, with the responsibility and authority to co-ordinate its activities, authorize any extraordinary expenditures, as may be required, and convene and chair its meetings;

5.4 That the General Manager of Community and Corporate Service shall be the alternate Emergency Control Group Manager, and in his/her absence, the General Manager of Infrastructure and Growth Management;

5.5 That the individual serving in the capacity of Executive Director Access Barrie is hereby designated the Emergency Information Officer for the City of Barrie and as such shall act as the primary media and public contact for the City in an emergency;

5.6 That any member of the Control Group may designate another individual to act in his or her stead as a member of the Control Group;

5.7 That in the event of an emergency, whether or not declared under this By-law or under the Act, the Control Group is authorized to:

a) Initiate, co-ordinate, direct and otherwise bring about the implementation of a plan formulated pursuant to this By-law;

b) Expend funds required to obtain and distribute emergency materials, equipment and supplies, notwithstanding the requirements of any by-law governing the commitment of funds and the payment of accounts;

c) Obtain volunteer support from public agencies and other persons as considered necessary and to indemnify such agencies, their personnel, and other persons engaged in work that resulting has been authorized pursuant to this By-law or any other law, from liability for any acts or omissions from any actions taken pursuant to this By-law or any other law.

d) That the Mayor shall ensure that Members of City Council are kept informed of the progress of the Corporation's response to an emergency whether or not an emergency has been declared to exist;

5.8 That the Chief Administrative Officer shall ensure that the Mayor and Members of City Council are kept informed of the progress of the Corporation's response.

## 6. Declaration of Emergency

6.1. That the Mayor or Acting Mayor, as Head of Council, may, in accordance with the provisions of the Act, declare that an emergency exists in the City area or in any part thereof and may take such action, including authorizing extraordinary expenditures, and make such orders as he or she considers reasonable and necessary and not contrary to law to declare in effect and implement the Emergency Plan and to protect property and the health, safety and welfare of the inhabitants of the emergency area;

6.2. That the Mayor or Acting Mayor shall ensure that the Solicitor General, the Members of City Council and the County of Simcoe are notified forthwith of a declaration made pursuant to this Bylaw;

6.3. That the Mayor or Acting Mayor shall call a special meeting of Council within 72 hours of the declaration that an emergency exists in the City area or in any part thereof, or as soon thereafter as practicable for the purpose of providing information about the emergency, unless the emergency has been terminated prior to that time;

6.4. That the Mayor or Acting Mayor or City Council may declare the termination of an emergency at any time and shall ensure that the Solicitor General and the Members of City Council and the County of Simcoe are notified forthwith of such declaration;

6.5. That a declaration made under this By-law shall contain:

- a) A statement of the circumstances which caused it to be made; and
- b) A designation of the part or parts of the City area to which the declaration applies;

## 7. Emergency Plan

7.1 That the City of Barrie Emergency Plan, also known as the "Emergency Plan" is hereby adopted. The Emergency Plan shall govern the provision of necessary services during an emergency and the procedures under, and the manner in which employees of the City will respond."

7.2 That the Emergency Plan and support plans shall be updated as required and the CEMC is authorized to promulgate, without prior reference to the City Council, such amendments as are of an administrative and non-operational nature and are necessary to maintain the currency of the Emergency Plan;

7.3 That the Emergency Plan, or any amendments to the Plan, shall be filed immediately with the City Clerk and shall be submitted to the Chief, Emergency Management Ontario as identified in the Act;

7.4 The Emergency Plan and any risk specific plans shall be made available to the public for inspection and copying at the office of the City Clerk during ordinary business hours;

7.5 That employees of the Corporation are authorized to take such action in accordance with the Emergency Plan as is reasonable and necessary where an emergency exists but has not yet been declared to exist;

7.6 That employees of local boards, agencies, public utilities and all other persons participating in the implementation of a plan under the direction of the Control Group or of municipal employees acting thereunder shall, for the purposes of the Act, be deemed to be employees of the Corporation to the extent to which City Council is authorized to do so;

7.7 That in the event of any dispute with respect to the contents of the Emergency Plan, the information contained in the Emergency Plan held by the City Clerk shall be deemed to be correct;

**8. Repeal of By-law 2007-121**

8.1. That By-law 2007-121, Emergency Management By-law be repealed

**9. Validity**

9.1. In the event any provision, or portion thereof, of this by-law (including all schedules) is found by a court of competent jurisdiction, to be *ultra vires*, such provision or part thereof shall be deemed to be severed and the remaining portion of such provisions and all other provisions of this by-law (including all schedules) shall remain in full force and effect.

**10. Title**

10.1. That this by-law may be referred to as the "EMERGENCY MANAGEMENT BY-LAW".