SUBJECT: Hamilton’s Emergency Management Program’s Alignment with Provincial Legislation (HES07006) (City Wide)

RECOMMENDATION:

(a) That Report HES07006 – Hamilton’s Emergency Management Program's Alignment with Provincial Legislation, be received.

(b) That the parties, shown on Appendix A to Report HES07006, be appointed to the Emergency Control Group and the Emergency Management Program Committee.

(c) That the proposed Committee Structure for Implementing the Emergency Management Program, as shown in Appendix B to Report HES07006, be approved.

(d) That the proposed Committee Structure for Responding to an Emergency, as shown in Appendix C to Report HES07006, be approved.

Jim Kay
General Manager / Chief,
Hamilton Emergency Services
EXECUTIVE SUMMARY:

Hamilton’s Emergency Management Program (EMP) has evolved over several years, as required by legislation, and through the needs of the city of Hamilton (city). While municipal emergency response has been successfully applied to all recent city emergencies, the administrative structure of the EMP is not fully aligned with provincial legislation.

The Emergency Management and Civil Protection Act, O. Reg. 380/04, includes a description of two (2) bodies required within the EMP:

1. Emergency Control Group (ECG) responsible for the immediate municipal response to an emergency and for municipal emergency operations; and,

2. Emergency Management Program Committee (EMPC) responsible for oversight to the direction of the Program.

Until recently, the ECG performed the functions of both groups. On March 14, 2007, the ECG formally created the EMPC utilizing the same membership as the ECG. Since both bodies now exist, the structure of the EMP is now compliant with the legislation (as shown on the organizational structure charts, which are attached as Appendices B and C to Report HES07006).

Although membership of both bodies has been static for several years, such membership has never been formally ratified by Council through their legislated duty to appoint members, except by the passing of emergency plan by-laws describing the EMP, most recently By-law #05-105. While the makeup of the current membership fits within the description found in the legislation, there has been no formal ‘appointment’ of said membership by Council.

Finally, there is a legislated requirement for regular reporting to Council from each of these two (2) bodies. The ECG annually exercises the procedures under the Municipal Emergency Plan. Legislation requires that recommendations for revisions to the Municipal Emergency Plan be made to Council following an exercise. There are no detailed specifics for such reporting, but it is suggested that a report be made to Council summarizing the results of the annual exercise and recommendations for Municipal Emergency Plan amendments.

The EMPC is required to advise Council on the development and implementation of the municipality’s EMP. Further, following an annual review of the EMP, the EMPC is to make recommendations for revisions to the EMP, if deemed necessary. Again, there are no details given for such reporting and it is suggested that a report be given in a year’s first quarter summarizing the review of the EMP and a second report given in mid-year describing the progress to date.
BACKGROUND:

In less than five (5) years, the governing legislation for municipal emergency management has significantly changed three (3) times. In 2003, the introduction of the Emergency Management Act (EMA) required municipalities to have an EMP in place; including a coordinator, program committees, emergency plan, training and education. Many, but not all, elements contained in this legislation were already in place in Hamilton.

In 2004, regulations were enacted under the EMA listing the specific objectives defined in the Act (O. Reg. 380/04). “Program Elements” were completed and continue to be maintained under the timelines given under the regulation. Finally, in 2006, several adjustments were made to the EMA and it was renamed the Emergency Management and Civil Protection Act (R.S.O. 1990, Chapter E.9).

The EMP itself is compliant under the regulations. Hamilton’s EMP has continuously gained the approval of Emergency Management Ontario for completion of the EMP elements. However, in the two (2) areas of committee structure and Council reporting, the EMP is not fully compliant.

ANALYSIS/RATIONALE:

Creation of the Emergency Management Program Committee

There are two (2) sections of the regulations that are relevant to this section. Each describes the membership, duties and reporting requirements of two (2) groups; the ECG and EMPC. These are contained within Sections 11 and 12 of O. Reg. 380/04.

Until recently, Hamilton’s EMP had only the ECG, which performed the functions of both groups under the legislation. On March 14, 2007, the ECG agreed to change its name to the EMPC thus aligning Hamilton’s committee structure with the legislation.

The EMPC will fulfil its mandate to advise Council on the development and implementation of the municipality’s EMP, as described in regulation (O. Reg. 380/04, s. 11 (5)). The ECG will still exist and will meet, as required, in response to a municipal emergency and for the purposes of developing procedures to govern its responsibilities in an emergency, exercising the Municipal Emergency Plan and debriefing incidents (O. Reg. 380/04, s. 12 (5)).

Membership of the Emergency Committees

The positions within the ECG have been static for a number of years and, in some cases, less than the full membership (attached as Appendix A to Report HES07006) has been sufficient to respond to and mitigate the effects of a potential/real crisis.
The membership of both groups fulfills the minimum requirements of the regulations. However, the regulations dictate that such membership is to be "appointed by Council". Historically, the ECG’s membership has developed, as required, to respond effectively to an emergency, but it has never been ratified directly by Council, except through the passage of the emergency management by-laws, wherein the members are listed.

Therefore, in order to comply with regulations, staff is recommending that Council approve and appoint the current membership of both the ECG and the EMPC (attached as Appendices B and C to Report HES07006).

Council will then be advised of any proposed changes to membership through the reporting mechanisms detailed below:

**Reporting of the Emergency Committees**

O. Reg. 380/04 stipulates a reporting requirement for each group. In both cases, the reporting is directed to Council.

*The Emergency Management Program Committee (EMPC):* “The committee shall advise the council on the development and implementation of the municipality’s emergency management program. O. Reg. 380/04, s. 11 (5).

The committee shall conduct an annual review of the municipality’s emergency management program and shall make recommendations to the council for its revision if necessary. O. Reg. 380/04, s. 11 (6).”

*The Emergency Control Group (ECG):* “If determined necessary as a result of the evaluation (of the annual practice exercise for a simulated emergency incident), the group shall revise its procedures and shall make recommendations to the council for the revision of the municipality’s emergency response plan. O. Reg. 380/04, s. 12 (7).”

**ALTERNATIVES FOR CONSIDERATION:**

No action on these issues will leave the City of Hamilton non-compliant with existing legislation.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There are no financial or staffing implications.

Legally, the Corporation becomes compliant with current legislation.
POLICIES AFFECTING PROPOSAL:

None.

RELEVANT CONSULTATION:

City Manager’s Office
Legal Services Division
City Clerk’s Office, Corporate Services Department

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes ☐ No
Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.

Environmental Well-Being is enhanced. ☐ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☐ Yes ☐ No

Does the option you are recommending create value across all three bottom lines?

☐ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☑ Yes ☐ No
EMERGENCY CONTROL GROUP (ECG) MEMBERSHIP

1. Mayor
2. City Manager
3. Chief, Hamilton Police Service
4. General Manager / Chief of Hamilton Emergency Services
5. Medical Officer of Health
6. General Manager, Community Services Department
7. General Manager, Corporate Services Department
8. General Manager, Public Works Department
9. General Manager, Human Resources Department - position no longer exists
10. General Manager, Planning & Economic Development Department
11. Public Information Co-ordinator, Corporate Communications Division
12. Community Emergency Management Co-ordinator
13. Horizon Utilities Corporation

EMERGENCY MANAGEMENT PROGRAM COMMITTEE (EMPC) MEMBERSHIP

1. Mayor
2. City Manager
3. Chief, Hamilton Police Service
4. General Manager / Chief of Hamilton Emergency Services
5. Medical Officer of Health
6. General Manager, Community Services Department
7. General Manager, Corporate Services Department
8. General Manager, Public Works Department
9. General Manager, Human Resources Department - position no longer exists
10. General Manager, Planning & Economic Development Department
11. Public Information Co-ordinator, Corporate Communications Division
12. Community Emergency Management Co-ordinator
13. Horizon Utilities Corporation

Note: Alternates may appear should the primary contact not be available.
PROPOSED COMMITTEE STRUCTURE

RESPONDING TO AN EMERGENCY

- HAMILTON CITY COUNCIL
- MAYOR or DEPUTY MAYOR
- EMERGENCY CONTROL GROUP
- SUPPORT GROUP
- ADVISORY GROUP
- EOC OPERATIONS STAFF
- DEPARTMENTAL EOCs

GOVERNANCE

CITY MANAGEMENT

CORPORATE

DEPARTMENTAL

RESPONSE REPORTING
Emergency Management Program: Alignment with Provincial Legislation
Background

• Enabling legislation
  – Emergency Management and Civil Protection Act & Regulations 380/04
• Changes to legislation require changes to the Emergency Management Program
• Must have Emergency Control Group and the Emergency Management Program Committee
Emergency Control Group (ECG)

- … shall direct the municipality’s response in an emergency, including the implementation of the municipality’s emergency response plan.
  - O. Reg. 380/04, s. 12 (4)

- … shall develop procedures to govern its responsibilities in an emergency.
  - O. Reg. 380/04, s. 12 (5)

- … shall conduct an annual practice exercise for a simulated emergency incident in order to evaluate the municipality’s emergency response plan and its own procedures.
  - O. Reg. 380/04, s. 12 (6)
Emergency Management Program Committee (EMPC)

- … shall advise the council on the development and implementation of the municipality’s emergency management program.
  - O. Reg. 380/04, s. 11 (5).

- … shall conduct an annual review of the municipality’s emergency management program and shall make recommendations to the council for its revision if necessary.
  - O. Reg. 380/04, s. 11 (6).
Action

• Renamed the Emergency Control Group as it meets as a programming and planning forum to the Emergency Management Program Committee
• No change to membership
• No change to the ECG as it responds to an emergency
• No change to activities within the planning forum, except new duty to report to Council
Membership – Both Groups

- Mayor
- City Manager
- Chief of Police Service
- General Manager / Chief, Emergency Services
- Medical Officer of Health
- General Manager Community Services
- General Manager Corporate Services
- General Manager Public Works
- General Manager Planning & Economic Development
- Corporate Communications
- Community Emergency Management Co-ordinator
- Horizon Utilities Corporation
CURRENT COMMITTEE STRUCTURE

RESPONSE

HAMILTON CITY COUNCIL

GOVERNANCE

MAYOR or DEPUTY MAYOR

EMERGENCY CONTROL GROUP

RESPONSE REPORTING

CITY MANAGEMENT

EMERGENCY MANAGEMENT COORDINATORS

CORPORATE

SUPPORT GROUPS

AD HOC MEMBERS

EOC OPERATIONS STAFF

DEPARTMENTAL

DEPARTMENTAL EOCs
Proposed Emergency Response
Current Emergency Planning

CURRENT COMMITTEE STRUCTURE

PLANNING

MAYOR or DEPUTY MAYOR
EMERGENCY CONTROL GROUP

EMERGENCY MANAGEMENT COORDINATORS

AD HOC PLANNING GROUPS

EMERGENCY PREPAREDNESS ADVISORY COMMITTEE

DEPARTMENTAL PLANNERS/PLANNING GROUPS
Proposed Emergency Planning

Proposed Committee Structure

Implementing the Emergency Management Program

- Hamilton City Council
- Mayor or Deputy Mayor
- Emergency Management Program Committee
- Emergency Management Coordinators
- Ad Hoc Planning Groups
- Emergency Preparedness Advisory Committee
- Departmental Planners / Planning Groups

Planning Reporting
Council Actions

• Requested to ratify change to committee structure in renaming the planning function of the ECG to the EMPC
• Requested to ratify current membership of both groups
• Requested to receive regular reporting from the ECG in response to emergencies and exercises and to receive regular reporting from the EMPC on the review of the emergency management program